



*Please reply to:*

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Date: 7 October 2022

## **Notice of meeting**

### **Licensing Committee**

**Date:** Tuesday, 18 October 2022

**Time:** 7.00 pm

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

#### **To the members of the Licensing Committee**

Councillors:

R.W. Sider BEM (Chairman)	S.A. Dunn	O. Rybinski
C.L. Barratt	K.M. Grant	V. Siva
C. Bateson	A.C. Harman	B.B. Spoor
S. Buttar	K. Howkins	
J.T.F. Doran	T. Lagden	

*Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## **AGENDA**

**Page nos.**

**1. Apologies and Substitutes**

To receive any apologies for absence and notification of substitutions.

**2. Minutes**

**3 - 8**

To agree the minutes of the meetings held on 22 July 2020 and 12 July 2022 as a correct record.

**3. Disclosures of Interest**

To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.

**4. Review and Setting of Fees & Charges for the Licensing of Hackney Carriages, Private Hire and Private Hire Operators**

**9 - 34**

To consider approval of the proposed fees and charges for consultation purposes and statutory advertising requirements.

**5. Committee Work Programme**

To receive an update on future Committee business.

**Minutes of the Licensing Committee  
22 July 2020**

**Present:**

Councillors:

C.L. Barratt	N.J. Gething	A.J. Mitchell
R.O. Barratt	K.M. Grant	D. Saliagopoulos
I.J. Beardsmore	A.C. Harman	R.W. Sider BEM
A. Brar	I.T.E. Harvey	B.B. Spoor
S.A. Dunn	N. Islam	

**Apologies:** Councillor S.M. Doran

**In attendance:**

Councillors: M.M. Attewell, C. Barnard, C. Bateson, J. Boughtflower, S. Buttar, R. Noble and R.A. Smith-Ainsley.

**142/20 Appointment of Chairman**

It was moved by Councillor D. Saliagopoulos and seconded by Councillor B.B. Spoor that Councillor I.J. Beardsmore be appointed Chairman of the Licensing Committee for the next Municipal year.

It was moved by Councillor A.J. Mitchell and seconded by Councillor A.C. Harman that Councillor R.W. Sider BEM be appointed Chairman of the Licensing Committee for the next Municipal year.

Due to an equality of votes and opposition by members of the Committee to drawing lots to decide the vote, it was moved by Councillor I.J. Beardsmore and seconded by Councillor D. Saliagopoulos that:

1. the appointment of a Chairman for this meeting be decided on the drawing of lots; and
2. the decision to appoint a Chairman for the Municipal year be deferred to an extraordinary meeting of the Licensing Committee to be held at 5pm on Thursday 30 July 2020.

The Motion was carried and it was **Resolved that:**

1. the appointment of a Chairman for this meeting be decided on the drawing of lots; and
2. the decision to appoint a Chairman for the Municipal year be deferred to an extraordinary meeting of the Licensing Committee to be held at 5pm on Thursday 30 July 2020.

Lots were drawn and Councillor R.W. Sider was appointed Chairman of the Licensing Committee for the duration of this meeting.

#### **143/20 Minutes**

The minutes of the meeting held on 20 November 2019 were agreed as a correct record.

#### **144/20 Appointment of Vice Chairman**

It was moved by Councillor D. Saliagopoulos and seconded by Councillor B.B. Spoor to dispense with the appointment of the Vice-Chairman of the Committee for the municipal year, until the extraordinary meeting to be held on 30 July 2020.

**Resolved** to dispense with the appointment of the Vice-Chairman of the Committee for the municipal year, until the extraordinary meeting to be held on 30 July 2020.

#### **145/20 Disclosures of Interest**

There were none.

#### **146/20 Pavement Licensing Policy**

Councillor A.C. Mitchell left the meeting during the discussion on this item.

The Temporary Principal Licensing Officer highlighted the main points of her report in relation to the adoption of the new Pavement Licensing Policy.

She advised the Committee of further amendments to be made to the Policy following receipt of consultation responses and as a result of Royal Assent being given to the Business and Planning Bill 2020 that afternoon.

The Committee was advised that the Business and Planning Bill 2020 had been amended to make Pavement Licensing a non-executive function which meant that the Licensing Committee now had the authority to agree the Policy and it did not need to make a recommendation to Cabinet for approval.

#### **Resolved to:**

1. approve the draft Pavement Licensing Policy for adoption; and
2. authorise the Temporary Principal Licensing Officer to make any minor and consequential amendments arising, upon the Business and Planning Bill 2020 receiving Royal Assent.

**147/20    Report on work of Sub-Committees**

The Committee received a report outlining the work undertaken by its Sub-Committees between 3 October 2019 and 16 March 2020.

**Resolved** to note the report on the work of Licensing Sub-Committees.

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**Minutes of the Licensing Committee  
12 July 2022**

**Present:**

Councillor R.W. Sider BEM (Chairman)  
Councillor O. Rybinski (Vice-Chairman)

Councillors:

C.L. Barratt	R. Chandler	A.C. Harman
C.F. Barnard	K.M. Grant	B.B. Spoor

**Substitutions:** Councillors R.D. Dunn (In place of S.A. Dunn)

**Apologies:** Councillors J.T.F. Doran and V. Siva

**In Attendance:** Councillors C. Bateson and M. Beecher

**1/22 Minutes**

The minutes of the meeting held on 30 July 2020 were agreed as a correct record.

**2/22 Disclosures of Interest**

There were none.

**3/22 Amendment to Hackney Carriage and Private Hire Licensing Policy**

The Committee considered a report requesting a minor amendment to the Hackney Carriage and Private Hire Licensing Policy 2022 to facilitate low and zero emission vehicles and improve accessibility. The Principal Licensing Officer explained the amendment was required to allow the Council to utilise grant funding towards electric and accessible taxis.

The committee noted the amendment would bring Spelthorne's policies in line with neighbouring boroughs. The committee confirmed how the grants would be distributed and that approving the amendments would promote the use of more environmentally friendly vehicles as taxis.

The Committee **resolved** to approve the temporary amendment to the Hackney Carriage and Private Hire Licensing Policy.



# Licensing Committee

18 October 2022



<b>Title</b>	Review and Setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire, and Private Hire Operators
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Lucy Catlyn, Principal Licensing Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	Recovery, Service Delivery
<b>Recommendations</b>	<b>Committee is asked to:</b> - <ul style="list-style-type: none"> <li>Approve the proposed fees and charges set out at Appendix B for consultation purposes and statutory advertising requirements.</li> </ul>
<b>Reason for Recommendation</b>	In accordance with the Constitution, Committee is asked to approve the Licensing Fees for Taxi and Private Hire Licensing.

## 1. Summary of the report

- 1.1 This report seeks the approval of proposed fee levels for the purposes of consultation and statutory advertising requirements.
- 1.2 The proposed fees have been revised taking into account the cost of living pressures likely to affect the taxi trade as well as the legislative requirements and the most up to date caselaw and guidance, as well as changes to the licensing procedure for efficiency purposes.

## 2. Key issues for Taxi and Private Hire Licensing Fees:

- 2.1 Spelthorne Borough Council in its role as the Licensing Authority (LA) is responsible for licensing Taxis and Private Hire drivers, vehicles, and operators.
- 2.2 The taxi licensing regime is a “two tier” system involving five categories of licence, hackney carriages, and private hire: -
  - Tier 1 – the licensing of hackney carriage drivers and hackney carriage vehicles.
  - Tier 2 - the licensing of private hire drivers, vehicles, and operators.
- 2.3 Spelthorne Borough Council licenses (at the 31 March 2022) the following: -

- 12 Operators
  - 45 Hackney Carriage Drivers (mixture of 3-year and 1-year licences)
  - 37 Private Hire Drivers (mixture of 3-year and 1-year licences)
  - 65 Hackney Carriage Vehicles
  - 52 Private Hire Vehicles
- 2.4 A list of the current fees is attached at **Appendix A**.
- 2.5 A list of the proposed fees is attached at **Appendix B**.
- 2.6 If approved, the proposed fees will be subject to a full consultation process with the licensed trade and other relevant parties. It is proposed that this consultation period will begin in October 2022.
- 2.7 Following the statutory consultation process, and if no objections are received, the fees will take effect on 28 November 2022.
- 2.8 If objections are received, a further report will be presented to the Licensing Committee meeting setting out the results of the consultation and any amendments made to the proposed fees as a result. The Licensing Committee will determine the fees as well as the date from which it will take effect.
- 3. Options analysis and proposal**
- 3.1 **Option 1** – to agree to consult with the taxi trade on the proposed fees keeping the wheelchair accessible vehicle discount. **(This is the preferred option)**
- 3.2 **Option 2** – to agree to consult with the taxi trade on the proposed fees with the wheelchair accessible vehicle discount removed.
- 3.3 **Option 3** – to agree the proposed fees with other amendments provided that such amendments are permitted by legislation.
- 3.4 **Option 4** – not to agree the proposed fees - while this is an option it is not realistic taking into account the legal considerations outlined in section 7 below.
- 4. Financial implications**
- 4.1 In 2021-2022, the annual income from hackney carriage and private hire regime was £53,175. Based on the assumption that the numbers and types of applications remain unchanged, the anticipated annual income would be £54,575 if the existing wheelchair accessible vehicle discount is kept, and £56,373 if the wheelchair accessible vehicle discount is removed.
- 4.2 Under the new fee structure, the annual income would be £1400 more than the 2021-2022 income if the wheelchair discount is kept. If the reduced fee given for wheelchair accessible vehicles is removed the overall income would increase by £3198.
- 4.3 The tables below set out the increases and decreases of the various fee structures. Where fees have increased, this is due to additional regulation and changes to the Taxi and Private Hire licensing policy.
- 4.4 Owing to the likely cost of living impact on the taxi trade and the reduced income they received during the COVID-19 pandemic, it is proposed to not charge for all aspects of regulatory work and Licensing Sub Committee hearings undertaken by the Licensing Service for this financial year.
- 4.5 Further, for the financial year 2023/24 it is proposed that a proportion of the costs for any Licensing Sub-Committees held for Hackney Carriage and Private

Hire are included in the application fee for renewals and new drivers, together with a proportion of costs for the regulatory work and amendments to the Taxi and Private Hire Licensing Policy. This will allow for a stepped increase of taxi fees in subsequent years.

- 4.6 Below is an illustration of how much applicants would be paying to renew both their vehicle and driver badge:

<b>Renewals of badges &amp; vehicle</b>	<b>Number projected 23-24</b>	<b>Current Fees Total</b>		<b>Proposed Fees Total</b>	<b>Difference in £ Total</b>
Hackney Carriage driver renewal 1 year and 1 year vehicle renewal	37 HC Drivers & 65 HC vehicle	£515		£435.91	Minus £79.09
Hackney Carriage driver renewal 3 year and 1 year vehicle renewal	8 HC Drivers & 65 HC vehicle	£745		£674.71	Minus £70.29
Private Hire driver renewal 1 year and 1 year vehicle renewal	31 PH Drivers & 37 PH vehicles	£455		£428.35	Minus £26.65
Private Hire driver renewal 3 year and 1 year vehicle renewal	6 PH Drivers & 37 PH vehicles	£663		£631.03	Minus £1.97
Wheelchair Accessible Vehicle	15 PH 0 HC	£155 PH £175 HC		£119.88 £121.36	Minus £35.12 Minus £53.64

- 4.7 It is proposed that the operator licence fee is simplified to a 1 year fee or a 5 year fee, instead of a fee structure which charges per vehicle. This would also simplify record keeping.

<b>Renewal of Operator Licence</b>	<b>Number projected 23-24</b>	<b>Current Fees</b>	<b>Proposed Fees</b>	<b>Difference in £</b>
Operator 1 year	There will be 11 going forward as proposing to no	£212 1 PHV £264 2-5 PHV £377 6-20 PHV £57 per hour for 21 or more	£349.92 regardless of how many vehicles	Cannot calculate difference as no longer charging by number of vehicles – however it is an increase of

	longer charge by number of vehicles			£137.92 based on the current fees for a one vehicle operator.
Operator 5 year	1	£925 1 PHV £1157.00 2-5 PHV £1717.00 for 6-20 PHVs £57 per hour for 21 or more	£978.06	Cannot calculate difference as no longer charging by number of vehicles— however it is an increase of £53.06 based on the current fees for a one vehicle operator.

- 4.8 If the same number of applications are made for change of vehicle as of 2021-22 this would total 29 applications. These applications are made when drivers change vehicle part way through their licence term and the remaining licence period is transferred to their new vehicle. It is proposed that the fees for change of vehicle are increased significantly to cover the full cost of inspection (which is the same amount of work as a renewal), processing the application and granting the licence.

	<b>Current Fees</b>	<b>Proposed Fees</b>	<b>Difference in £</b>
Change of Vehicle	£102	£167.88	Plus £65.88

- 4.9 Currently new drivers pay one fee for a licence which includes one attempt at the following:

- Conditions test
- Geographic test
- English and Numeracy test.
- Disclosure and Barring Service Check (DBS)
- processing and granting the application.

The new proposed fee structure complies with case law (Hemmings) and also simplifies the process for new drivers applying to separate the fees for individual items.

<b>New Drivers</b>	<b>Current Fees</b>	<b>Proposed Fees</b>	<b>Difference in £</b>
New Driver Hackney Carriage Fee	£305 1 Year	£231.36 for processing and granting only.  £197.69 Tests & DBS	Plus of £124.05.

		Total = £429.05	
New Driver Hackney Carriage Fee	£513 3 year	£376.81 for processing and granting only.  £197.69 Tests & DBS  Total = £574.50	Plus of £61.50.
New Driver Private Hire Fee	£295 1 year	£231.36 for processing and granting only.  £177.66 Tests & DBS  Total = £409.02	Plus of £114.02.
New Driver Private Hire Fee	£494 3 year	£386.82 for processing and granting only.  £177.66 Tests & DBS  Total = £564.48	Plus of £70.48.

## **5. Risk considerations**

- 5.1 Fees may be challenged in the High Court (Judicial Review) or by complaint to the Local Auditor. It is therefore important that the process the Council follows is fair, open, and transparent.

## **6. Procurement considerations**

- 6.1 There are no procurement considerations.

## **7. Legal considerations**

- 7.1 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees. In respect of vehicle and operator licences,
- 7.2 Section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 7.3 The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. Councils are required, however, to take a reasonable and

proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus.

- 7.4 Taxi fees are required by law to be cost neutral thereby reducing the risk of local tax payers subsidising businesses, and thus ensuring that businesses do not pay more than they should.
- 7.5 The fixing of fees proposed in the attached fee schedules at Appendix B for is a function of the Licensing Committee as laid out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 7.6 The judgment in the Court of Appeal case of R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019) determined that “administration” can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.
- 7.7 Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.
- 7.8 The general methodology behind this review of fees has been determined by the Act and the document ‘Open for business: Local Government Association (LGA) guidance on locally set licence fees’. This guidance has been used as a starting point only because it was last revised in June 2017 and so does not take into account the decision in the recent Wakefield case in relation to enforcement costs
- 7.9 The LGA guidance acknowledges that the EU Services Directive, applicable to most forms of licensing, does not apply in the case of taxi and private hire licensing but the principles, however, remain helpful. The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.
- 7.10 The LGA guidance draws attention to two important decisions in relation to fees. The first is R (Cummings) v Cardiff [2014] which rules that the charges within a licensing regime for different categories of taxi licence should be accounted entirely separately and should not subsidise each other.
- 7.11 The second is Hemming v Westminster. Strictly speaking this does not apply to taxi and private hire licensing as this case proceeded under the auspices of the EU Services Directive from which transport services are specifically excluded. The principle ruling was that application fees relate solely to the costs of authorisation i.e. reviewing the application and granting or refusing it. Successful applicants should subsequently be charged an additional fee relating to the costs of on-going maintenance and enforcement. Whilst this is not necessarily applicable to taxi and private hire licensing it would be prudent to bear in mind the principle when considering the requests to refund application fees for unsuccessful applicants.

## **8. Other considerations**

- 8.1 There are none.

## **9. Equality and Diversity**

- 9.1 An equality impact assessment has been carried out and these are attached at **Appendix C and D**. No significant impacts were identified through the

assessment. If the Council decides to remove the discount for wheelchair assessable vehicles it may impact on the number of vehicles which are licensed as a financial incentive is offered. If this was to be taken away then it could have an impact on equality. It is recommended therefore that the wheelchair accessible vehicle discount is retained.

**9.2 Sustainability/Climate Change Implications.**

9.3 Taxi and Private Hire vehicles help reduce the need for private ownership of cars. They also play a pivotal role in transporting children to/from school and supporting the night-time economy. They can also help reduce emissions to the atmosphere.

**10. Timetable for implementation**

Licensing Committee to agree proposed fees	18 October 2022
Public Consultation	28 October 2022 for 28 days
End of Consultation	25 November 2022
If no objections fees take effect	28 November 2022
If objections received Licensing Committee to be convened	December 2022 Licensing Committee to determine when fees take effect. <b>Fees must be implemented on or before 25 January 2023</b>

**11. Contact**

Lucy Catlyn, Principal Licensing Officer

(01784 444295) [l.catlyn@spelthorne.gov.uk](mailto:l.catlyn@spelthorne.gov.uk) or [licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)

**Background papers:**

LGA Guidance on locally set fees:

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

**Appendices: -**

- **Appendix A – Current Fees & Charges 2019/2020**
- **Appendix B – Proposed fees**
- **Appendix C – Equality and Diversity Assessment One**
- **Appendix D- Equality and Diversity Assessment Two**

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## Private hire &amp; hackney carriage licence fees

Licence	1 year fee	3 year fee	5 year fee	Payment needed	Amount	
Private hire operator licence fee (1 PHV)	£212.00		£925.00	<input type="radio"/>		
Private hire operator licence fee (2 - 5 PHVs)	£264.00		£1,157.00	<input type="radio"/>		
Private hire operator licence fee (6 - 20 PHVs)	£377.00		£1,717.00	<input type="radio"/>		
Private hire operator licence fee (21 or more) – an hourly rate applies...	£57.00		£57.00	<input type="radio"/>		
Private hire vehicle licence fee	£309.00	£494.00 £354.00		<input type="radio"/>		
Private hire driver licence fee, NEW (inc DVLA check)	£295.00			<input type="radio"/>		
Private hire driver licence fee, RENEWAL (inc DVLA check)	£146.00			<input type="radio"/>		
Re-issue of *private hire / hackney carriage vehicle licence & plate due to change of vehicle	£102.00			<input type="radio"/>		
RE-issue of *private hire / hackney carriage driver or vehicle licence due to any other reason.	£22.00			<input type="radio"/>		
Replacement of lost or missing licence plate	£19.00			<input type="radio"/>		
Hackney carriage vehicle licence fee	£351.00			<input type="radio"/>		
Hackney carriage driver licence fee, NEW (inc DVLA check)	£305.00	£513.00		<input type="radio"/>		
Hackney carriage driver licence fee, RENEWAL (inc DVLA check)	£164.00	£394.00		<input type="radio"/>		
Discounted private hire / hackney carriage vehicle with wheelchair accessibility	£155 / £175			<input type="radio"/>		
Disclosure & Barring Service enhanced criminal record check (valid 3 years)	£49.00			<input type="radio"/>		
Transfer from Private Hire to Hackney Carriage driver	£160.00			<input type="radio"/>		
HC geographic retest	£67.00				<input type="radio"/>	
HC Conditions retest	£37.00				<input type="radio"/>	
PH geographic test & licence conditions (each)	£38.00				<input type="radio"/>	
Spoken English & numeracy retest fee	£32.00		<input type="radio"/>			
Cancellation of booked appointment fee	£36.00		<input type="radio"/>			
Application pack fee (deductible from driver licence fee upon submission of forms)	£19.00		<input type="radio"/>			
				TOTAL FEE PAYABLE		

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# Appendix B

Licence	Fee	1 year fee	3 year fee	5 year fee
New Driver Hackney Carriage (1 year)		£231.36		
New Driver Hackney Carriage (3 year)			£376.81	
New Driver Private Hire (1 year)		£231.36		
New Driver Private Hire (3 year)			£386.82	
Renewal Driver Hackney Carriage (1 year)		£193.19		
Renewal Driver Hackney Carriage (3 year)			£431.99	
Upgrade Private Hire Driver to Hackney Carriage Driver (Includes 1 attempt at conditions test, 1 attempt at geographic test, vehicle check & processing & issuing driver and vehicle licence)	£202.49			
Renewal Driver Private Hire (1 year)		£188.59		
Renewal Driver Private Hire (3 year)		£391.27		
Vehicle Hackney Carriage		£242.72		
Vehicle Private Hire		£239.76		
Change of Vehicle	£167.88			
Discounted PH/HC vehicle with wheelchair accessibility		£119.88 / £121.36		
Operators 1 year		£349.92		
Operators 5 year				£978.06
Hackney Carriage Geographic Test & Retest	£70.09			
Hackney Carriage Conditions Test & Retest	£50.06			
Private Hire Geographic Test & Retest	£50.06			
Private Hire Conditions Test & Retest	£50.06			
English & Numeracy Test & Retest	£30.04			
DBS	£47.50			
Cancellation of booked appointment fee	£40.05			
Reissue of PH/HC driver or vehicle licence due to any other reason	£25.04			
Replacement of plates	£23.99			

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<b>Service Area:</b> Environmental Health – Corporate Health & Safety	<b>Lead Officer:</b> Lucy Catlyn (Principal Licensing Officer)
	<b>Date completed:</b> 4 August 2022
<b>Service / Function / Policy / Procedure to be assessed:</b> Setting the fees and charges for taxi & private hire licensing	
<b>Is this:</b> New / Proposed <input type="checkbox"/> Existing/Review <input type="checkbox"/> Changing <input checked="" type="checkbox"/>  (Please tick appropriate box)	<b>Review date:</b> (fees to be reviewed on a yearly basis)

### Part A – Initial Equality Analysis to determine if a full Equality Analysis is required.

What are the aims and objectives/purpose of this service, function, policy or procedure?

The fees & charges for the taxi and private hire licensing need to be reviewed on a yearly basis to ensure it is operating on a cost recovery basis and the service is not operating with a surplus or deficit.

Please indicate its relevance to any of the equality duties (below) by selecting Yes or No?

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment		No
Advancing equality of opportunity		No
Fostering good community relations		No

If not relevant to any of the three equality duties and this is agreed by your Head of Service, the Equality Analysis is now complete - please send a copy to NAMED OFFICER. If relevant, a Full Equality Analysis will need to be undertaken (PART B below).

PART B: Full Equality Analysis.

Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

What outcomes are sought and for whom?	
Are there any associated policies, functions, services or procedures?	
If partners (including external partners) are involved in delivering the service, who are they?	

## Step 2 – What does the information you have collected, or that you have available, tell you?

**What evidence/data already exists about the service and its users?** (in terms of its impact on the 'equality strands', i.e. race, disability, gender, gender identity, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

**Has there been any consultation with, or input from, customers / service users or other stakeholders?** If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

**Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?**

Step 3 – Identifying the negative impact.

a. Is there any negative impact on individuals or groups in the community?

**Barriers:**

What are the potential or known barriers/impacts for the different ‘equality strands’ set out below? Consider:

- **Where** you provide your service, e.g. the facilities/premises;
- **Who** provides it, e.g. are staff trained and representative of the local population/users?
- **How** it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?
- **When** it is provided, e.g. opening hours?
- **What** is provided, e.g. does the service meet everyone’s needs? How do you know?

\* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.

**Solutions:**

What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider:

- Other arrangements that can be made to ensure people’s diverse needs are met;
- How your actions might help to promote good relations between communities;
- How you might prevent any unintentional future discrimination.

Equality Themes	Barriers/Impacts identified	Solutions (ways in which you could mitigate the impact)
-----------------	-----------------------------	--



<b>Age</b> (including children, young people and older people)		
<b>Disability</b> (including carers)		
<b>Gender</b> (men and women)		
<b>Race</b> (including Gypsies & Travellers and Asylum Seekers)		
<b>Religion or belief</b> (including people of no religion or belief)		
<b>Gender Re-assignment</b> (those that are going through transition: male to female or female to male)		
<b>Pregnancy and Maternity</b>		
<b>Sexual orientation</b> (including gay, lesbian, bisexual and heterosexual)		

Step 4 – Changes or mitigating actions proposed or adopted

Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure? What changes or mitigating actions are proposed?

Step 5 – Monitoring

How are you going to monitor the existing service, function, policy or procedure ?

Part C - Action Plan

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale

Page 27

Equality Analysis approved by:

Group Head:	Date:
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Please send an electronic copy of the Equality Analysis to the Equality & Diversity Team and ensure the document is uploaded to the EA Register which will be available to the public:

## Appendix C

**This Equality Analysis Template is the intellectual property of The National Equality Analysis Support Service Ltd (NEASS) and must not be distributed to or used by any other private or public body, any commercial organisation or any third party without the express permission of NEASS who can be contacted on:**

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## SPELTHORNE BOROUGH COUNCIL'S EQUALITY IMPACT ASSESSMENT

### STAGE 1 – SCOPING

<b>1.1 Policy, Practice, Functions or Service being assessed</b>	<i>Please state policy or service being assessed</i>
Setting the fees and charges for taxi & private hire licensing	
<b>1.2 Lead Officer</b>	<i>Please state name and contact details of lead officer who will be conducting the review.</i>
Lucy Catlyn (Principal Licensing Officer)	
<b>1.3 What do you think are the main issues relating to diversity within the policy or service area?</b>	<b><i>Some things you may wish to consider.</i></b> <ul style="list-style-type: none"> <li><i>How do you think that your policy or service currently meets the needs of different communities in Spelthorne?</i></li> <li><i>Do you think that your policy/service specifically contributes to promoting Equality and Diversity in Spelthorne? if so, in what way?</i></li> <li><i>Do you think that your policy or service presents any barriers to any community or group? if so please provide evidence.</i></li> <li><i>How can your service or policy tackle these barriers ((gender, disability and race at least) age, religion/faith and sexuality))</i></li> <li><i>Are there any equality objectives that are on-going or planned for the future, if so please state.(These could be included in your Equality Action Plans (Stage 4)</i></li> <li><i>Please list our proposed equality objectives, at this stage, if any?</i></li> </ul>
<p>The fees &amp; charges for the taxi and private hire licensing need to be reviewed on a yearly basis to ensure it is operating on a cost recovery basis and the service is not operating with a surplus or deficit. The legislation and case law dictates what the Council can charge.</p> <p>The Council offers a reduced fee for wheelchair accessible vehicles to incentivise for the trade to purchase these vehicles.</p>	

### STAGE 2: EQUALITY SCREENING PROCESS (Risk Assessment)

#### 1. Introduction

Stage 2 consists on undertaking a screening (or equalities risk assessment). Key areas to consider are?

- What are the key policies, functions and services which may have 'Relevance' to equality and diversity?
- How will you rank these?
- Will you consider individual policies

The outlined Equality Screening Process (ESP) should be used where Service areas are conducting Service based Equality Impact Assessments (EIAs) and/or Policy based EIAs. The purpose of this screening process is to identify policies or practices we believe have a 'Relevance' to disadvantaged groups e.g. BME communities, people with disabilities, women or men, etc. This process should enable the lead officer to identify what are the key equality issues in their respective service area and to identify policies or practices believed to could have an adverse impact on disadvantaged groups.

## **2. How to use the Equality Screening Process**

Each Lead Officer is asked to identify which services, functions, policies or practices that have a 'Relevance' on service delivery in relation to the six diversity themes using the scoring sheet. Points should be provided on the basis of actual or presumed 'Relevance' based on the information provided in section 1. By the end of the exercise you should have added all the points and given a score. The next stage is to identify which policies/practices have a high/medium or low adverse impact.

### **2a. Points**

- 5 – This policy or practice could have a very high relevance on our service delivery
- 4 – This policy or practice could have a relatively relevance on our service delivery
- 3 – This policy or practice could have a medium relevance on our service delivery
- 2 – This policy or practice could have a relatively low relevance on our service delivery
- 1 – This policy or practice could have a very low relevance on our service delivery

### **2b. Scoring**

- 1 - 10 points - Low Relevance
- 11 - 20 points - Medium Relevance
- 21 and above - High Relevance

## **3. Equality Screening Process**

Policy	Age	Disability	Gender	Race	Sexuality	Religion	Total Points	Impact H/M/L
Setting the fees and charges for taxi & private hire licensing	1	1	1	1	1	1	6	low

#### 4. Conclusion – Policy EIA

The equality and diversity impacts caused by the setting the fees and charges for taxi and private hire licensing is low.

If a policy has a score of 25 or over, it is advisable that a Policy based EIA is undertaken. If most policies score below 25, it would be advisable to conduct a service based EIA, which will involve an EIA that overviews all policies or practices in your respective service area.

#### STAGE 3. IDENTIFYING ADVERSE IMPACT

The aim of an assessment is to identify whether the service or policy has an adverse impact upon people with disabilities, black and minority ethnic communities, men and women, heterosexual, gay, bisexual and lesbian communities, older and younger people and faith communities. The assessment should ultimately produce proportionate equality objectives, which help remove barriers and link into service plans. The end result must, at least, produce one equality objective for each of the three equality themes listed by the Local Government Equality Standard, namely gender, disability and race.

Stage three comprises of two sections.

- Concentration on the aims of the service, policy, function or practice.
- Focuses on the practical delivery of the policy or service.

#### Assessing the Aims and Criteria of the Policy or Service

This section will determine whether the underlying aims, policies and procedures of the policy or service comply with the Disability Discrimination Act 1995, and Disability Discrimination Act 1995 and (Amendment) 2005, Sex Discriminations Act 1977, and Single Equality Act 2005, Equal Pay Act 1970, Employment Directive (Religion/belief) 2003, Employment Directive (Sexual Orientation) 2003, Employment Directive (Age Discrimination) 2006 and the Local Government Equality Standard. In addition to the key questions below, you may wish to include any specific issues that were identified during the scoping stage of the assessment.

Key Questions	Issues to consider
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<b>3.1 What are the aims of the policy?</b>	<i>What needs is the policy/service designed to meet?</i> <i>What are the current priorities?</i> <i>You could also refer to your current Service Plans</i>
To ensure the taxi and private hire service does not operate at a loss or have a surplus.	
<b>3.2 What do your staff/team members say about your initial view?</b>	You could: <ul style="list-style-type: none"> <li>What do staff members feel are the gaps, or what do they feel could improve the service?</li> <li>Speak to your colleagues within your team</li> </ul> <b>List what equality objectives that are currently implemented or will soon be implemented.</b>
There are no concerns in respect of equality and diversity.	
<b>Key Questions</b>	<b>Issues to consider</b>
<b>3.3 What does available data and the results of any consultations show about the take up of services? What is the impact on different groups? (qualitative and quantitative)</b>	You could look at: <ul style="list-style-type: none"> <li>previous community consultation exercises,</li> <li>customer service reviews and analysis.</li> <li>Census data</li> <li>What are the experiences of front-line staff in relation to the provision of the service?</li> <li>location of facilities.</li> <li>lack of access to translation/interpretation or access to building or services,</li> <li>eligibility rules could be a barrier?</li> </ul>
There are no impacts on any equality and diversity groups	
<b>3.4 Can you identify any gaps? What are the reasons for this?</b>  <i>(Please note: If you do not have any data, you may wish to develop service based monitoring mechanisms that collate data on under-represented groups)</i>	<ul style="list-style-type: none"> <li>Are communities or service users aware of this policy or service?</li> <li>Are there any accessibility issues?</li> <li>Is service provision monitored, if so how?</li> <li>Is there a lack diversity awareness amongst staff?</li> </ul>
There are no accessibility or diversity issues.	
<b>3.5 What practical changes do you feel would help reduce any adverse impact on particular groups?</b>	<i>For example, changes in communication methods, language support, disability measures, changes in eligibility criteria, developing monitoring mechanisms, diversity training?</i>



There are no adverse impacts on any groups.

**3.6 What would be the benefits of making the above changes and are there any negative impacts that such an action would have on different communities?**

*You may want to consider the benefits and consequences for the group(s) concerned, other communities and the Council, if we were not to make the suggested changes?*

Not applicable

#### STAGE 4. IMPLEMENTING PROPORTIONATE EQUALITY OBJECTIVES & MAINSTREAMING DIVERSITY

Equality Action Plan- In consideration of Stage 1 (Scoping), Stage 2 (Screening) and Stage 3 (Adverse Impact) there are no adverse impacts on the equality or diversity of communities or individuals, therefore no equality action plan will be taken forward.

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