



Meeting	Licensing & Regulation Committee
Date and Time	Tuesday, 6th September, 2022 at 6.30 pm.
Venue	Walton Suite, Winchester Guildhall

Note: *This meeting is being held in person at the location specified above and the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the councils website (www.winchester.gov.uk) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.*

For members of the public and "visiting councillors" who are unable to utilise this facility a limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.

AGENDA

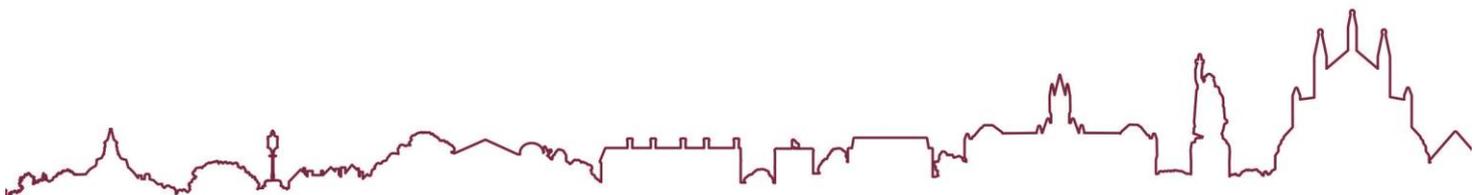
PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**
To record the names of apologies given and Deputy Members who are attending the meeting.
- 2. Disclosures of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

- 3. Minutes of the previous meeting held on 7 June 2022 (Pages 5 - 6)**



BUSINESS ITEMS

4. **Public Participation**

To receive and note questions asked and statements made from members of the public on issues relating to the responsibility of this Committee.

Members of the public and visiting councillors may speak at this Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Wednesday 31 August 2022** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

5. **Review of Hackney Carriage Fares (LR563)** (Pages 7 - 40)

6. **Policy departure for Driving Miss Daisy Ltd (LR564)** (Pages 41 - 64)

7. **Request for delegated authority to Licensing Sub Committee to determine Licences under Section 115(e) Highways Act 1980 (Tables and Chairs)**

The Licensing and Regulation Committee is requested to delegate authority to a Licensing Sub Committee to determine applications for table and chair licences under Section 115(e) Highways Act 1980 (Tables and Chairs) when officers consider it appropriate that the decision is taken by Sub Committee and not under their existing delegated authority

Lisa Kirkman
Strategic Director and Monitoring Officer

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26 August 2022

Agenda Contact: Nancy Graham, Senior Democratic Services Officer
Tel: 01962 848 235 Email: ngraham@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP:

Councillors

Chairperson: Williams (Liberal Democrats)

Vice Chairperson: McLean (Conservative)

Conservatives

Cunningham

Isaacs

Kurn

Liberal Democrats

Achwal

Batho

Laming

Reach

Small

Westwood

Deputy Members

Pearson and Read

Clear and Cramoysan

Quorum = 4 members

PUBLIC PARTICIPATION

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item for further details.

People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

FILMING AND BROADCAST NOTIFICATION

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DISABLED ACCESS

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LICENSING & REGULATION COMMITTEE

Tuesday, 7 June 2022

Attendance:

Councillors
Williams (Chairperson)

Batho
Kurn
Laming

McLean
Westwood

Apologies for Absence:

Councillors Achwal, Cunningham, Isaacs, Reach and Small

Deputy Members:

Councillor Pearson and Read

[Audio and video recording of this meeting](#)

1. **DISCLOSURES OF INTERESTS**

There were no disclosures of interest made.

2. **APPOINTMENT OF VICE-CHAIRPERSON FOR THE 2022/23 MUNICIPAL YEAR**

RESOLVED:

That Councillor McLean be appointed as the Vice-Chairperson of the committee for the 2022/23 municipal year.

3. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the previous meeting held 10 March 2022 be agreed as a correct record.

4. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

5. **TAXI POLICY REVIEW**
(LR560)

The Licensing Manager (Interim) introduced the report and outlined the background to the review which was in response to recommendations from the Department for Transport published in July 2020 which had the primary aim to protect children and vulnerable adults.

She advised that the council was proposing to adopt all of the proposed recommendations, with the exception of two. One related to undertaking a review of the introduction of CCTV (as detailed in 13.3 to 13.7 of the report). The second related to the requirement to obtain a certificate of good character where applicants had spent an extended time overseas where a period of six months was considered to be more appropriate than the recommended three month period.

The Licensing Manager also highlighted two additional pieces of relevant legislation published since the report was prepared – the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. She summarised the main proposals in both and confirmed that the council was either already implementing these or were in a position to implement quickly, easily and without any further change to the policy.

The Licensing Manager and the Service Lead – Public Protection responded to Members' questions on the report and appendices. It was clarified that the new guidance did not prohibit cross-authority hiring of vehicles, but did establish a common core of minimum standards in relation to taxi and private hire vehicles and drivers which all local authorities were expected to adopt. The Licensing Manager also outlined more detail regarding the work required to be undertaken in a review to ascertain whether the introduction of CCTV vehicles was proportionate and justified and confirmed that it was intended to carry out the review in 2023.

RESOLVED:

1. That, subject to recommendation 2 below, the amendments to the Policy and the associated changes to driver, vehicle and operator licence conditions be agreed as set out in Appendix 1-4 of this report.

RECOMMENDED (to Cabinet):

2. That the Statement of Licensing Policy as relates to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators, Appendix 1, be referred for consideration and approval.

The meeting commenced at 6.30 pm and concluded at 7.15 pm

Chairperson

REPORT TITLE: REVIEW OF HACKNEY CARRIAGE FARES

6 SEPTEMBER 2022

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Briony Appletree

Tel No: 01962 848 188 Email licensing@winchester.gov.uk

WARD(S): ALL

PURPOSE

The Council has received a request from the Taxi and Private Hire forum to review the hackney carriage fares, following significant increases in trade-related costs and the cost of living since the last review in 2011. This reports seeks to propose new hackney carriage fares for consultation and to subsequently take effect in late 2022.

It is recommended that the Licensing and Regulation Committee review the possible options for the fare charts as set out in this report and agree a proposal to be put forward for consultation.

RECOMMENDATIONS:

That the Licensing and Regulation Committee -

1. Consider whether the hackney carriage fares should or should not be varied at this time.
2. Where it is agreed that they should be varied, agree which of the proposed fare charts produced by the Taxi and Private Hire Forum (as contained as appendix 3 to the report) should be put forward for consultation.
3. Agree the length of time for which public consultation shall take place. The relevant legislation requires not less than 14 days; the Licensing Department is proposing 21 days.

4. Approve the list of consultees for the purposes of public consultation as shown in Appendix 5.
5. Where there are no objections received in response to the consultation, that the table of hackney carriage fares be put forward to the next Cabinet Member Decision Day for approval.
6. Where there are objections received in response to the consultation, that the tables of fares is re-considered by the Licensing and Regulation Committee, with necessary modifications made in light of representations received, and is approved.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Vibrant Local Economy
- 1.2 Supporting the local hackney carriage trade to continue providing an essential, safe and professional service for residents, visitors and tourists.
- 1.3 Living Well
- 1.4 The taxi and private hire provide an invaluable service to many different customers, especially those who are less mobile without their own personal means of transport and rely on licensed drivers to pick them up and drop them off door to door. Without this service, some members of our community would find it more challenging to move around the district and beyond.
- 1.5 Your Services, Your Voice
- 1.6 The decision to review the hackney carriage fares is in response to communications from the taxi trade; public consultation will be undertaken to ensure that the views of key stakeholders and the general public are obtained prior to making any decision on fare changes.

2 FINANCIAL IMPLICATIONS

- 2.1 Amending hackney carriage fares requires approximately 4 days of officer time to facilitate drop-in sessions for licensed vehicles to have their taximeters updated and checked by an approved agent, and to re-print and distribute newly approved fare charts.
- 2.2 There is a legal requirement to advertise proposed hackney carriage fares in a local newspaper, at a cost of approximately £210 excluding VAT. This fee will be covered within the existing budget for taxi and private hire licensing.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 A district council may fix the rates or fares for hackney carriages under section 65 of the Local Government (Miscellaneous Provisions) Act 1976. This may include fares for time, distance and all other charges associated with the hire of a vehicle (i.e. fouling charge, which is the maximum amount due by the customer when they soil the vehicle).
- 3.2 The relevant legislation requires the Council to publish in at least one local newspaper circulating in the district a notice setting out the proposed fare chart and specifying the period within which objections to the proposal may be made. The specified period for receipt of objections shall not be less than fourteen days from the date of publication.

4 WORKFORCE IMPLICATIONS

- 4.1 The review and implementation of any new hackney carriage fares shall be resourced within the Council's current Licensing Team. The printing and distribution of revised fare charts shall be undertaken by an existing member of the team.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

6 CONSULTATION AND COMMUNICATION

- 6.1 At the meeting of the Taxi and Private Hire Forum on 12 July 2022, all Members present agreed that the hackney carriage fares should be reviewed, since the last review was in 2016 and the last increase was in 2011.
- 6.2 Members of the Taxi and Private Hire Forum proposed four options for revised fare charts (see appendix 3) using the Council's fare calculator, with consideration given to the rising cost of living, ongoing financial recovery post-pandemic, rising fuel costs and ensuring that taxis are still financially accessible to the public.
- 6.3 On 18 July 2022, the Council sent a pre-consultation survey to all licensed hackney carriage and private hire drivers, vehicle proprietors and operators to seek their views on a review of hackney carriage fares. The survey was open until 29 July 2022 and received a total of 64 responses.
- 6.4 The survey requested that participants confirm whether they agree or disagree with the proposal to review the hackney carriage fares, and where they agreed they were asked to indicate which of the four proposed fare charts they were most in favour of. This survey was held to provide the Licensing and Regulation Committee with data from the taxi trade to assist in informing their decision.

Survey Responses

- 6.5 The first question in the pre-consultation survey asked, 'Do you support a review of the hackney carriage fares in the Winchester district?' 95.31% percent of respondents (61 of 64) answered 'Yes', one respondent answered 'No' and two respondents did not answer the question.
- 6.6 The second question in the pre-consultation survey asked, 'Of the proposed fare charts shown, which is your preference?' An image of the four fare chart options proposed by the Taxi and Private Hire Forum was attached, which can be found at appendix 3.
- 6.7 12.5% of respondents (8 of 64) opted for Option 1;
28.12% of respondents (18 of 64) opted for Option 2;

10.94% of respondents (7 of 64) opted for Option 3;

45.31% of respondents (29 of 64) opted for Option 4;

One respondent stated 'I do not support a review of hackney carriage fares', and another did not answer the question.

- 6.8 The survey required respondents to input their licence number to ensure that responses were from genuine members of the Winchester taxi trade and that responses were not duplicated.
- 6.9 Following confirmation from the Licensing and Regulation Committee of the revised fare chart that they wish to put forward, the Council shall undertake the statutory public consultation and publish the required notice in a newspaper, as per section 3 of this report. The minimum period for consultation is two weeks but this may be extended where the Committee deem it necessary in the public interest.
- 6.10 Notice of the consultation will also be sent to key stakeholders. A proposed list of these persons and organisations is shown at appendix 5. The Committee may opt to amend this list to ensure that all parties considered to be relevant to this issue are consulted on the proposals.
- 6.11 Where no objections are made within the period specified, or if all objections are withdrawn, the hackney carriage fare chart shall be put forward to the next Cabinet Member Decision Day for approval.
- 6.12 Where objections are made within the period specified, the Council shall hold a further Licensing and Regulation Committee meeting to consider the objections and make any necessary modifications to the fare chart in light of objections received. This revised fare chart shall then come into operation not later than two months after the date of the expiration of the period specified.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None.

8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 prohibits a driver or operator from making, or proposing to make, any additional charge for carrying passengers in wheelchairs or giving said persons mobility assistance as reasonably required.
- 8.2 The Equality Act 2010 prohibits a driver from making, or proposing to make, any additional charge for carrying a disabled person's assistance dog in the vehicle.
- 8.3 It is acknowledged that any increase in fares may adversely impact people with additional needs or accessibility requirements who rely on taxis as a

method of transportation on a regular basis. Those who are unable to afford an increase in fares may consider alternative transport options, such as buses and private hire vehicles (bookable by telephone or app) which are not required to base their prices on the hackney carriage fare chart.

8.4 An Equality Impact Assessment can be found at appendix 6.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 Reviewing the hackney carriage fares does not involve any new processing of personal data and therefore no data protection impact assessment is required.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure		
Exposure to challenge	<p>The hackney carriage fare review process could be challenged by Judicial Review, but as an open and fair consultation will take place and the Council's decision-making process is lawful, a successful challenge is considered unlikely.</p> <p>A full consultation will be correctly undertaken which will engage with all relevant stakeholders, with guidance from the Council's Legal Team.</p>	There is an opportunity through consultation to understand the public's views on affordability of an important means of public transport.
Innovation		
Reputation	By fixing hackney carriage fares following public consultation, the Council sets the maximum fare payable for specific distances and ensures that customers have access to fairly priced public transport options.	
Achievement of outcome	Reviews of hackney	Opportunity to ensure that

	carriage fares are undertaken following receipt of a formal request from the Taxi and Private Hire Forum.	fares are suitably reflective of the cost of living, average salary, fuel prices, and vehicle running costs.
Property	None	
Community Support	<p>The taxi and private hire trade have expressed their views by way of a survey.</p> <p>All elected Members, Parish Councils, community groups, schools, universities and care homes/hospitals will be consulted, in addition to the taxi and private hire trade and the general public in relation the new fare table.</p>	
Timescales	<p>The current hackney carriage fare chart will remain live until any revised version is approved and comes into effect.</p> <p>It is anticipated that, assuming no objections are received during public consultation, the revised fares will come into effect in November 2022.</p>	
Project capacity	None	
Other	None	

11 SUPPORTING INFORMATION:

Background

- 11.1 The Council's current hackney carriage fares were adopted in 2011. Through the Taxi and Private Hire Forum, the trade has requested a review of the current fares to reflect the current costs associated with operating in the trade which have increased significantly during this period, and particularly in recent times, with escalating fuel costs. The hackney carriage fares have not increased for eleven years.

- 11.2 In 2016 a review of the hackney carriage fares was undertaken, but was strongly opposed by the trade primarily due to there having been no significant increase in the cost of fuel since the review in 2011. The Licensing and Regulation Committee resolved to not review the maximum fares for hackney carriages at that time.
- 11.3 When considering whether there should be any increase in fares, the Council should consider the underlying inflation rates, changes to costs incurred by hackney carriage drivers and vehicle proprietors, and the consequences for fare paying passengers.

Current Fares

- 11.4 The current fares, as per the last increase in 2011, are as follows:

Distance

For the first 660 yards (603 metres) or part thereof £2.80
For each subsequent 170 yards (155 metres) of part thereof 20p

Waiting

For each 1 minute waiting period, a maximum of 25p

Extra Charges

For each hiring that commences between 11pm and 6am or at any time on Bank or Public Holidays or after 6.30pm on Christmas Eve and New Year's Eve, or at any time on 26 December or 1 January after 6am, an additional 50% is added to the above rate of fare.

For each hiring on Christmas Day or at any time until 6am on Boxing Day (26 December) an additional 100% is added to the above rate of fare.

Fouling Charge*: a maximum of £75.00

* The maximum amount due by the customer when they soil the vehicle.

A copy of the current fare chart can be seen at appendix 1.

Costs

- 11.5 The Office for National Statistics reports a current underlying inflation rate of 8.8%, as of July 2022. The largest upward contributions to the annual inflation rate in July 2022 came from housing and household services (principally from electricity, gas and other fuels, and occupier's housing costs), transport (principally motor fuels) and food and non-alcoholic beverages.
- 11.6 The licensing fees for hackney carriage licences, set by the Council, were last increased by approximately 3% with effect from 1 April 2018.

- 11.7 The HM Treasury's Spring Statement 2022 reported that global oil prices rose 9.3% between the week beginning 14 February and the week beginning 14 March 2022, and UK and European wholesale gas prices increased by more than 30% over the same period. [...] While the Office for Gas and Electricity Markets (OFGEM) energy price cap protects consumers from the rapid changes observed in the wholesale energy market in the short term, the rise in oil prices has already affected petrol pump prices in the UK, which are now at record highs having increased by almost 12% in the time period above.
- 11.8 The cost of unleaded and diesel has increased since the last time the hackney carriage fares were increased in 2011.
- 11.9 The website *petrolprices.com* showed on 4 August 2022 for the Winchester area that the average price for diesel was 194.2 pence per litre, and that the average price for unleaded was 184.5 pence per litre.
- 11.10 In June 2011 when the hackney carriage fares were last increased, the average price for diesel was 142.5 pence per litre and the average price for unleaded was 137.3 pence per litre. This shows an increase in the cost of diesel and unleaded fuel between 2011 and 2022 of 36.3% and 34.4% respectively.
- 11.11 In April 2011, the Office for National Statistics reported that the average weekly earnings for persons living in Great Britain were £462 per week before deductions. In May 2022, the Office for National Statistics reported that this same figure was £601 weekly before deductions. This is a 30% increase between 2011 and 2022.
- 11.12 Overall, the above statistics show an increase in average weekly salary and cost per litre of fuel between 30-37% since 2011.
- 11.13 The Taxi and Private Hire Forum took into consideration the above costs when formulating their proposed fare charts (shown at appendix 3).

Passengers

- 11.14 The Department for Transport's National Travel Survey shows the average number of taxi trips taken per person per year between 2011 and 2020. The average number of taxi trips taken remained broadly the same between 2011 and 2019, at around 10 trips per person per year. In 2020, the average person in England made six taxi or private hire vehicle trips and travelled 28 miles by taxi or PHV. Both of these represented a sharp fall from 2019, when the average person made 11 trips and travelled 59 miles. This can be largely attributed to restrictions associated with the coronavirus pandemic.
- 11.15 Over half (51%) of trips in taxis in 2020 were taken for leisure purposes, the same proportion as in 2019. The other common reasons for trips were commuting (17%), personal business (13%), shopping (9%) and education (7%).

- 11.16 The National Travel Survey also shows the frequency of taxi usage in England in 2019 and 2020. Most people (66%) rarely use a taxi (at most twice a year). This figure was higher in 2020 than in 2019, when it was 58%. Around 21% of people travel by taxi at least once a month and 6% of people travel by taxi on a weekly basis. It is clear from this data that the demand for taxis has decreased, causing further challenges for the taxi trade.

Neighbouring Authorities

- 11.17 Private Hire and Taxi Monthly (PHTM) maintains an extensive resource of hackney carriage fares, updated daily and showing a two-mile fare based on the relevant authority's fare chart. It also ranks authorities from highest to lowest based on the cost of a two mile fare.
- 11.18 At the time of writing this report, Winchester City Council was ranked 226th out of 355 licensing authorities with the fare of £6.20 for a two-mile journey.
- 11.19 For comparison with other licensing authorities in the surrounding area, the fare for a two-mile journey from each authority is shown below. These figures are accurate at the time of writing the report, and an up-to-date PHTM fare table will be presented to the Committee on the day of the meeting.

Local authority	2 mile fare	Last fare increase	PHTM table position
Hart	£6.80	2019	12
Basingstoke & Deane	£7.60	2022	34
Southampton	£7.60	2022	35
Rushmoor	£7.60	2022	39
Portsmouth	£7.20	2022	64
Isle of Wight	£7.10	2022	74
Eastleigh	£6.70	2015	131
Havant	£6.60	2022	148
East Hampshire	£6.40	2018	175
Winchester	£6.20	2011	226
New Forest	£6.10	2022	236
Test Valley	£6.00	2019	263
Fareham	£5.80	2019	276

- 11.20 The figures in the table above, based on the PHTM table, the year in which each authority last increased its hackney carriage fares. As can be seen in this table, all other authorities in Hampshire have increased their fares more recently than Winchester and the Council's rates are amongst the lowest in the county.
- 11.21 The Council has been advised by Test Valley Borough Council that it is also planning to also review its hackney carriage fares in 2022.
- 11.22 Several members of the Taxi and Private Hire Forum indicated in the last meeting that they wished to align Winchester's fares with Southampton's

where possible, as the vast majority of taxi drivers licensed by Winchester City Council live in Southampton and many also undertake sub-contracted work from Southampton-based operators. Southampton's 2-mile fare is £7.60 and they rank at number 35 on the PHTM table.

Proposals

11.23 The Licensing Department met with the Taxi and Private Hire Forum on 12 July 2022 following a request from the Forum to review the hackney carriage fares. The Forum worked together to propose four fare charts for consideration, which can be seen in appendix 3 and proposed changes are summarised below.

11.24 Option 1

This proposed fare chart seeks to retain the existing pull off charge of £2.80, the pull off distance of 660 yards, and the yardage distance of 170 yards. It proposes to increase the yardage rate from £0.20 per 170 yards to £0.30 per 170 yards.

This results in a two-mile fare costing £7.90, an increase of 27.4% from the current two-mile fare of £6.20.

This proposal would put Winchester City Council at approximately position 20 on the PHTM table.

11.25 Option 2

This proposed fare chart seeks to increase the pull off charge to £3.20 from £2.80, reduce the pull off distance to 550 yards from 660 yards, and reduce the yardage distance to 140 yards from 170 yards. It proposes to retain the existing yardage rate of £0.20, now charged every 140 yards.

This results in a two-mile fare costing £7.60, an increase of 22.6% from the current two-mile fare of £6.20.

This proposal would put Winchester City Council at approximately position 33 on the PHTM table.

11.26 Option 3

This proposed fare chart seeks to increase the pull off charge to £3.40 from £2.80, reduce the pull off distance to 550 yards from 660 yards, and reduce the yardage distance to 135 yards from 170 yards. It proposes to retain the existing yardage rate of £0.20, now charged every 135 yards.

This results in a two-mile fare costing £7.80, an increase of 25.8% from the current two-mile fare of £6.20.

This proposal would put Winchester City Council at approximately position 24 on the PHTM table.

11.27 **Option 4**

This proposed fare chart seeks to increase the pull off charge to £3.40 from £2.80, the pull off distance of 660 yards, and the yardage distance of 170 yards. It proposes to increase the yardage rate from £0.20 per 170 yards to £0.30 per 170 yards.

This results in a two-mile fare costing £8.50, an increase of 37.1% from the current two-mile fare of £6.20.

This proposal would put Winchester City Council at approximately position 7 on the PHTM table.

11.28 **Additional Option 5, based on Hampshire's average PHTM table position**

To determine the average across Hampshire, the PHTM table was used to calculate the mean and median average table positions:

Mean average <i>(sum of values divided by number of values)</i>	Table position 131.76
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Median average <i>(middle value between highest and lowest value)</i>	Table position 131
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This is equal to Eastleigh's position on the PHTM table. Based on Eastleigh's two-mile fare of £6.70, a further proposed fare chart is shown at appendix 5.

This proposed fare chart seeks to increase the pull off charge to £3.30.

This results in a two-mile fare costing £6.70, an increase of 8.1% from the current two-mile fare of £6.20.

This proposal would put Winchester City Council at approximately position 131 on the PHTM table.

11.29 Please note that Option 5 was not included in the pre-consultation survey sent out to the taxi trade, as it was formulated after the survey closed following internal discussion about providing an average for the Committee to consider.

11.30 Based on comments made during any public participation at the meeting of the Licensing and Regulation Committee, Members may be minded to amend these proposals slightly before choosing one to put forward for public consultation. A fare calculator will be available at the meeting to enable any amendments to be made accurately.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The Council could opt not to review the hackney carriage fares at this time. It has based the decision to review the fares on the request made by the Taxi and Private Hire Forum to do so, noting that the trade has suffered considerable financial hardship in recent years and trade-related costs have significantly increased since the last fare increase which was 11 years ago. The Council aims to support the trade to ensure that it remains viable and continues to provide a valuable service to the city whilst trying to ensure this mode of travel is affordable to the public.
- 12.2 Members may opt to disregard the four proposed fare charts included in this report, instead amending the existing fare chart as they see fit prior to public consultation. It should be noted that the Taxi and Private Hire Forum made these proposals based on increased average salaries, increased trade-related costs, recovery post-pandemic and the current cost of living crisis. Discussions also focused on the public's ability to afford a reasonable increase in fares.
- 12.3 Taxi and Private Hire Forum members advised that they did not wish to amend the format of the fare chart (i.e. using yards instead of metres or miles) as this would require additional time spent by our authorised taximeter agents writing a new software programme. This would further delay the implementation of the agreed fare chart which Forum members were not supportive of.
- 12.4 There is no legal requirement for the Council to set taxi fares; the relevant legislation permits the Council to do so but does not require it. In the interests of transparency and consistency for customers, it proposes to continue setting the taxi fares using the legal process outlined.
- 12.5 A small proportion of survey responses, outlined in section 6 of this report, indicated that they either did not want a review of hackney carriage fares or they did not answer the question. It is up to the Committee to apply appropriate weight to these responses, taking into consideration the percentage of respondents that indicated that they did want the fares to be reviewed and all other relevant factors.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

- LR365 Review of Fares for Hackney Carriages
Licensing and Regulation Committee, 9 June 2011
- LR486 Review of Fares for Hackney Carriages
Licensing and Regulation Committee, 4 October 2016

Other Background Documents:-

- PHTM: [National Hackney Fare Tables for 2 Mile Tariff 1 – Updated Daily](#)
- Office for National Statistics: [Average weekly earnings in Great Britain July 2022](#)
- Petrol Prices: [Fuel Price Map](#)
- Department for Transport: [Taxi and private hire vehicle statistics, England: 2022](#)
- HM Treasury: [Spring Statement 2022](#)

APPENDICES:

1. Hackney Carriage (Taxi) Fares from 4 July 2011
2. Minutes of the Taxi and Private Hire Forum – 12 July 2022
3. Proposals for Hackney Carriage Fare Review 2022
4. Pre-Consultation Survey: Summary Report
5. Proposed Consultees for Review of Hackney Carriage Fares
6. Equality Impact Assessment (draft)



HACKNEY CARRIAGE (TAXI) FARES

From 4 July 2011

Tariff 1 – Daytime (between 6am and 11pm Mon to Sun)

For the first 660 yards (603 metres) or part thereof £2.80
For each subsequent 170 yards (155 metres) of part thereof 20p

Tariff 2 – Night time (between 11pm to 6am Mon to Sun), or at any time on Bank and Public Holidays or after 6:30pm on Christmas Eve and New Year’s Eve, or at any time on 26 December from 6am, or at any time on 1 January from 6am – 50% is added to the Tariff 1 fare

Tariff 3 – Christmas Day or at any time until 6am on 26 December – 100% is added to the Tariff 1 fare

MAXIMUM FARES

	Tariff 1	Tariff 2	Tariff 3
1 mile	£4.20	£6.30	£8.40
3 miles	£8.40	£12.60	£16.80
5 miles	£12.40	£18.60	£24.80
10 miles	£22.80	£34.20	£45.60

Customers should not be charged more than the prices above unless they have previously agreed a price with the driver.

Extra charges

Waiting time for each period of one minute 25p
Fouling charge a maximum of £75.00

THE METER SHOULD NOT DISPLAY AN AMOUNT WHEN YOU ENTER THE VEHICLE.

**Any complaints concerning the driver or vehicle should be made to:- Licensing Section, City Offices, Colebrook Street, Winchester, SO23 9LJ, Tel: 01962 848 238,
Email: licensing@winchester.gov.uk**

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TAXI & PRIVATE HIRE FORUM MEETING

Minutes

Tuesday 12 July 2022 11:00

Wessex Room – City Offices

ATTENDED

Drivers/Operators	Winchester City Council
Yaqoob Ali Saddiq Khurram Hussain Anjum Ghyas Marouane El Mamouni	Briony Appletree – Interim Licensing Manager Claire Humphreys – Licensing Officer

APOLOGIES

Imran Khan – on holiday

Briony welcomed all forum members to the meeting.

Fare Review

Briony explained that this meeting was primarily to discuss the hackney carriage fare review in preparation for the upcoming Licensing and Regulation Committee hearing, which she advised looked likely to be in September. If an earlier date could be arranged she would let the forum members know.

Briony set out before the members how the fare review is undertaken;

- ***The forum will decide on 3 to 4 proposed example fare tariff increases to be put forward to Committee.***
- ***Committee will agree on one of the fare tariff increase proposals***
- ***A two week public consultation will take place – published in local newspaper, Council Website and City Office Reception***
- ***If any negative comments are received from the public consultation relating to the proposed fare tariff increase, another committee hearing will be held to consider these.***

Briony recommended all forum members attend the hearing and speak on behalf of the trade giving reasons for their preferred choice of new tariff.

Forum members discussed and decided on four proposed new fare tariffs to be put before Committee at the hearing.

Action: Proposed tariffs to be emailed to forum members with minutes.

Briony suggested to the forum that a voting form be available to all licensed drivers on the website to enable them to vote for their preferred proposed tariff. The results from this would be included as an appendix with the committee report. It was felt that this would be helpful to the Committee when making their decision.

Action: Briony to arrange for voting form to be put on website next week beginning 18 July 2022.

Briony advised that once the fare review had been decided and approved by Committee, things would move quickly. All meter fitters would be notified and days/times would be organised at the Coach Park on Worthy Lane to enable drivers to have their meters updated.

Forum members asked that Shamus Farooq be spoken to regarding his intentions for a Private Hire increase of fares. It was agreed that Briony would write a formal letter to Shamus Farooq and that Khurram Hussain speak with him in addition to this

Action: Forum to be updated when more information has been received from Shamus Farooq.

It was agreed a fare review discussion with the forum be held every 2 to 3 years in order to decide if a formal fare review be taken to Committee.

Forum members asked if there was any news on the private hire kiosks at Winchester Train Station. Briony advised that she had no update to give at the moment.

Action: Briony to update forum when she has more information.

Next forum meeting date to be confirmed.

Appendix 3 - Proposals for Hackney Carriage Fare Review 2022

		Proposed by the Taxi and Private Hire Forum								Based on the average PHTM table position in Hampshire	
	Current	Option 1	% increase	Option 2	% increase	Option 3	% increase	Option 4	% increase	Option 5	% increase
Pull Off Charge	£2.80	£2.80		£3.20		£3.40		£3.40		£3.30	
Pull Off Distance	660	660		550		550		660		660	
Yardage distance	170	170		140		135		170		170	
Yardage rate	£0.20	£0.30		£0.20		£0.20		£0.30		£0.20	
1 mile fare	£4.20	£4.90	16.7%	£5.00	19.0%	£5.20	23.8%	£5.50	31.0%	£4.70	11.9%
2 mile fare	£6.20	£7.90	27.4%	£7.60	22.6%	£7.80	25.8%	£8.50	37.1%	£6.70	8.1%
3 mile fare	£8.40	£11.20	33.3%	£10.00	19.0%	£10.60	26.2%	£11.80	40.5%	£8.90	6.0%
4 mile fare	£10.40	£14.20	36.5%	£12.60	21.2%	£13.20	26.9%	£14.80	42.3%	£10.90	4.8%
5 mile fare	£12.40	£17.20	38.7%	£15.00	21.0%	£15.80	27.4%	£17.80	43.5%	£12.90	4.0%
10 mile fare	£22.80	£32.80	43.9%	£27.60	21.1%	£28.80	26.3%	£33.40	46.5%	£23.30	2.2%

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Hackney Carriage Fare Review - Pre-Consultation Survey: Summary report

This report was created on Monday 01 August 2022 at 12:15 and includes 64 responses.

The activity ran from 18/07/2022 to 29/07/2022.

Contents

Question 1: Do you support a review of the hackney carriage fares in the Winchester district?	1
: Do you support a review of the hackney carriage fares in the Winchester district?	1
Question 2: Of the proposed fare charts shown, which is your preference?	1
Of the proposed fare charts shown, which is your preference?	1
Question 3: Please enter your hackney carriage and/or private hire badge number below:	2
Please enter your hackney carriage and/or private hire badge number below:	2

Question 1: Do you support a review of the hackney carriage fares in the Winchester district?

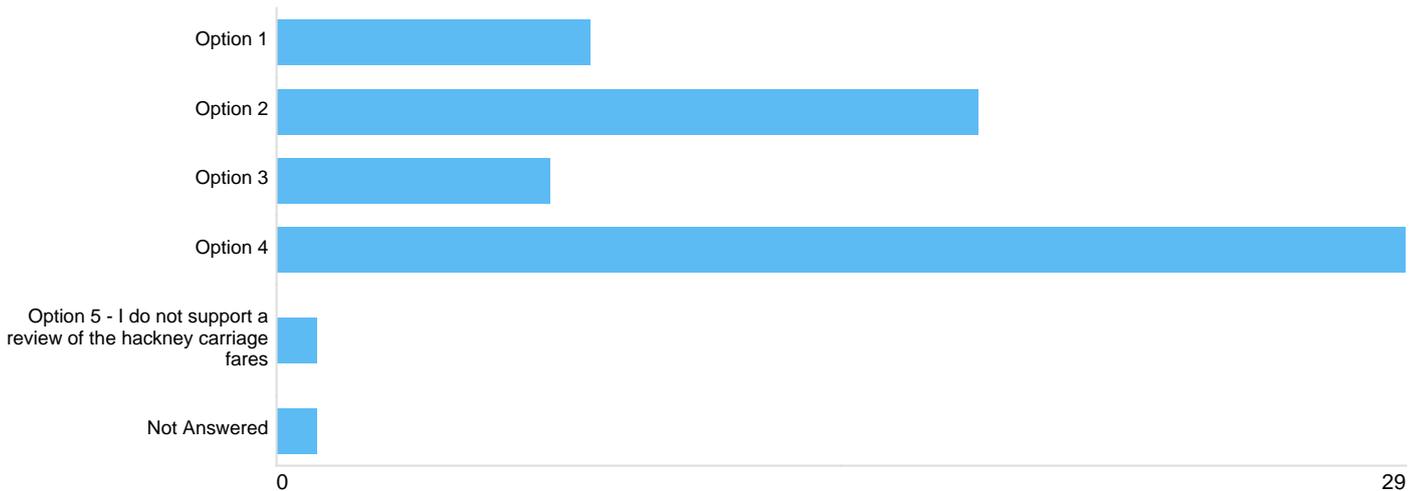
: Do you support a review of the hackney carriage fares in the Winchester district?



Option	Total	Percent
Yes	61	95.31%
No	1	1.56%
Not Answered	2	3.12%

Question 2: Of the proposed fare charts shown, which is your preference?

Of the proposed fare charts shown, which is your preference?



Option	Total	Percent
Option 1	8	12.50%
Option 2	18	28.12%
Option 3	7	10.94%
Option 4	29	45.31%
Option 5 - I do not support a review of the hackney carriage fares	1	1.56%
Not Answered	1	1.56%

Question 3: Please enter your hackney carriage and/or private hire badge number below:

Please enter your hackney carriage and/or private hire badge number below:

There were **63** responses to this part of the question.

Proposed Consultees for Review of Hackney Carriage Fares – 2022

A public consultation will take place following the proposal of the revised hackney carriage (taxi) fares for the Winchester district. This will include a statutory notice placed in a local newspaper, a notice displayed at the City Offices' public noticeboard, a notice on the Council's website, and direct notification of the consultation to the following stakeholders:

<p>Taxi Trade</p> <ul style="list-style-type: none"> • Taxi and Private Hire Forum, Winchester • Southampton Hackney Asssocation • All hackney carriage and/or private hire drivers licensed by Winchester City Council • All hackney carriage and private hire vehicle proprietors licensed by Winchester City Council • All private hire operators licensed by Winchester City Council <p>Schools and other education facilities</p> <ul style="list-style-type: none"> • All Saints CofE Primary School • Barton Farm Primary Academy • Colden Common Primary School • Compton All Saints CofE Primary School • Harestock Primary School • Henry Beaufort School • Itchen Abbas Primary School • John Keble CofE Primary School • Kings' School • Kings Worthy Primary School • Micheldever CofE Primary School • Osbourne School • Otterbourne CofE Primary School • Perins School • Peter Symonds College • The Pilgrims School • Prince's Mead School • Scantabout Primary School • Shepherds Down Special School • South Wonston Primary School • Sparsholt CofE Primary School • Sparsholt College Hampshire • St Bede CofE Primary School • St Faith's CofE Primary School • St Peter's Catholic Primary School • St Swithun's • Stanmore Primary School • Sun Hill Infant and Junior Schools • Twyford School • Twyford St Mary's CofE Primary School • University of Winchester • Weeke Primary School • Western CofE Primary School • Westgate School • Winchester College • Winchester School of Art • Winnall Primary School 	<p>Elected Persons and Bodies</p> <ul style="list-style-type: none"> • All Winchester City Council Members • All Parish Councils in the Winchester district • Winchester Business Improvement District <p>Hospitals, care homes and other healthcare settings</p> <ul style="list-style-type: none"> • Abbots Barton Colten Care Ltd • Barchester Denmead Grange Care Home • Barchester Flowerdown Care Home • Bereweek Court Care Home • Bishops Waltham House • Brackenlea Care Home • Brendoncare Meadway • Brendoncare Otterbourne Court • Brendoncare Park Road • Cambria House • Chesil Lodge • Compton House • The Dower House Nursing Home • Easterlea Rest Home • Fountain View • Foxhills Farm • Friarsgate Prattice • Green Meadows • Holmside • Kirtling House • Kitnocks House • Old Alresford Cottage Rest Home • Otterbourne Grange Residential Home • Otterbourne House • Ridgemedede House Residential Care • Rivers Reach • Royal Hampshire County Hospital • Signature at Winchester • Shedfield Lodge • St Catherine's View • St Clements Surgery • St Cross Grange • St Paul's Surgery • Sutton Manor • Tegfield House • The White House (Curdrige) Ltd • Three Oaks • Twyford Surgery • Upton Grey Close Care Home • Winchester Hospice • Winscombe Care Home • Wellington Vale Care Home • Westacre Nursing Home • Westholme Care Home
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<p>Neighbouring Licensing Authorities</p> <ul style="list-style-type: none"> • Basingstoke & Deane Borough Council • East Hampshire District Council • Eastleigh Borough Council • Fareham Borough Council • Hart District Council • Havant Borough Council • Isle of Wight Council • New Forest District Council • Portsmouth City Council • Rushmoor Borough Council • Southampton City Council • Test Valley Borough Council <p>Night Time Economy Representatives</p> <ul style="list-style-type: none"> • Winchester Pubwatch • Winchester Street Pastors • Hampshire Constabulary Licensing Team • Winchester Student Union 	<p>Organisations supporting vulnerable people</p> <ul style="list-style-type: none"> • Abbotts Barton Community Group • All Saints Church • Badger Farm Mutual Aid + Chat Tea Cafe • Community First Winchester • Emmaus Hampshire • Hampshire County Council Adult Social Care • Hampshire County Council Children’s Services • MHA Communities Winchester • Trinity Winchester • Winchester Beacon • Winchester Go LD • Winchester JobCentre Plus • Winchester Mutual Aid • Winchester Street Reach • Wesley Methodist Church
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**Winchester City Council
Equality Impact Assessment Template (EqIA)**

Section 1 - Data Checklist

When undertaking an EqIA for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	No complaints have been received in relation to the Council's proposal to review the hackney carriage fares for the Winchester district. One respondent to the pre-consultation survey sent out to the hackney carriage and private hire trade indicated that they did not consider a fare review necessary. Reasons for this were not given or expanded on. It is acknowledged that the Licensing and Regulation Committee's proposals will be subject to public consultation and that objections may be received in response to this.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	The proposals have been discussed with all officers of the Licensing Department, the Service Lead for Public Protection, the Corporate Head of Service and the Council's Executive Officers. The Legal Department have reviewed the proposals. All officers have been invited to raise concerns and make comments on the proposals prior to their submission to the Licensing and Regulation Committee.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	The hackney carriage fares were previously increased in 2011, with a further review in 2016 that resulted in no increase. No concerns were raised in either year from an

		Yes/No	Please provide details
			equality impact perspective.
4	<p>Do you have any concerns regarding the implementation of this policy or project?</p> <p><i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i></p>	Yes	<p>Implementation of this proposal will be managed within the Licensing Department's current resources.</p> <p>It is acknowledged that implementation of any increase to hackney carriage fares may adversely impact those on lower incomes, and those who rely on taxis to travel regularly due to accessibility issue or disability.</p> <p>Public consultation will aim to capture the views of those who may be disadvantaged by the proposal made by the Licensing and Regulation Committee.</p>
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	Yes	The report to the Licensing and Regulation Committee makes reference to the possible adverse impact on those on lower incomes, and those who rely on taxis to travel regularly due to accessibility issue or disability.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	<p>The Licensing Manager has reviewed both the fare reviews from 2011 and 2016 prior to making these proposals to the Licensing and Regulation Committee.</p> <p>The Council's most recent fare increase in 2011 and no equality impact issues have been documented in relation to this.</p>
7	Are there any other issues that you think will be relevant?	No	Not applicable.

Section 2 - Your EqIA form

Directorate: Place	Your Service Area: Public Protection	Team: Licensing	Officer responsible for this assessment: Briony Appletree	Date of assessment: 25/08/2022
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Review of Hackney Carriage Fares 2022
2	Is this a new or existing policy?	New
3	Briefly describe the aim and purpose of this work.	The Council seeks to review the hackney carriage fares set in the district, with the last review taking place in 2011, following a request from the Taxi and Private Hire Forum to undertake a review.
4	What are the associated objectives of this work?	To ensure that the Council fairly and openly considers the proposals to review the hackney carriage fares and puts a proposal forward for public consultation and Cabinet Member Decision Day.
5	Who is intended to benefit from this work and in what way?	Hackney carriage drivers working in the Winchester district have not seen a fare review since 2016 and not seen an increase since 2011. The significant rises in the cost of fuel and vehicle running costs have prompted the Taxi and Private Hire Forum to request a fare review.
6	What are the outcomes sought from this work?	The proposal supports the following Council Plan outcomes: Vibrant Local Economy, Living Well and Your Services, Your Voice.
7	What factors/forces could contribute or detract from the outcomes?	<ul style="list-style-type: none"> - Changes in central Government policies or legislation - Legal challenge of fare setting process - Objections against proposed fares put forward for public consultation by Licensing and Regulation Committee.
8	Who are the key individuals and organisations responsible	Winchester City Council's Licensing Team, Licensing and

	for the implementation of this work?	Regulation Committee and Cabinet Member for Place and Local Plan.
9	Who implements the policy or project and who or what is responsible for it?	Winchester City Council's Licensing Team.

		Please select your answer in bold . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of race.
10b	What existing evidence (either presumed or otherwise) do you have for this?	Race, or racial groups, are not relevant to the decision-making process in reviewing the hackney carriage fares or considering proposed fare charts. The race of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of sex.
11b	What existing evidence (either presumed or otherwise) do you have for this?	Sex is not relevant to the decision-making process in reviewing the hackney carriage fares or considering proposed fare charts. The sex of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.		
12a	Could the policy or project have the potential to affect			Reviewing the hackney carriage fares and

	<p>individuals or communities on the basis of disability differently in a negative way?</p> <p><i>you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview</i> 	Y	N	proposing a new fare chart may have a negative impact on individuals or communities on the basis of disability.
12b	What existing evidence (either presumed or otherwise) do you have for this?	Those individuals or communities that rely on hackney carriage vehicles (taxis) for transport and independence, due to accessibility issues or additional needs / disability, may be impacted in a negative way by any increase in hackney carriage fares. Spending more on essential journeys may impact these individuals or communities, particularly where no alternative or more affordable transport methods are available.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of sexual orientation.
13b	What existing evidence (either presumed or otherwise) do you have for this?	Sexual orientation is not relevant to the decision-making process in reviewing the hackney carriage fares or considering proposed fare charts. The sexual orientation of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.		
14a	Could the policy or project have the potential to affect			Reviewing the hackney carriage fares and

	individuals on the basis of age differently in a negative way?	Y	N	proposing a new fare chart may have a negative impact on individuals or communities on the basis of age.
14b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Similarly to considerations around disability, those individuals or communities that rely on hackney carriage vehicles (taxis) for transport and independence due to age may be impacted in a negative way by any increase in hackney carriage fares. Spending more on essential journeys may impact these individuals or communities, particularly where no alternative or more affordable transport methods are available.</p> <p>This may negatively affect both ends of the age spectrum; those too young to be employed and make sufficient income to afford an increase in taxi fares, and those retired from working life and living on a pension or other limited funds.</p>		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of religious belief.
15b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Religious belief is not relevant to the decision-making process in reviewing the hackney carriage fares or considering proposed fare charts. The religious belief(s) of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.</p>		
16a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of gender reassignment.
16b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Gender reassignment is not relevant to the decision-making process in reviewing the hackney carriage fares or</p>		

		considering proposed fare charts. The gender reassignment of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.		
17a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of marriage and civil partnership.
17b	What existing evidence (either presumed or otherwise) do you have for this?	Marriage and civil partnership is not relevant to the decision-making process in reviewing the hackney carriage fares or considering proposed fare charts. The marital or civil partnership status of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.		
18a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way?	Y	N	Reviewing the hackney carriage fares and proposing a fare chart has no negative impact on individuals or communities on the basis of pregnancy and maternity
18b	What existing evidence (either presumed or otherwise) do you have for this?	Pregnancy and maternity is not relevant to the decision-making process in reviewing the hackney carriage fares or considering proposed fare charts. The pregnancy or maternity status of any applicant for a driver, vehicle and/or operator licence, any person making objections, or any customer using a hackney carriage vehicle, is not relevant to the fare set and charged for a journey.		
19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected	Y	N	

	characteristics?			
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	<p>Race: No negative impact identified.</p> <p>Sex: No negative impact identified.</p> <p>Disability: Whilst it is recognised that adverse impact may be caused to individuals or groups with this protected characteristic, it is noted that the hackney carriage fares have not increased since 2011. All other authorities in Hampshire have increased their fares at least once since this 2011 and fuel prices have increased by approximately 30% since 2011. The Licensing and Regulation Committee need to balance the need for fares to increase to benefit the taxi trade with the affordability of fares and the potential equality impact on those with disabilities.</p> <p>Sexual orientation: No negative impact identified.</p> <p>Age: Whilst it is recognised that adverse impact may be caused to individuals or groups with this protected characteristic, it is noted that the hackney carriage fares have not increased since 2011. All other authorities in Hampshire have increased their fares at least once since this 2011 and fuel prices have increased by approximately 30% since 2011. The Licensing and Regulation Committee need to balance the need for fares to increase to benefit the taxi trade with the affordability of fares and the potential equality impact on those of certain ages.</p> <p>Gender reassignment: No negative impact</p>

				identified.
				Pregnancy and maternity: No negative impact identified.
				Marriage and civil partnership: No negative impact identified.
				Religious belief: No negative impact identified.
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	<ul style="list-style-type: none"> - Hackney carriage fares do not apply to other public transport methods, such as buses and private hire vehicles - The City Council maintains a reliable Park and Ride bus service for those without their own transport - Hampshire County Council maintains a reliable district-wide bus service for those without their own transport - All licensed hackney carriage drivers are required to undertake mandatory safeguarding and disability awareness training; a requirement not mandated by drivers of public service vehicles which, whilst usually cheaper, do not offer the same standard of service - It is illegal for hackney carriage drivers to charge more for the carriage of wheelchairs or assistance dogs, or for offering reasonable assistance to those with disabilities. 		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	

Signed by completing officer	
Signed by Service Lead or	

DRAFT

REPORT TITLE: POLICY DEPARTURE FOR DRIVING MISS DAISY LTD

6 SEPTEMBER 2022

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Briony Appletree

Tel No: 01962 848 188 Email licensing@winchester.gov.uk

WARD(S): ALL

PURPOSE

Winchester City Council's Licensing Department has received an application for a private hire operator's licence from Driving Miss Daisy Ltd, a registered company that provides assisted transportation and companionship services for those who require additional assistance due to physical or mental impairment. The vehicles that they provided have technical specification beneficial to those with additional needs that the Council's existing private hire fleet does not provide.

The application from Driving Miss Daisy Ltd was accompanied by a request for the Council to depart from certain elements of its Statement of Licensing Policy ("the Policy") and licence conditions, citing reasons for this and describing why these proposals would not compromise public safety.

As this proposal involves a departure from local policy and conditions for a number of drivers and vehicles, it is considered in the public interest that this decision is made in an open forum by elected Members hence it is being considered by this Committee.

RECOMMENDATIONS:

That Committee

1. Consider the proposal put forward by Driving Miss Daisy Ltd, and agree to depart from the Council's Policy for the company's licensed drivers and vehicles if the Committee concludes that there are exceptional or compelling reasons to do so.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

1.1 Vibrant Local Economy

Driving Miss Daisy Ltd are currently licensed by Portsmouth City Council and based in their district. They plan to move their entire operation to Winchester to be located more centrally in the county, which would bring a new, established business to the district.

1.2 Living Well

By agreeing to license Driving Miss Daisy's drivers and vehicles in the Winchester district, we ensure the availability of additional private hire services for those who are less mobile and rely on this type of service for independence. Without this service, some members of our community would find it more challenging to move around the district and beyond.

1.3 Your Services, Your Voice

1.4 Whilst the Licensing Manager has the delegated authority to depart from the Statement of Licensing Policy and licence conditions, it is considered best in the interests of openness and transparency to debate the subject in open forum and welcome comments from key stakeholders and members of the public through public participation.

2 FINANCIAL IMPLICATIONS

2.1 Departing from sections of the Statement of Licensing Policy and licence conditions does not have any financial impact on the Licensing Department or the Council as a whole.

3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 The legislation that specifically controls the licensing of hackney carriages and private hire vehicles, drivers and operators, does not contain provisions that directly require the Council to prepare and publish a hackney carriage and private hire licensing policy.

3.2 Nevertheless, the Regulators' Code, which has statutory effect by virtue of section 22 of the Legislative and Regulatory Reform Act 2006, means the Council must have regard to the requirements of the Code. The development of a hackney carriage and private hire licensing policy to guide licensing activities will ensure that the council satisfies its legal responsibilities with respect to specific elements of the Regulators' Code and will assist the council in demonstrating that it has had due regard to the Code in relation to this particular area of law.

- 3.3 It is good practice for local authorities to consult on any changes made to the Policy. It is not strictly necessary to consult on any decision made to depart from the Policy, as this is not required by the Policy, but the decision-making process will be held in a public forum where public participation will be welcomed in the interests of openness.
- 3.4 Section 1.4 of the Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators states that 'The Council reserves the right to depart from this Policy if there are, in its reasonable opinion, exceptional or compelling reasons to do so.'
- 3.5 There is no appeal process where the Council decides to depart from its Policy or licence conditions, but Council could be challenged on its decision to depart from the Policy by way of Judicial Review.

4 WORKFORCE IMPLICATIONS

- 4.1 Any appendix or revision to the Policy drafted as a result of the recommendations laid out in this report will be managed within the Licensing Team's current resources.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

6 CONSULTATION AND COMMUNICATION

- 6.1 Driving Miss Daisy Ltd approached the Council's Licensing Department prior to submitting any application for private hire licences, to determine whether their proposals to depart from certain sections of the Policy and licence conditions would be considered. A meeting was held between Mr Paul Nuth and the Interim Licensing Manager to discuss the proposals and whether any caused concerns in relation to public safety.
- 6.2 The Interim Licensing Manager had a meeting with Portsmouth City Council's Licensing Manager to discuss Driving Miss Daisy Ltd and their current operation. The business is currently licensed in the Portsmouth District and the Licensing Manager advised that no concerns or issues had been raised about their driver, vehicle or operator licences during her time in recent years. Portsmouth City Council will work cooperatively with Winchester City Council's Licensing Department to ensure a smooth licensing process and exchange of any key information.
- 6.3 Driving Miss Daisy Ltd also met with Cllr Hannah Williams (Chairperson of the Licensing and Regulation Committee) and Cllr Jackie Porter (Cabinet Member for Place and Local Plan) on 1 September 2022 to discuss the proposals and answer any queries or concerns they may have in advance of putting their formal proposal forward to the Council.

- 6.4 Details of the proposal were shared with Cllr Paula Ferguson (Cabinet Members for Community and Housing) and Cllr Russell-Gordon-Smith (Cabinet Member for Service Quality) in advance of this report's publication.
- 6.5 Cllr Ferguson provided the following response to the proposals: *"I think as long as we make it/made it very clear why we are allowing this exception then I am happy to support the policy being varied for a small number of vehicles."*

Having been at the 10th Disability Games at WSLP this afternoon where over 150 individuals with a wide range of needs and disabilities competed, ensuring this group of people have access to suitable taxis enforces why we should facilitate this additional capacity."

- 6.6 Cllr Gordon-Smith was unable to respond to the proposals prior to the report publication deadline.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Driving Miss Daisy Ltd propose to license a number of private hire vehicles that exceed the Council's current age limits for vehicles when first licensed. These vehicles are currently licensed by Portsmouth City Council.
- 7.2 Section 6.1 of the Council's Policy stated that all petrol and diesel vehicles, when licensed for the first time must be less than five years from the date of first registration. For hybrid and electric vehicles, this is extended to less than eight years from the date of first registration.
- 7.3 This proposal was introduced during the Council's review of the Policy in 2020 with an aim to improve air quality in the district and ensure that vehicles in satisfactory condition at the point of first licensing.
- 7.4 Driving Miss Daisy Ltd have offered to provide a comprehensive history for all of their vehicles, including MOT, service reports and inspection sheets from Portsmouth City Council's approved testing station.
- 7.5 It is proposed that the Council departs from its policy regarding the age of vehicles at the point of first licensing, only for Driving Miss Daisy's vehicles that are currently licensed by Portsmouth City Council. Any further vehicles will be subject to the same age restrictions as all other vehicles in Winchester.
- 7.6 It is further proposed that any vehicle licensed by Driving Miss Daisy Ltd is still subject to the upper age limits for licensed vehicles specified in the Policy, i.e. a maximum end of working life age of twelve years for petrol/diesel, and fifteen years for hybrid/electric. This will ensure that older vehicles are not indefinitely licensed and will contribute to the Council's carbon neutrality goals, with impact on air quality being restricted to the short-term.
- 7.7 Whilst it is recognised that Driving Miss Daisy's older vehicles will have an impact on the Council's carbon neutrality goals, it is important to note that they only provide vehicles with a significantly higher standard of accessibility

than the Council's current licensed private hire vehicles. On balance, the improvements in the availability of specialist accessible transport outweigh the short-term adverse impact on air quality.

8 PUBLIC SECTOR EQUALITY DUTY

8.1 The Council is committed to offering a range of vehicles for all customers. The current Policy requires all new hackney carriage vehicles to be wheelchair accessible, but does not require private hire vehicles to be wheelchair accessible.

8.2 At the time of writing, the Council licenses only four wheelchair accessible private hire vehicles. None of these are equipped with powered winches, which restricts their ability to carry heavier wheelchairs.

8.3 Driving Miss Daisy Ltd proposes to license only wheelchair accessible vehicles, with additional technology such as powered winches to ensure accessibility for far more individuals than the current private hire fleet can facilitate. The business have invested substantial amounts of money to make their vehicles comfortable, accessible and fit for purpose.

8.4 The proposals to depart from sections of the Policy and licence conditions will contribute to the Council's duty to eliminate discrimination, advance equality of opportunity and foster good relations between different people.

8.5 An Equality Impact Assessment can be found at Appendix 3.

9 DATA PROTECTION IMPACT ASSESSMENT

10 Departing from sections of the Policy and licence conditions does not involve any additional collection or retention of personal data beyond that covered by the Council's existing data protection impact assessment.

11 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure		
Exposure to challenge	<p>The process to depart from the Council's policy could be challenged by Judicial Review, but as the Council's decision making process is lawful, a successful challenge is considered unlikely.</p> <p>Should the Council opt to not depart from the</p>	

	Policy, Driving Miss Daisy Ltd could still submit driver and vehicle applications. In the event that these were refused, there would be a right of appeal to Magistrates Court within 21 days' of such refusal.	
Innovation		Driving Miss Daisy Ltd's vehicles include technology that is not currently required by the Council's Policy, including powered winches to enable the safe loading of heavy wheelchairs and passengers. This additional technology will benefit those customers who cannot access fit-for-purpose transport.
Reputation	By departing from sections of the Policy to permit the licensing of adapted, accessible vehicles for those who need them, the Council demonstrates a commitment to providing essential services to the public without comprising public safety.	Opportunity to make more accessible vehicle available in the Winchester district, which may benefit residents, NHS patients, those living in residential or assisted living facilities and anyone else requiring specialist transport to enable them to live independently.
Achievement of outcome	The Council will consider requests to depart from the Policy and licence conditions where an applicant asserts that there are exceptional or compelling reasons to do so.	
Property	N/A	
Community Support		
Timescales	Any decision to depart from the Policy and licence conditions will	

	<p>come into effect on the day that that decision is made by the Licensing and Regulation Committee.</p> <p>Driving Miss Daisy Ltd will be welcomed to submit applications on the basis that the relevant departures from the Policy and licence conditions have been agreed.</p> <p>Any issues arising from the department of the Policy and licence conditions may prompt a review of the decision made and any licences issued on this basis.</p>	
Project capacity	N/A	
Other	N/A	

12 SUPPORTING INFORMATION:

Background

- 12.1 Driving Miss Daisy Ltd is a UK-based registered company, operating since 2015 providing transport and companionship services to the public.
- 12.2 In addition to working in partnership with the NHS to provide safe and reliable non-emergency patient transport, they work with care homes, special schools and other healthcare settings to ensure patients and residents have the opportunity to travel without relying on Government schemes or family members.
- 12.3 Vehicles operated by Driving Miss Daisy Ltd feature brightly coloured livery which has clinical benefits such as enabling vulnerable customers to easily identify a trusted and safe method of transport, and ensures consistency for customers with additional needs. The vehicles are all wheelchair accessible with room for additional passengers such as carers or family members.
- 12.4 Drivers working for Driving Miss Daisy Ltd are licensed by the relevant local authority for private hire work, and also undertake emergency first aid training, safeguarding awareness courses and Dementia Friend training. A medical

advisory panel is available to discuss specialist requirements to ensure that all customers' needs are met where possible.

- 12.5 Driving Miss Daisy Ltd are currently licensed by Portsmouth City Council. They propose to move their operation to the Winchester district so that they are more centrally located in Hampshire, and have proposed an operating base in Wickham. The Licensing Department have already engaged with Portsmouth City Council to ensure that relevant information relating to complaints or non-compliance is shared to aid in determining application, and that any relevant documents such as vehicle inspection reports are transferred to Winchester securely.

Proposals

- 12.6 Driving Miss Daisy Ltd have made a number of proposals to depart from the Policy and licence conditions, citing reasons for these. Where there is potential for risk to public safety, mitigating information has been provided and Members must be satisfied that this is sufficient prior to agreeing to depart from the Policy.
- 12.7 The proposals are outlined in Appendix 1, complete with justification and mitigation, and summarised below.

Vehicles

- 12.8 Some of Driving Miss Daisy's current vehicles exceed the age limits specified in the Policy for when the vehicle is first licensed (i.e. no older than 5 years for petrol/diesel vehicles). They have requested that the Council consider waiving this age limit for vehicles licensed by them, taking into consideration that all vehicles are maintained to an excellent standard with MOTs, service history and Portsmouth City Council's annual inspection reports all available to demonstrate this.
- 12.9 It is important to clarify that Driving Miss Daisy's request to license older vehicles does not compromise public safety; older vehicles are not necessarily unsafe vehicles, and any vehicle licensed by Winchester City Council must produce an annual MOT certificate and inspection report from an approved testing station. This requirement will apply to Driving Miss Daisy's vehicles.
- 12.10 Driving Miss Daisy's vehicles feature bright blue livery with a daisy print, designed for clinical reasons to assist clients in safely identifying trusted vehicles. The company does not undertake 'on demand' engagements, all journeys must be pre-booked well in advance with a comprehensive risk assessment undertaken. They have requested to be exempted from the requirement to display Winchester City Council door signs, as these would obscure their branding and indicate to the public that they are available for 'on demand' hire.

- 12.11 It is worth noting that the Council already exempts a number of vehicles in the district from the requirement to display Winchester City Council door signs, where the licence holder has provided evidence that there are exceptional circumstances that support this; i.e. transporting corporate or celebrity clients. Exemption requests are considered by the Licensing Manager and granted at their discretion.
- 12.12 The company has also requested to be exempted from the vehicle condition that prohibits symbols and emblems from being displayed on the vehicle (other than those required by law) as their branding includes daisy emblems.
- 12.13 Driving Miss Daisy's vehicles, currently licensed by Portsmouth City Council, are not required to display external licence plates on the rear of the vehicle. The company has requested that this exemption is also permitted by Winchester City Council, primarily because they do not undertake 'on demand' work and taxi plates are widely recognised by the public as meaning that a vehicle is available for public hire. Where a rear licence plate is not displayed, a wallet-sized card showing the licence number is displayed in the bottom-right corner of the windscreen and an exemption letter is carried in the vehicle at all times.

Drivers

- 12.14 All of Driving Miss Daisy's drivers are currently licensed by Portsmouth City Council, with their licensing process requiring a valid Disclosure and Barring Service (DBS) certificate every three years. Winchester City Council already accepts existing DBS certificates from other authorities where the applicant can demonstrate that they are signed up to the DBS Update Service and that there have been no changes to their DBS certificate since its issue date. Winchester City Council will apply this approach to Driving Miss Daisy's drivers, ensuring a consistent approach with other applicants.
- 12.15 Portsmouth City Council also require all licensed drivers to undergo a medical examination, based on the same level of medical fitness as Winchester City Council requires, as per the DVLA Group 2 Medical Standards of fitness to drive. Driving Miss Daisy proposes for Winchester City Council to accept existing, valid medical examination reports from their drivers applying to Winchester for a licence.

Conclusion

- 12.16 The Council has reviewed all proposals from Driving Miss Daisy and considered any risk to public safety (detailed in Appendix 1). It has carefully considered mitigation offered by Driving Miss Daisy, and also liaised with Portsmouth City Council regarding any concerns that they have about the company's operation.
- 12.17 Portsmouth City Council have advised that there is no complaints data on their system in relation to Driving Miss Daisy's operation.

- 12.18 The Licensing Department considers the risks to public safety as a result of the proposals be negligible, particularly considering the extensive mitigation provided and the Council's duty to reconsider whether a licence should be issued in cases where concerns regarding public safety are raised.
- 12.19 It is considered that the short-term adverse impact on air quality in the district as a result of licensing older vehicles is, on balance, outweighed by the improvement to accessibility in the Council's private hire fleet.
- 12.20 The Council has a number of options, both in Policy and in the relevant legislation, to take action in the event that any driver, vehicle proprietor or operator is no longer fit to hold a licence. A departure from the Policy is not a departure from the requirement to undertaken enforcement action if required.

13 OTHER OPTIONS CONSIDERED AND REJECTED

- 13.1 The Council may opt to offer no special consideration to Driving Miss Daisy and the way that it operates, choosing instead to require the company to comply with all Policy points and driver and vehicle conditions. However, the Policy specifically includes the provision for departures from the Policy for these circumstances.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

LR535: [Review of Hackney Carriage and Private Hire Policy Phase 2](#)
Tuesday 15 September 2020

LR560: [Taxi Policy Review](#)
Tuesday 7 June 2022

Other Background Documents:-

- Driving Miss Daisy: [Website](#)
- Hackney Carriage and Private Hire Vehicle Conditions
- Hackney Carriage & Private Hire Drivers Conditions

APPENDICES:

1. Policy Departure Proposals for Driving Miss Daisy Ltd
2. Proposal submitted by Driving Miss Daisy Ltd
3. Equality Impact Assessment (draft)

LR000 Policy Departure for Driving Miss Daisy Ltd

Driving Miss Daisy Ltd propose to depart from the following sections of the Council’s Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators. They have provided reasons and mitigation for each proposal, which is summarised below for ease of reference.

Policy Section / Condition	Reason(s)	Risk(s)	Mitigation
<p>Policy section 6.1(a): All petrol and diesel vehicles when licensed for the first time must be less than five years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.</p> <p>Policy section 6.1(b): All electric and hybrid private hire vehicles when licensed for the first time must be less than eight years old from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.</p>	<p>Some of Driving Miss Daisy’s current vehicles exceed these limits specified. All vehicles are maintained to an excellent standard and fitted with specialist equipment beyond the requirements of Winchester City Council’s policy.</p>	<p>This section of the Policy was introduced in 2020 to ensure that licensed vehicles meet a high standard beyond simply being roadworthy, and to assist in the Council goal of improving air quality in the district.</p>	<p>Portsmouth City Council have offered to utilise our existing data sharing agreement to share details of all vehicle inspection reports undertaken by their appointed testing station, which will demonstrate that vehicles are in excellent condition and maintained to an excellent standard that does not compromise public safety.</p> <p>It is proposed that any vehicle licensed by Driving Miss Daisy Ltd is still subject to the upper age limits for licensed vehicles specified in the Policy, i.e. a maximum end of working life age of twelve years for petrol/diesel, and fifteen years for hybrid/electric. This will ensure that older vehicles are not indefinitely licensed and will contribute to the Council’s carbon neutrality goals.</p>
<p>Policy section 6.4: All vehicles when licensed for the first time must display permanently fixed approved Winchester City Council door signs (both sides) on the front doors of the vehicle, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority.</p> <p>Vehicle condition 16: The Vehicle must display a permanent sign on the front doors of the Vehicle (both sides) at all times as required in the Policy. The sign shall meet the specification as set out in the Policy.</p>	<p>Driving Miss Daisy’s vehicles feature bright blue livery with a daisy print, designed for clinical reasons to assist clients in safely identifying trusted vehicles.</p> <p>The addition of a Winchester City Council door sign would obscure the existing branding.</p>	<p>No significant safety risk to clients; the existing livery is designed to assist clients in safety identifying vehicles and is fit for purpose.</p> <p>Clients and members of the public will not be able to easily see whether the vehicle is licensed and by which authority.</p> <p>May increase number of requests from other vehicle proprietors to have bespoke livery; note that requests of this nature would need to be determined as having either exceptional or compelling reasons.</p>	<p>Driving Miss Daisy Ltd are a well recognised and trusted brand with clearly identifiable vehicles.</p> <p>The omission of a door sign confirming the name of the relevant licensing authority has reportedly not caused Portsmouth City Council any issues and no complaints have been received on this basis.</p>
<p>Vehicle condition 4(a): PAINT WORK. All panels on a vehicle should be in one matching colour.</p> <p>Vehicle condition 17: No signs, notices, plates, marks, letters figures, symbols, emblems or devices whatsoever (collectively referred to as ‘sign’) other than those mentioned in paragraph 17 below shall be displayed on in or from the Vehicle.</p>	<p>Driving Miss Daisy’s vehicles feature bright blue livery with a daisy print, designed for clinical reasons to assist clients in safety identifying trusted vehicles.</p>	<p>No significant safety risk to clients; the existing livery is designed to assist clients in safety identifying vehicles and is fit for purpose.</p>	<p>Driving Miss Daisy Ltd are a well recognised and trusted brand with clearly identifiable vehicles.</p> <p>The requirement for all panels to be in one matching colour is intended to prevent vehicle proprietors from replacing panels with different colours, causing the vehicle to look untidy and unprofessional.</p> <p>The prohibition of any signage or emblems other than those required by the Council or by law is intended to prohibit advertising or use of untidy or unsightly stickers or decoration.</p>

Policy Section / Condition	Reason(s)	Risk(s)	Mitigation
<p>Policy section 6.6: All new private hire vehicles must have a licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority.</p> <p>Vehicle condition 25: The Internal Licence Plate shall be displayed on the front nearside of the windscreen, or in the case of vehicles that have a partition, displayed on this partition.</p> <p>Vehicle condition 26: The External Licence Plate shall be permanently affixed and displayed on the rear of the Vehicle to the satisfaction of an Authorised Officer.</p>	<p>Driving Miss Daisy's vehicles do not currently display Portsmouth City Council licence plates as the business does not undertake 'on demand' work; all journeys must be pre-booked, risk assessed, planned and quoted for in advance of the journey.</p> <p>It is likely that members of the public will see the licence plate and mistake the vehicle for a typical taxi or private hire vehicle which can be obtained at relatively short notice.</p>	<p>No significant safety risk to clients; the existing livery is already sufficient for clients to identify a trusted vehicle.</p> <p>Clients and members of the public will not be able to easily see whether the vehicle is licensed, by which authority, and when the licence expires.</p> <p>May increase number of requests from other vehicle proprietors to have plate exemptions granted. Requests of this nature are already considered on a case-by-case basis and licence holders must submit evidence supporting their request to the satisfaction of the Licensing Manager.</p>	<p>The Council already issues plate exemptions to a 40+ licensed private hire vehicles in the district, primarily for vehicle used for high-end chauffeuring work. Comments or complaints from the public about no licence plate being displayed are very rare, but any received are investigated and the plate exemption is reviewed to determine whether it still necessary and not a risk to public safety.</p> <p>Plate exemptions are not granted indefinitely and may be reviewed on receipt of information that raises concerns around public safety.</p> <p>Vehicles display a wallet-sized exemption card in the windscreen containing the same information as a licence plate, and must carry a plate exemption letter in the vehicle at all times for inspection by police or other authorised officer.</p>
<p>Policy section 8.6(a): All applicants must apply for an enhanced Disclosure and Barring Service (DBS) certificate, including checks of the Barred Lists, using the Council's approved provider only. Full information on how to apply for an enhanced DBS can be found on the Council's website. A basic or standard DBS certificate will not be accepted.</p>	<p>All of Driving Miss Daisy's drivers are currently licensed by Portsmouth City Council and already have valid Disclosure and Barring Service (DBS) certificates.</p> <p>To obtain an additional certificate when the current one is valid would be an additional and unnecessary expense to the business or driver.</p>	<p>Drivers who have not signed up to the DBS Update Service will not be able to consent to Winchester City Council checking their DBS online.</p>	<p>Those drivers who are signed up to the DBS Update Service need only provide Winchester City Council with their original certificate and a consent form permitting the Council to undertake 6-monthly checks on their DBS online.</p> <p>This check would be undertaken prior to issuing a licence to ensure that no convictions or other relevant information would not prohibit the driver from obtaining a licence in accordance with the Policy.</p> <p>Drivers who have not signed up to the DBS Update Service will be required to obtain a new DBS certificate prior to Winchester City Council considering granting a licence.</p>
<p>8.14(a): All applicants must undergo and pass a medical examination that meets the DVLA Group 2 Medical Standards of fitness to drive and must provide a medical assessment form completed by the examining doctor. This must be provided to the Licensing Authority no later than 28 days from the date of the examination.</p>	<p>All of Driving Miss Daisy's drivers are currently licensed by Portsmouth City Council, which requires the same level of medical fitness as per the DVLA Group 2 Medical Standards of fitness to drive.</p> <p>To obtain an additional medical examination when the current one is valid would be an additional and unnecessary expense to the business or driver.</p>	<p>Drivers whose medical fitness has changed since their last medical examination may not have paperwork to evidence that they are still fit to drive.</p>	<p>Those drivers who have a medical report that is less than five years from the date of issue (or less than 12 months where the driver is aged 65 or over) will be considered to have a valid medical report, sufficient for them to obtain a licence in Portsmouth and therefore sufficient for them to gain a licence in Winchester. Any medical reports outside of the limits specified above will be rejected and a new one must be obtained.</p> <p>All drivers will be required to sign a declaration as part of their application form, confirming that there have been no changes to their physical or mental health since their last medical report was issued. It is an offence to knowingly provide false information on an application.</p> <p>Condition 8 of all hackney carriage and private hire driver licences requires drivers to immediately notify</p>

			<p>the Council of any change in their physical or mental health that affects their fitness to drive.</p> <p>The licensing authority reserves the right to require a new medical report where concerns are raised in relation to the driver's medical fitness to drive.</p> <p>Portsmouth City Council have agreed to assist with the secure transfer of medical data relating to all drivers on receipt of written consent from the drivers.</p>
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Proposal from Driving Miss Daisy Ltd

1. Once approved in principle by the Elected Body we will establish an office in the Winchester CC domain - most likely in the Wickham area.
2. The specific requests for dispensation are few and asked for given there is not a category that we fit into:
 - i. In essence to not be labelled as a taxi service. We are very closely aligned with the Health, Well Being and Social Services sector.
 - ii. Be exempt for wearing the taxi plates on the outside of the vehicles understanding that a smaller version is likely to be required for the left front window.
 - iii. Acceptance of the vehicle colour and daisy signage which exists primarily for clinical reasons given the large number of people we support living with dementia.
 - iv. Transfer of existing licensed vehicles (with Portsmouth CC) at the point of their annual renewal. These will be few in number (circa. 6) - details will be passed separately including Reg No and mileage. Our vehicles rarely do more than circa. 18k miles per annum. We do appreciate they will need to be tested. We do only use small WAVs (Citroen Berlingo or similar).
 - v. To be exempted from Taxi geographical knowledge tests.
 - vi. All newly acquired WAVs will comply fully with the Council's requirements with respect to suitability and age criteria.
3. Following are explanatory in nature to explain the nature of our services which hopefully will support our dispensation requests. Our business plan is to establish a Hampshire wide Regional License centred in Winchester CC area. From Portsmouth CC we already have services which operate in Winchester, East Hampshire, Haven't, Gosport, Fareham and soon to be Basingstoke and the New Forrest. Having 13 Operator's licenses for the County given the diverse requirements is not something we are prepared to contemplate.
4. The organisational policy differences is in truth exasperating and very difficult to governance hence a county by county approach.
5. We understand the need to be licensed given the law of land legislation (hire and reward). It may be helpful for me to highlight the following should there be any doubt:
 - i. All enquiries requests for help and support are handled nationally via our Client Services Centre at Port Solent (nr Portsmouth). These are often complex and sensitive and require a pre engagement visit in a similar way to that which a Care Company would undertake.
 - ii. We only use small Wheelchair Vehicles (Citroen Berlingo's or similar size which are generally 2 to 4 years old when we acquire them as they exit from the Motobility System.
 - iii. We will acquire EV equivalent or those with other technologies that may come to the fore (ie Hydrogen) when they become available and are fit for purpose.
 - iv. We do offer on demand services.
 - v. Never on any circumstances is telephony (including hands free or other forms of communications (radio's) used in a Driving Miss Daisy vehicle. A mobile telephone is

issued to each member of staff allocated to each vehicle which is carried for emergency purposes and then only when the vehicle is stopped with engine off.

- vi. Our engagements are planned advance, very rarely on the day in question. This can be weeks, months and sometimes a year or more in advance.
 - vii. Our staff (all employed) are well trained which includes but not limited to:
 - Wheelchair handling
 - First Aid Level 2
 - Safe Guarding
 - All are either Dementia Friends or Champions
 - Positive support for elderly and frail people especially in getting in and out of vehicles or transferring from a wheelchair when they can or choose to sit in car seat rather than be anchored in their wheel chair.
 - Specialist training for support Kidney Dialysis patients
6. The nature of the clients we serve is broad with the common requirement for support at either end of the transport part on an engagement. These include but are not limited to:
- i. Anyone who is disenfranchised from society requiring support
 - ii. People isolated and the lonely
 - iii. Those living with the various types of Dementia or other cognitive challenges
 - iv. Those living with physical and cognitive disabilities across the age range.
 - v. Non emergency medical appoints to Hospitals and Primary Care settings
 - vi. The NHS Ambulance Service for non acute patients using only our small WAV vehicles (i.e. home to a Renal Centre for Kidney Dialysis)
 - vii. NHS Hospital Trusts for our Hospital to Home service which means having usually 2 of our vehicles at 15 minutes notice controlled by the Discharge Teams. The Driving Miss Daisy practitioner & driver goes up to ward to assist the person out of hospital and into the vehicle. There is a link with the family or caring other in making sure the home environment is safe (safe guarding).
 - viii. We are not a Care Company but are engaged in all things which are not domiciliary care or the administering of drugs.
 - ix. The request for support often comes from the families, NHS entities, Care Sector (Residential, Visit and Live In).
 - x. We do undertake non emergency transfers from Care environments to hospitals various.
 - xi. Specialist leisure. An example is a key account we are engaged with (Limitless Travel) which is a company which provides services to the specific client community we serve. Specifically recent engagement was an elderly couple in Aberdeenshire (one living with dementia with the other as carer). In short a complex journey involving an overnight stop and 2 of our service centres with the destination being Southampton.

In essence our plan is have our Regional HQ for Hampshire in the Winchester domain for reasons outlined here and also because the County Council is based there. Currently our national HQ is at Port Solent and the intent over time is move this into Winchester once we find suitable premises.

Winchester City Council Equality Impact Assessment Template (EqIA)

Section 1 - Data Checklist

When undertaking an EqIA for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	No complaints have been received in relation to the Council's proposal to depart from its Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators, concerning vehicles and drivers licensed by Driving Miss Daisy Ltd.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	The proposals have been discussed with all officers of the Licensing Department, the Service Lead for Public Protection, the Corporate Head of Service and the Council's Executive Officers. The Legal Department have reviewed the proposals. All officers have been invited to raise concerns and make comments on the proposals prior to their submission to the Licensing and Regulation Committee.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	No public consultation has taken place, or is required, for this proposal. The Licensing and Regulation Committee held to consider the proposals will be held in an open meeting, with public participation welcomed.
4	Do you have any concerns regarding the implementation of this policy or project? <i>(i.e. Have you completed a self-assessment and</i>	No No	Implementation of this proposal will be managed within the Licensing Department's current resources and does not pose any adverse impact to public safety, which is the licensing authority's overriding consideration.

		Yes/No	Please provide details
	<i>action plan for the implementation of your policy or project?)</i>		
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	Yes	The report to the Licensing and Regulation Committee makes reference to the proposals' short-term adverse impact on the Council's carbon neutrality goals. The Licensing Department considers this adverse impact to be outweighed by the positive impact to the accessibility in private hire vehicles in the district.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	<p>The Council's current Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators was subject to its own Equality Impact Assessment and no issues have arisen thus far with regards to its implementation.</p> <p>The Licensing Manager has delegated authority to depart from the Statement of Licensing Policy and has the experiences of doing so in the past to inform the implementation of these proposals from an equality impact point of view.</p>
7	Are there any other issues that you think will be relevant?	No	Not applicable.

Section 2 - Your EqIA form

Directorate: Place	Your Service Area: Public Protection	Team: Licensing	Officer responsible for this assessment: Briony Appletree	Date of assessment: 24/08/2022
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Policy Departure for Driving Miss Daisy Ltd
2	Is this a new or existing policy?	New proposal to depart from existing policy.
3	Briefly describe the aim and purpose of this work.	The Council proposes to depart from sections of its Statement of Licensing Policy, without compromise to public safety, to license a fleet of accessible vehicles in the district.
4	What are the associated objectives of this work?	To ensure that the Council fairly and openly considers requests to depart from the policy where there are exceptional or compelling reasons to do so
5	Who is intended to benefit from this work and in what way?	Residents, particularly those with accessibility requirements, will benefit from the licensing of additional accessible vehicles in the district. Driving Miss Daisy Ltd will benefit from licensing a small number of older vehicles as they will not need to invest in newer vehicles until their existing ones reach 12 years old.
6	What are the outcomes sought from this work?	The proposal supports the following Council Plan outcomes: Vibrant Local Economy, Living Well and Your Services, Your Voice.
7	What factors/forces could contribute or detract from the outcomes?	<ul style="list-style-type: none"> - Changes in central Government policies or legislation - Legal challenge of any departure to policy made - Objections or comments in support of proposals by way of public participation at committee meeting
8	Who are the key individuals and organisations responsible for the implementation of this work?	Winchester City Council's Licensing Team, Licensing and Regulation Committee and Portsmouth City Council's

		Licensing Team.
9	Who implements the policy or project and who or what is responsible for it?	Winchester City Council's Licensing Team.

		Please select your answer in bold . Please provide detail here.	
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of race.
10b	What existing evidence (either presumed or otherwise) do you have for this?	Race, or racial groups, are not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. The race of any applicant for a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.	
11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of sex.
11b	What existing evidence (either presumed or otherwise) do you have for this?	Sex is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. The sex of any applicant for a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.	
12a	Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?		Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of disability.

	<p><i>you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview</i> 	Y	N	The proposals will improve accessibility in private hire vehicles in the Winchester district.
12b	What existing evidence (either presumed or otherwise) do you have for this?	Improving accessibility in private hire vehicles in the Winchester district is one of the central motivations of this project. The proposals to depart from the policy, enabling Driving Miss Daisy to license a range of highly-accessible vehicles with trained drivers and staff, will impact individuals or communities on the basis of disability in a positive way.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of sexual orientation.
13b	What existing evidence (either presumed or otherwise) do you have for this?	Sexual orientation is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. The sexual orientation of any applicant for a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.		
14a	Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way?	Y	N	Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of age.
14b	What existing evidence (either presumed or otherwise) do you have for this?	Age is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd.		

		Legal and local policy requirements relating to the minimum age of applicants for driver, vehicle and operator licences apply; this project does not propose to alter these.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way?	Y	N	Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of religious belief.
15b	What existing evidence (either presumed or otherwise) do you have for this?	Religious belief is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. The religious belief(s) of any applicant for a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.		
16a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way?	Y	N	Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of gender reassignment.
16b	What existing evidence (either presumed or otherwise) do you have for this?	Gender reassignment is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. Gender reassignment of any applicant for a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.		
17a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way?	Y	N	Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of marriage and civil partnership.
17b	What existing evidence (either presumed or otherwise) do you have for this?	Marriage and civil partnership is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. The marital or civil partnership status of any applicant for		

		a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.		
18a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way?	Y	N	Departing from the Policy as per the proposals has no negative impact on individuals or communities on the basis of pregnancy and maternity.
18b	What existing evidence (either presumed or otherwise) do you have for this?	Pregnancy and maternity is not relevant to the decision-making process in considering the proposal to depart from the policy for vehicles and drivers licensed by Driving Miss Daisy Ltd. Pregnancy/maternity information of any applicant for a driver, vehicle and/or operator licences is not relevant to the determination of the application; all applicants must meet the same criteria and provide the same supporting documents.		
19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	No negative impacts have been identified in this assessment.
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	Race: No negative impact identified.
				Sex: No negative impact identified.
				Disability: No negative impact identified.
				Sexual orientation: No negative impact identified.
				Age: No negative impact identified.
				Gender reassignment: No negative impact identified.
				Pregnancy and maternity: No negative impact identified.
				Marriage and civil partnership: No negative impact identified.
				Religious belief: No negative impact identified.

21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	No negative impacts have been identified in this assessment. In the event that any negative impact on the basis of protected characteristics arises at a later date, a new equality impact assessment will be completed.		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	No negative impacts have been identified in this assessment.

Signed by completing officer	
Signed by Service Lead or Corporate Head of Service	

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