



REGULATORY COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Tuesday, 16th January, 2024 at 10.30 am.

The Members of the Regulatory Committee are:-

Councillor Feacey (Chair);
Councillor Walder (Vice-Chair);

Councillors Hallett, Krause, McGeever, Michael, Shilton, Smith, C Suddards, L Suddards,
Townend and Wright.

Agenda

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| 1. | Apologies/Substitutes | |
| | To receive Notification of Substitutes in accordance with Procedure Rule 1.2(c) | |
| 2. | Declarations of Interest | 3 - 4 |
| | To declare any interests which fall under the following categories, as explained on the attached document: | |
| | a) Disclosable Pecuniary Interests (DPI) | |
| | b) Other Significant Interests (OSI) | |
| | c) Voluntary Announcements of Other Interests | |
| | See Agenda Item 2 for further details | |
| 3. | Minutes | 5 - 10 |
| | To approve the Minutes of the Meeting of this Committee held on 17 th January 2023. | |
| 4. | Proposed Fee Levels for Licensing Applications - 2024/25 | 11 - 28 |
| 5. | Hackney Fare Tariff Review | 29 - 42 |
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DSK
4 Jan 24

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Regulatory Committee

Minutes of a Meeting of the Regulatory Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th January 2023**.

Present:

Cllr. Howard (Chair);
Cllr. Krause (Vice-Chair);

Cllrs. Buchanan, Burgess, Feacey, Ledger, Michael, Walder, Wright.

Apologies:

Cllrs. Bartlett, Pickering, Rogers, Smith, L Suddards.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Senior Member Services Officer.

239 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was the owner of Energyshift Ltd who worked with members of the taxi trade.	284, 285
Walder	Made a 'Voluntary Announcement' as the owner of a Vineyard within the Borough.	

283 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th July 2022 be approved and confirmed as a correct record.

284 Proposed Fee Levels for Licensing Applications – 2023/24

The Environmental Protection and Licensing Team Leader introduced the report which proposed fees for licences for 2023/24 (excluding those previously proposed by the Licensing Committee). He advised that the setting of licensing fees generally allowed the Licensing Authority to recover the costs of processing licence applications, regulation and back office costs associated with the running of the licensing regime. The fees could not be set so as to be profit making and failure to set fees appropriately did open the Council up the legal challenge.

The Environmental Protection and Licensing Team Leader then drew attention to the proposed fees contained within the report.

Sex Establishment Fees

The report proposed that the grant fee be retained at the existing level, but the renewal and transfer fees would increase in line with inflation.

Hackney Carriage and Private Hire Fees

It was proposed that fees be increased generally above inflation with the exception of the vehicle licence fees which were one of the highest in Kent.

The operator fees, which were variable, were proposed to increase 19% above inflation for the 1-3 vehicle category. This increase was based upon a review of the current fees, benchmarking against other Kent authorities, rebalancing of the costs associated with enforcement, and the increased regulation on operators associated with the Department for Transport's statutory standards requirements for operators.

The transfer fees were proposed to increase 5% above inflation to rebalance this fee, which had been artificially kept low over a number of years to promote the replacement of vehicles to newer vehicles. The proposed increase would ensure appropriate cost recovery associated with this work.

Drivers licence fees were proposed to increase 7% above inflation to take into account the increased costs associated with driver regulation and rebalancing of the costs associated with enforcement. The Environmental Protection and Licensing Team Leader highlighted some of the hidden work associated with driver licensing that was not often seen by the public or Councillors. As part of the regulation of drivers there had been an increase in the level of checks and balances required in recent years. There were also a number of serious cases, which required immediate revocation of licenses, that were burdensome in terms of the work involved and potential Court appeals. Some examples of these immediate revocations, which would usually come to the attention of the Committee, included the following cases over the past year;

- 1x propositioning a passenger, a lone female child aged 16, for sex in lieu of payment of the fare.
- 1x verbal abuse towards vulnerable child passenger, smoking within vehicle, and linked safeguarding concerns surrounding leaving a child at a location which was not the school or the contracted drop off point.
- 1x drug driving, possession of drugs within licensed vehicle, failure to report arrest – with that particular case pending Court Appeal in 2023
- 1x relating to indecent images of children
- 1x allegation of sexual assault against a child.

In addition, Licensing Officers had also issued at least 21 separate sets of penalty points on drivers/operators licences for more minor matters ranging; speeding, unfit vehicles, driving on the pavement and the failure to behave in a civil or orderly manner.

Members questioned the increases in fees and whether these were proportionate and necessary given the potential burden these could place on drivers/operators. The Environmental Protection and Licensing Team Leader advised that the fees recommended for increase had all been assessed and there was a question of the balance of the cost verses the work undertaken to ensure that drivers and operators were conforming to the standards. By way of example, the frequency of DBS checks had increased to every six months from three yearly. Drivers and operators were aware of the increase in checks carried out and it was essential to ensure that this was reflected in the costs levied.

The Council had a scheme to promote the use of ultra-low emission vehicles, this was funded through Section 106 monies and was supported by the carbon reduction policy and equated to three years free of licensing charges. Whilst the concerns regarding air quality and the aims for more electric/low emissions vehicles was laudable, it is not considered possible to mandate such vehicles. It would be subject to legal challenge and there was no justifiable local need.

Scrap Metal Dealers Fees

The report recommended an increase in fees broadly in line with inflation.

Recommended:

That (i) that the sex establishment fees as given below be approved.

RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2023/24

	CURRENT FEES 2022/23	PROPOSED FEES 2023/24
Grant	£3499	£3499
Transfer	£334	£387
Renewal	£334	£387

(ii) that the Hackney Carriage, Private Hire and Operator applications licence fees as given below be approved for the purposes of public consultation.

**RECOMMENDED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2023/24**

	CURRENT FEES 2022/23	PROPOSED FEES 2023/24
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£74.00	£92.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£153.00	£190.00
Additional driver's licence (adding a licence)	£32.00	£37.00
Hackney Carriage Knowledge Test & Re-test	£61.00	£71.00
Replacement badge / Licence	£13.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£346 - New £305 - Renewal	£346 - New £305 - Renewal
Vehicle Plate Internal / External	£22.00	£26.00
Transfer of Vehicle Licence (with or without vehicle plate)	£38.00	£46.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>£32.00</i>	<i>£32.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No Charge</i>	<i>No Charge</i>
Private Hire Operators Licence - New or Renewal (for 5 years)	1-3 vehicles: £147 4-10 vehicles: £483 11-20 vehicles: £960	1-3 vehicles: £200 4-10 vehicles: £590 11-20 vehicles: £1114
To increase number of vehicles licensed during duration of Operators Licence	1-3 : £145.00 4-10 : £334.00 11-20 : £483.00	1-3 : £200.00 4-10 : £415.00 11-20 : £560.00
Fee for Returned (Bounced) Cheques	£18.00	£22.00

(iii) that the scrap metal site and collectors fees as given below be approved.

RECOMMENDED SCRAP METAL SITE AND COLLECTORS LICENSING FEES 2023/24

	CURRENT FEES 2022/23	PROPOSED FEES 2023/24
Grant Site Licence	£354	£411
Grant Collectors Licence	£237	£275
Renewal Site Licence	£237	£275
Renewal Collectors Licence	£118	£137
Variation	£89	£103
Replacement Licence	£12.50	£14.50

(iv) that the annual licensing summary, at Appendix D to the report, be received and noted.

285 Hackney Fare Tariff Review

The Environmental Protection and Licensing Team Leader introduced the report and advised that the Committee were asked to recommend a Hackney Carriage Fare Scale to Full Council, based on the information and evidence available to it. The fare scale was designed to protect the public from excessive fares and act as a maximum fare that could be charged. Drivers/proprietors were free to charge less or offer discounts, and this was actively encouraged.

As the Committee was aware the Council increased the maximum hackney fare scale by 3% in April 2022, and by a further 10% in August 2022 in light of the increased costs of operating a hackney vehicle – albeit much of that cost was made up of fuel increases. The Committee were now asked to consider the fare scale again, as part of the routine annual review. As part their consideration, the Committee noted that only a single member of the trade had responded to the consultation, seeking no change to current fare tariff. Fuel had reduced slightly in price, although remained relatively high, with that morning's fuel price comparison showing fuel at 172.9p (per litre of diesel) indicating that fuel for the same 10-mile fare was now 64p cheaper than when the Committee met in July 2022. This reduction equated to a 2.5% reduction in fares, however RPI had increased by 0.9% between quarter two, when the Committee last considered fares, and quarter three. Additionally car insurance premiums had increased by 5.8% for the same period.

There was some discussion surrounding communication with the taxi trade, and the different methods this took. A regular e-newsletter was sent to the trade providing updates as needed. The Taxi Forum had not been held in person since the Coronavirus Pandemic, as there had been no demand from the trade.

Recommended:

That the Hackney Carriage fare scale for 2023/24 as given in the table below be approved for the purpose of issuing a public notice.

PROPOSED FARES FOR 2023/24

(a) Fares for distance or time: Rate 1	£
If the distance does not exceed 465.5 yards, for the whole distance or for the first 148 seconds of waiting time	2.90
For each subsequent 142.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 45.5 seconds of waiting time or uncompleted part thereof	0.20
(b) Fares for certain times and days: Rate 2	
a) For each hire commenced between 00.00 and 07.00	1½ x Rate 1
b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only.	1½ x Rate 1
(i) Fares for certain times and days: Rate 3	
c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEAR'S DAY	2 x Rate 1
When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable.	
2 Miles - £7.30	
5 Miles - £14.70	
10 Miles - £27.10	
Extras - up to a maximum of £1.20	
(a) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance.	0.20
Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.	
(b) for each article of luggage conveyed outside the passenger compartment of the carriage	0.05
(c) for perambulators	0.05
(d) for dogs	0.10

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Agenda Item No: 4

Report To: REGULATORY COMMITTEE

Date of Meeting: 16 January 2024

Report Title: PROPOSED FEE LEVELS FOR LICENSING APPLICATIONS - 2024/25

Report Author: Trevor Ford
Job Title: Environmental Protection and Licensing Team Leader
Portfolio Holder: Cllr. Liz Wright
Portfolio Holder for: Communities and Health

Summary:	The report proposes fees for licences for 2024/25 (excluding those set by the Licensing Committee)
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Key Decision: NO

Significantly Affected Wards: Not applicable

Recommendations: That the Regulatory Committee :-

- I. Recommends the sex establishment fees as given in Appendix A to full council.
- II. Recommends the hackney carriage, private hire and operator licence fees in Appendix B to full council.
- III. Recommends the scrap metal site and collectors fees as given in Appendix C to full council.
- IV. Notes the annual licensing summary in Appendix D.

Policy Overview: The process of setting the fees for licences is essential to ensure that operational costs are recovered and that council budgetary objectives are met.

Financial Implications: The process of setting the fees is necessary to ensure that fees are set at a level that will enable the authority to recover relevant costs associated with the service provision.

Legal Implications: *Text agreed by Principal Litigator on 28th December 2023* The appropriate setting of fees is necessary to ensure that the Council do not act outside of current legislation and request costs which we are not entitled to recover from licensees. Failure to set fees appropriately opens the Council up to legal challenge.

Equalities Impact Assessment: The setting of fees in relation to these functions is not considered to cause any discrimination. The fees are set in

accordance with government guidance and each application is processed on its individual merits.

Data Protection Impact Assessment:

N/A

Risk Assessment (Risk Appetite Statement):

The recommendation does not represent a key decision.
There is a low impact in terms of human rights, the environment, legal and staffing implications.

Sustainability Implications:

N/A

Other Material Implications:

Members should note generally that some licences issued by the Council may be considered possessions and therefore Article 1 to Protocol 1 of the Human Rights Act 1998, the peaceful enjoyment of possessions, is relevant.

Exempt from Publication:

NO

Background Papers:

None

Contact:

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Report Title:

**PROPOSED FEE LEVELS FOR 2024/25
LICENSING APPLICATIONS**

1. The report recommends the proposed fees for licences for the forthcoming financial year.
2. The Committee are asked whether to approve the following fees for recommendation to the full council.
 - The sex establishment fees as given in Appendix A.
 - The hackney carriage, private hire and operator licence fees in Appendix B.
 - The scrap metal site and collectors fees as given in Appendix C.

The Committee is also asked to note the annual licensing summary at Appendix D.

Introduction and Background

3. The fees have been determined by examining how long is spent processing an application and who in the authority is likely to carry out the various processes.
4. The type of tasks involved in a premises application for example:
 - Assistance to the applicant (pre-application stage, including telephone advice, sending forms, etc.) and the checking of an application for completeness when received.
 - Checking all required documents have been submitted, processing the application fee, banking processes and reconciling payments.
 - Entering the information into our computer system including scanning if appropriate.
 - Contacting the applicant to clarify the application or chase missing information if required.
 - Assess representations for relevance and undertake informal mediation.
 - Carry out compliance visits and checking the operating licence once issued.
 - Determining the licence, arranging a hearing, holding a hearing and notification of the decision if required.
 - Prepare and issue the licence and update the records/register.
 - Appeal preparation and holding an appeal hearing, if necessary.

5. Sex Establishment Fees

The licensing of sex establishments is governed by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3. Under these adoptive provisions local authorities can require any sex shops or sex cinemas in their area to obtain a licence. Ashford Borough Council adopted Schedule 3 effective from 1 May 1983.

Members will be aware that the council carried out a consultation about whether to adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sexual Entertainment Venues, such as lap dancing clubs. Council adopted the relevant provisions on 17 February 2011.

As part of informal fee benchmarking across the Kent licensing authorities, the following fee information was obtained from the relevant authorities webpages, and sorted based on the new application fee.

SEV licence		
	New	Renewal (where different to new fee)
Maidstone	4888	
Dartford	4865	2675
Medway	4300	2700-4300 * Based on premises type
Swale	4200	650
Sevenoaks	3641	
Ashford	3499	387
Dover	3250	2225
Gravesham	3058	1612
Tunbridge Wells	2255	
Folkestone and Hythe	2119	
Thanet	1191	
Canterbury	Fee not located	Fee not located
Tonbridge and Malling	Fee not located	Fee not located

It is proposed that the fees for the grant of a licence are retained at the existing level, and that renewal or transfer applications rise in line with inflation.

6. Hackney Carriage and Private Hire Fees

Under Local Government (Miscellaneous Provisions) Act 1982, the provisions controlling the levying of fees are:

- Local Government (Miscellaneous Provisions) Act 1982, Schedule 53(2), in respect of drivers licences for both hackney carriages or private hire vehicles; and
- Local Government (Miscellaneous Provisions) Act 1982 Schedule 70 for hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences.

As part of informal fee benchmarking across the Kent licensing authorities, the following fee information was obtained from the relevant licensing authorities webpages, and sorted based on the new application fee. Some fees were not included for comparison due to insufficient published fees to conduct a meaningful comparison.

Drivers licence PRIVATE HIRE (3 years)		
	New	Renewal (where different to new fee)
Canterbury	440.17	248.47
Folkestone and Hythe	340	
Dover	300	285
Maidstone	271	266
Sevenoaks	264	183
Tonbridge and Malling	231	
Thanet	209	149
Gravesham	191	
Medway	191	
Ashford	190	
Dartford	153	115
Swale	150	
T.Wells	N/A - dual licences only	

Drivers licence HACKNEY/DUAL (3 years)		
	New	Renewal (where different to new fee)
Canterbury	534.93	390.61
Maidstone	353	344
Folkestone and Hythe	340	
Dover	300	285
Sevenoaks	264	183
Tonbridge and Malling	259	
T.Wells	246	239
Dartford	210	165
Thanet	209	149
Gravesham	191	
Medway	191	
Ashford	190	
Swale	150	

DBS Fee	
Dartford	65
Folkestone and Hythe	47
Swale	44
Canterbury	44
Thanet	40
Dover	40
Sevenoaks	40
Maidstone	38 (£13 per annum via Update Service)
Ashford	38 (£13 per annum via Update Service)
T.Wells	38
Tonbridge and Malling	38
Gravesham	Not listed
Medway	Not listed

Safeguarding training cost	
Thanet	£130 as part of new driver course
T.Wells	73
Maidstone	67
Sevenoaks	66
Dartford	30
Tonbridge and Malling	25
Folkestone and Hythe	25 approx.
Ashford	12
Dover	12
Swale	Not listed
Canterbury	Not listed
Gravesham	Not listed
Medway	Not listed

Knowledge test	
Thanet	130
Dartford	120
Canterbury	84.24
Gravesham	76
Medway	76
Ashford	71
Folkestone and Hythe	66
Tonbridge and Malling	60
T.Wells	55
Sevenoaks	51.50
Maidstone	36
Dover	35
Swale	25

Operator licence (5 year)		
*sorted based on operation of 1 vehicles.		
	New	Renewal (where different to new fee)
Dartford	945	
Sevenoaks	747	586
Thanet	740	680
Medway	626	
Gravesham	626	
T.Wells	623	312
Maidstone	552	462
Swale	430	
Dover	364	
Ashford	200	
Canterbury	154.92	
Folkestone and Hythe	130	
Tonbridge and Malling	88	

Operator licence (5 year)		
* sorted based on operation of 5 vehicles.		
	New	Renewal (where different to new fee)
Gravesham	1247	
Medway	1247	
Folkestone and Hythe	1050	
Dartford	945	
Canterbury	774.60	
Sevenoaks	747	586
Thanet	740	680
Ashford	590	
T.Wells	623	312
Maidstone	552	462
Tonbridge and Malling	440	
Swale	430	
Dover	364	

Operator licence (5 year)		
* sorted based on operation of 11 vehicles		
	New	Renewal (where different to new fee)
Canterbury	1704.12	
Gravesham	1247	
Medway	1247	
Ashford	1114	
Folkestone and Hythe	1050	
Tonbridge and Malling	965	
Dartford	945	
Dover	898	
Sevenoaks	747	586
Thanet	740	680
T.Wells	623	312
Maidstone	552	462
Swale	430	

Vehicle licence PRIVATE HIRE		
	New	Renewal (where different to new fee)
Thanet	360	235
Ashford	346	305
Swale	340	290
Canterbury	324.71	275.39
Maidstone	302	
Folkestone and Hythe	300	
Sevenoaks	297	
T.Wells	278	257
Gravesham	273 (inc. tests fees)	
Tonbridge and Malling	270	260
Dover	265 (195 EV, 198 Wheelchair)	
Dartford	247	220
Medway	165	

Vehicle licence HACKNEY		
	New	Renewal (where different to new fee)
Canterbury	435.92	283.70
Thanet	350	285
Ashford	346	305
Swale	340	290
Dover	330	
Maidstone	327	
Sevenoaks	325	
T.Wells	316	294
Folkestone and Hythe	300	
Dartford	285	242

Tonbridge and Malling	280	260
Gravesham	273 (including tests)	
Medway	165	

Transfer of vehicle	
Canterbury	147.40
Thanet	120
Folkestone and Hythe	100
T.Wells	84
Maidstone	79
Dover	60
Ashford	48
Swale	40
Dartford	35
Sevenoaks	27
Gravesham	Not listed
Medway	Not listed
Tonbridge and Malling	Not listed

Replacement licence (badge)	
Dartford	25
Sevenoaks	24
Folkestone and Hythe	23
Gravesham	18
Medway	18
Ashford	15
Maidstone	12
T.Wells	11
Dover	10.50
Swale	10
Canterbury	7.37
Thanet	Not listed
Tonbridge and Malling	Not listed

Replacement licence (plate)	
Dartford	50
T.Wells	28
Ashford	26
Maidstone	26
Gravesham	24
Medway	24
Folkestone and Hythe	23
Sevenoaks	18
Dover	17
Canterbury	14.73
Swale	Not listed
Thanet	Not listed
Tonbridge and Malling	Not listed

It is proposed to adjust the hackney and private hire fees generally in line with inflation, except for the following fees;

- i. Vehicle licence fees – These fees are proposed to remain at the same fee level. This is based on a review of the current fee levels against enforcement associated with vehicle licensing, and also noting the benchmarking with other Kent authorities.
- ii. Administrative fees – The fees for these tasks (replacement badges, licences, and, vehicle plates) are proposed to remain at the same fee level.

The proposed licence fees are set out at Appendix B.

7. Scrap Metal Dealers Fees

The Scrap Metal Dealers Act 2013 provides regulation of the sector, creating a more robust, local authority run licensing regime that supports legitimate dealers whilst providing the powers to effectively tackle unscrupulous operators.

Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority. In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury.

The power to set fees has been passed to individual local authorities, so that any fees levied in each local area are set by reference to the actual costs to each authority. A licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service, application, variation and renewal do not exceed the costs of providing the service.

As part of informal fee benchmarking across the Kent licensing authorities, the following fee information was obtained from the relevant authorities webpages, and sorted based on the new application fee.

Scrap Metal Collector		
	New	Renewal (where different to new fee)
Canterbury	£408.08	
Gravesham	£364	
Medway	£364	
Folkestone and Hythe	£339	
Tunbridge Wells	£331	
Tonbridge and Malling	£330	
Thanet	£330	£330
Maidstone	£320	
Sevenoaks	£309	
Dover	£280	£272
Ashford	£275	£137
Swale	£250	
Dartford	Fee not located	Fee not located

Scrap Metal Site		
	New	Renewal (where different to new fee)
Gravesham	£621	
Medway	£621	
Canterbury	£612.70	
Folkestone and Hythe	£580	£544
Thanet	£570	£510
Tunbridge Wells	£543	£459
Swale	£535	£535
Maidstone	£525	£445
Sevenoaks	£507	£428
Dover	£490	£475
Tonbridge and Malling	£440	£396
Ashford	£411	£275
Dartford	Fee not located	Fee not located

It is proposed that an increase in line with inflation be made to the fees this year. These are set out at Appendix C.

Proposal/Current Position

- The fees as recommended by the Regulatory Committee will be presented to Council.

Implications and Risk Assessment

- As previously stated the recommendations do not represent key decisions. The consideration assessment indicates low impact in terms of human rights, legal and staffing implications.
- The process of setting the proposed licence fees is essential to ensure that operational costs are recovered. If no decision is taken, the council budgetary objectives are unlikely to be met.
- If trade bodies or applicants believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.
- Case law relating to fee levels in various licensing areas has agreed a general principle that licensing fees should not be used as a method of creating revenue. For example:
 - R v Manchester City Council ex parte King (The Times, 3 April 1991)* – established that local authorities may only charge reasonable fees for licences and not use them to raise revenue;

and

- *R v Westminster City Council ex parte Hutton (1985) LGR* – established the need to only take into account relevant material when setting the fees

13. Licence fees must be set at a level proportionate to the effective cost of the licensing procedure and must not be used as an economic deterrent or to raise funds. Councils must set fees that cover the costs directly associated with the licensing function. It is important therefore that council's fees are defensible and based on actual costs incurred.

Equalities Impact Assessment

14. The setting of fees in relation to these functions is not considered to cause any discrimination. The fees are set in accordance with Government guidance and each application is processed on its individual merits.

Consultation Planned or Undertaken

15. Any fees that require formal consultation will be subject to public notices prior to implementation on 1 April 2024.

Other Options Considered

16. The need to ensure fees cover local authority costs means that whilst various changes have been considered, the process is not open to other options

Reasons for Supporting Option Recommended

17. Whilst the current state of the economy impacts on a number of industries, the costs of administering the licensing regime in relation these areas continue to be affected by inflationary cost increases such as the cost of living increases on salaries and back office costs.
18. It is however worth noting, that whilst licensing fees are set/adjusted annually, the council are able to consider the actual income and expenditure across a number of years, and can adjust fees in future years to 'correct' for any unexpected income or losses. As such should the fees proposed result in any unexpected 'excess' income then it will be possible to correct for this as part of future fee setting.
19. Accordingly, the recommended option is supported to ensure effective recovery of the costs incurred in processing and regulating the aforementioned licensing regimes.

Next Steps in Process

20. The hackney carriage and private hire licence fees are subject to a public consultation in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice will be placed in the local press. If no objections are received in response to the public notice the fee structure would be adopted from 1 April 2024. If relevant objections are received in response to the public notice, these would be reported back to the Regulatory Committee.
21. All other fees, not subject to public consultation, will be recommended to full council, and once agreed come into effect on the 1 April 2024

Conclusion

22. The impact of these changes on income to the council must be carefully monitored. Annual reviews of fees must be continued to ensure that relevant costs are recovered and raising excessive revenue is avoided. The fees have been increased broadly in line with inflation, except where the specific circumstances dictate otherwise.
23. A licensing summary for the period 1 January 2023 to 31 December 2023 has been prepared and is set out at Appendix D.

Portfolio Holder's Views

24. "I fully support all the proposals set out, which are fair and necessary."

Councillor Liz Wright

Contact and Email

25. Trevor Ford
Environmental Protection and Licensing Team Leader
trevor.ford@ashford.gov.uk
(01233) 330 397

APPENDIX A: PROPOSED SEX ESTABLISHMENT LICENCE FEES

APPENDIX B: PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES

APPENDIX C: PROPOSED SCRAP METAL, SITE & COLLECTORS LICENSING FEES

APPENDIX D: LICENSING SUMMARY 2023

APPENDIX A: RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2024/25

	CURRENT FEES 2023/24	PROPOSED FEES 2024/25
Grant	£3499	£3499
Transfer	£387	£406
Renewal	£387	£406

**APPENDIX B: PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING FEES 2024/25**

	CURRENT FEES 2023/24	PROPOSED FEES 2024/25
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£92.00	£97.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£190.00	£200.00
Additional driver's licence (adding a licence)	£37.00	£39.00
Hackney Carriage Knowledge Test & Re-test	£71.00	£74.00
Replacement badge / Licence	£15.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£346 - New £305 - Renewal	£346 - New £305 - Renewal
Vehicle Plate Internal / External	£26.00	£26.00
Transfer of Vehicle Licence (with or without vehicle plate)	£46.00	£48.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>£32.00</i>	<i>£32.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No Charge</i>	<i>No Charge</i>
Private Hire Operators Licence - New or Renewal (for 5 years)	1-3 vehicles: £200 4-10 vehicles: £590 11-20 vehicles: £1114	1-3 vehicles: £210 4-10 vehicles: £620 11-20 vehicles: £1170
To increase number of vehicles licensed during duration of Operators Licence	1-3 : £200.00 4-10 : £415.00 11-20 : £560.00	1-3 : N/A 4-10 : £436.00 11-20 : £588.00
Fee for Returned (Bounced) Cheques	£22.00	£22.00

APPENDIX C: RECOMMENDED SCRAP METAL DEALERS FEES FOR 2024/25

	CURRENT FEES 2023/24	PROPOSED FEES 2024/25
Grant Site Licence	£411	£432
Grant Collectors Licence	£275	£289
Renewal Site Licence	£275	£289
Renewal Collectors Licence	£137	£144
Variation	£103	£108
Replacement Licence	£14.50	£15

APPENDIX D:

LICENSING ANNUAL SUMMARY 2023 (Excluding Licensing Act and Gambling Act applications)

Licences/Permissions issued

Licence/Permission Type	Number Issued
Taxi	
Driver New	98
Driver Renewal	126
Driver Transfer	11
Vehicle New	75
Vehicle Renewal	233
Vehicle Transfer	99
Operator New	24
Scrap Metal Dealers Act 2013	
Scrap Site - New	0
Scrap Site - renewal	2
Scrap Collector - New	2
Scrap Collector - Renewal	3
Other	
Sexual Entertainment Venues	0
Publicity Displays / Town Centre	43
Skin Piercing Premises	22
Skin Piercing Practitioner	35
Pavement Licence	8
Animal - New	5
Animal - Renewal	14
Animal - Variation	7
Animal - Zoo New	1
Animal - Zoo Renewal	1
House to House	12
Street Collections	21
Street Trading New	9
Street Trading renewal	21
Markets	4
Markets - renewal	8
Leafleting	5
TOTAL LICENCES/PERMISSIONS ISSUED	889

Issued between 1 January 2023 and 31 December 2023

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Agenda Item 5



ASHFORD
BOROUGH COUNCIL

Agenda Item No: 5
Report To: REGULATORY COMMITTEE
Date of Meeting: 16 January 2024
Report Title: HACKNEY FARE TARIFF REVIEW
Report Author: Trevor Ford
Job Title: Environmental Protection and Licensing Team Leader
Portfolio Holder: Cllr. Liz Wright
Portfolio Holder for: Communities and Health

Summary: A report to consider the maximum hackney carriage fare scale.

The decision, based on the information provided, shall be for the Committee to recommend to Council whether to amend the current maximum fare scale, and for that purpose whether to;

- decrease to the current tariffs
- make no change to the current tariffs
- increase to the current tariff

Key Decision: NO

Significantly Affected Wards: The fare scale has implications for all hackney carriage, across the borough and therefore affects all wards.

Recommendations: **The Committee is recommended to:-**

- **Recommend to Council whether to implement a change to the hackney carriage fare scale, and if so the details of the recommended change.**

Policy Overview: In December 1996 it was agreed by the Council that the hackney carriage fare scale would be reviewed annually. In setting this fare, a balance needs to be struck between the legitimate aims of the hackney carriage trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.

Financial Implications: Fares relate to the charges levied by the hackney carriage trade and as such have no direct financial impact on the Council

Legal Implications: The annual review of hackney tariffs, which forms part of council policy, is essential to ensure that fares are set at an appropriate and defensible level.

*Text agreed by
Principal Litigator on
28th December 2023*

Equalities Impact Assessment: Not required because the setting of fares in relation to this statutory function is not considered to cause any discrimination. The fees are set in accordance with Government guidance. The council's Taxi Policy is subject to a separate Equality Impact Assessment.

Data Protection Impact Assessment: N/A

Risk Assessment (Risk Appetite Statement): The recommendation does not represent a key decision. The consideration assessment indicates low impact in terms of human rights, the environment, legal and staffing implications.

Sustainability Implications: N/A

Other Material Implications: N/A

Exempt from Publication: NO

Background Papers: None

Contact: trevor.ford@ashford.gov.uk (01233) 330 397

Report Title:

HACKNEY FARE TARIFF REVIEW

Introduction and Background

1. The report presents the review of the hackney carriage fare scale and outlines the consultation with the trade on this matter.
2. This report asks for the Regulatory Committee to review the current fare scale, and if it is deemed appropriate, to recommend an updated fare scale for 2024/25 to Council, which may be one of the following options:
 - A decrease to the current tariffs
 - No change
 - An increase to the current tariffs
3. The council's current taxi policy states that the hackney carriage fare scale will be reviewed annually.
4. Members are reminded that the fares relate to the charges levied by the hackney carriage trade as opposed to the fees that are essentially the licence charges levied by the Borough Council.
5. It should also be remembered that the legislation governing taxi and private hire vehicles does not allow councils to set fares for private hire vehicles. Private hire proprietors may charge what they wish, although legislation dictates that customers must be advised of the fare beforehand, unless the vehicle is fitted with a taximeter.
6. It should be noted that the tariff is the maximum fare that can be charged and operators are free to charge less, or give discounts, should they so wish.
7. Customers are therefore recommended to 'shop-around' to achieve value for money.
8. In January 2022, Members considered Ashford's fares relative to other areas, and the change in the respective costs, and recommended an increase of 3% to the fare scale which was effective on the 1 April 2022. A further exceptional fare review was conducted in July 2022 due to significantly increased fuel alongside increases in other costs, and a further increase of 10% to the fare scale came into effect on the 15 August 2022.
9. In January 2023 the routine review of the fare scale by the Committee resulted in no further change to the set fare scale.

Proposal

10. The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain commercial profitability in the face of increasing costs, while protecting the public from excessive fares.
11. Fare increases are implemented by changing the initial (drop) rate and subsequent yardage rate at which the fare increases (e.g. £2.90 for the first 465.5 yards or 148 seconds, and a subsequent rate of 20p for every 142.7 yards or 45.5 seconds).
12. The table below indicates the approximate cost of a journey for various distances on the basis of the current fare and examples of 2.5% and 5% decreases/increases, noting the drop rate is rounded to the nearest 10 pence.

Distance	5% decrease	2.5% decrease	Current rate	2.5% increase	5% increase
Initial drop rate	£2.90	£2.90	£2.90	£3.00	£3.00
2 mile	£7.10	£7.10	£7.30	£7.40	£7.60
5 mile	£14.10	£14.30	£14.70	£14.70	£15.40
10 mile	£25.90	£26.50	£27.10	£27.80	£28.40

13. Fare comparison

With regard to the current fees, the Private Hire and Taxi Monthly National Fare table (December 2023) Ashford at joint 122-130th highest in the country, out of a listed 340 local authorities.

When compared to December 2022 our fare scale was at joint 59-65th highest.

The current comparison with respects to the fares of other Kent boroughs and districts are;

2 Mile Fare	Borough
£8.70	Sevenoaks*
£8.40	Tonbridge & Malling*
£8.00	Tunbridge Wells
£8.00	Maidstone
£7.90	Swale
£7.40	Canterbury
£7.30	Dartford
£7.30	Ashford
£7.10	Dover
£7.00	Medway
£7.00	Gravesham
£6.60	Folkestone & Hythe
£6.21	Thanet

* December 2023 PHTM fare table

This compares with the fare table in November 2022;

2 Mile Fare	Borough
£8.70	Sevenoaks*
£8.40	Tonbridge & Malling*
£8.00	Tunbridge Wells
£8.00	Maidstone
£7.90	Swale
£7.40	Canterbury
£7.30	Dartford
£7.30	Ashford
£7.10	Dover
£7.00	Medway
£7.00	Gravesham
£6.60	Folkestone & Hythe
£6.21	Thanet

* November 2022 PHTM fare table

14. Fuel prices

According to the AA Fuel Price Index reports the South East's fuel prices dropped at the start of 2023 and remained relatively consistent during the mid-part of the year, rising again towards the end of the year as shown below;

	2022		2023	
	Pence per litre		Pence per litre	
	Petrol	Diesel	Petrol	Diesel
January	146.8	150.3	150.7	173.6
February	149.2	152.8	149.7	170.7
March	164.7	174.7	148.4	167.7
April	163.4	177.4	148.1	163.6
May	167.7	181.3	146.2	156.5
June	189.3	197.2	145.0	147.4
July	189.3	197.5	144.8	146.1
August	175.1	185.2	150.7	152.2
September	166.0	182.3	156.8	160.5
October	164.9	188.0	157.6	164.1
November	165.6	190.3	152.3	159.4
December	165.6	178.5	Not available	Not available
ANNUAL AVERAGE	167.3	179.6	150.0	160.2

Example fuel costs

In order to assist the Committee, the following indicative comparison is shown to highlight the impact of the fuel price changes over a 10 mile fare (20 mile round trip assuming a return to a town centre hackney rank) in a typical diesel hackney vehicle averaging 35mpg (7.7 miles per litre).

2022 - Diesel at average of 179.6 pence per litre

2023 - Diesel at average of 160.2 pence per litre

Difference = -19.4 pence per litre or -11.4%

Over an example 10 mile fare (20 mile total distance)

2022 fuel cost £4.66

2023 fuel cost £4.16

Reduced fuel costs of £0.50

15. Inflation

According to the Office for National Statistics, the retail prices index increased 5.3% for the period between November 2022 and November 2023.

16. Insurance

According to confused.com's car insurance price index – car insurance prices have reached their highest on record, with national data indicating drivers are paying £924 for their cover on, on average. This is an increase of £338 between Q4 of 2022 and Q 3 of 2023.

With reference to the South East area the average premium is listed at £776, with a £280 (56%) annual change.

Members may however wish to note that the figures stated are general to domestic car insurance premiums, rather than specialist private hire or hackney carriage insurance.

No taxi specific insurance premium index appears to be available, but as per previous years, we remain open to alternate suggestions should the trade wish to highlight suitable data source(s) highlighting any variation from the quoted price index.

17. Car prices

No new information has been provided by the trade with respects to changes in car prices since the July 2022 fare review.

18. Business rates

Businesses operating from commercial premises with a rateable value under £12,000 receive small business rates relief, meaning they do not pay business rates. It appears that all operators in the borough fall within this category. As

such, it continues to appear appropriate to disregard business rates increase as an influence on the decision.

19. Maintenance costs

Research has highlighted that the last AA Motoring Costs Report available was 2014/2015. The Licensing team therefore remain open to suggestions of an alternative reputable source of data for vehicle running costs.

No information has been provided by the trade with respects to changes to these costs since the July 2022 fare review.

20. The above figures are indicative, and based solely on the evidence and information submitted to date. The above indicative figures do not include other potential costs associated with operating a hackney carriage business that have not been evidenced in detail, for example;

- Accountants fees
- Licensing fees – see *Appendix C* for 2024/25 fees
- Parking charges
- Salary rises – to combat the increased cost of living
- Other inflationary impacts

Equalities Impact Assessment

21. Not required because the setting of fares in relation to this statutory function is not considered to cause any discrimination. The fees are set in accordance with Government guidance. The council's Taxi Policy is subject to a separate Equality Impact Assessment.

Consultation Planned or Undertaken

22. Consultation with the hackney carriage trade was undertaken, which consisted of an email to members of the trade via the Taxi Forum eNewsletter on the 5 October 2023 advising;

Annual Hackney Carriage Fare Scale Review.

We will soon be coming around to the time of the year when the council's Regulatory Committee completes the annual review of the maximum hackney carriage fare scale.

As part of the annual scheduled review we would highlight the need to make your views known and supply evidence to enable the Committee to make an informed and justifiable decision. This can be done by return email confirming;

- a) **What percentage change, if any, to the fare do you determine is necessary to ensure the commercial viability of the trade whilst protecting members of the public from excessive fares?**

** Current fares are; 2.90 for the first 465.50 yards or 148 seconds, and 20p for each 142.7 yards or 45.5 seconds*

- b) **What change, if any, to the scheduled chargeable extras do you determine is necessary to ensure the commercial viability of the trade whilst protecting members of the public from excessive fares?**

** Current extra charges are; 20p for each person in excess of two, 5p for each item of luggage conveyed outside the passenger compartment, 5p for pushchairs/prams, and 10p for dogs (excluding assistance/guide dogs)*

- c) **Please supply evidence to support a) and b) above.**

We would like to take this opportunity to remind the trade that the Licensing team provide the Committee with headline cost changes based upon data sources such as the AA fuel price index, the Office for National Statistics, and car insurance premium indexes etc.. What information we do not have access to is what these increases mean to costs of operating a hackney carriage (for example over a typical 10 mile fare). By supplying meaningful operating information such as this, it allows the Committee to see what the overall costs changes mean in practice and what change to the fares tariff may be justified.

We cannot emphasise strongly enough that the Committee need to base their decision on evidence rather than just a support for change, and therefore are reliant on the trade to engage in this process through the submission of evidence.

We would request that any representations on the fare review are made, by reply to this email, **prior to the 30 November 2023**. Responses will be collated and considered at the Regulatory Committee on the 16 January 2024, which is a public meeting you are free to attend.

23. A follow up eNewsletter on the 1 November 2023 was sent to further encourage responses to the fares survey and call for evidence.

24. Three responses were received from the trade
25. The first response requested an increased fare rate of 20% to apply from 23:00-00:00 daily, citing that everywhere else in the country uses such a scale. No supporting evidence was supplied with that statement, or evidence to support additional operating costs for these times that are not adequately covered by the existing fare structure.

The licensing team can however provide the following data for Kent, which does not support the assertion made;

Ashford – 1.5x fare rate applicable 00:00-07:00
Canterbury – fare rate not found
Dover – increased rate applicable 00:00-06:00
Folkestone and Hythe District Council – increased rate applicable 00:00-06:00
Gravesham – increased rate applicable 00:00-06:00
Maidstone – fare rate not published
Medway – increased rate applicable 00:00-06:00
Sevenoaks – A flat £2 extra for hirings between 23:00-07:00
Swale – published fare rate seems not to include any increased fare rate for night-time hiring
Thanet – fare rate not published.
Tonbridge and Malling – increased rate applicable 23:30-06:00
Tonbridge Wells – increased rate applicable 23:30-06:00

26. The second response sought no increase in the fare scale, and gave reasoning as below;

I won't be seeking any increase this year for several reasons. Mainly due to the 10% increase we received last year. Fuel prices have fallen a little. I shopped around for my insurance renewal and actually saved a little on last year's premium, and servicing/maintenance costs remained at last year's rates.

So, all things considered, and while I cannot predict what will happen in the next 12 months, I don't believe it's in the public interest to raise fares again next April.

27. The third response also sought no increase in the fare scale, and gave reasoning as below;

I do not think a price increase is warranted for next year. If there are drastic changes to our expenses over the next 4 months I may have a change of mind but I think that is unlikely.

28. These three responses compare with 141 licensed hackney carriage drivers, as of 1 December 2022, and therefore the response rate represents 2% percentage of the trade

Other Options Considered

29. It is open to the Regulatory Committee to apply a change (or no change) to the fare rates, as they deem necessary to protect the public from excessive fares, whilst ensuring that the trade can continue to make reasonable profits as a commercial enterprise.

Reasons for Supporting Option Recommended

30. It is proposed that the Regulatory Committee recommend one of the following options, including a percentage change, based on the evidence available.
- A decrease to the current tariffs
 - No change to the current tariffs
 - An increase to the current tariff

Next Steps in Process

31. The fares proposed must be advertised via a Public Notice in the local press in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. If relevant objections were received in response to this notice a further report would be required.
32. If the proposed fare scale is approved by council, and no objections are received to the public notice, the fare scale is proposed to take effect on 1 April 2024.

Conclusion

33. Members may additionally wish to take the following into account:
- The evidence and engagement from the trade on this occasion was notably small, with no call for a general fare increase.
 - The following changes in the fare scale have taken place in recent years:
 - 2012 - 5% increase and 10 pence increase to drop rate.
 - 2013 - 3% increase and 10 pence increase to drop rate.
 - 2014 - No change
 - 2015 - No change
 - 2016 - No change
 - 2017 - 3% increase and no increase to drop rate.
 - 2018 - No change
 - 2019 – 3% increase and 10 pence increase to drop rate.
 - 2020 – No change
 - 2021 – No change
 - 2022 – 3% increase
 - 2022 – 10% increase (July mid-year exceptional review)
 - 2023 – No change

- Members are asked to set maximum levels for fares, although drivers may charge less if they wish.
- The setting of maximum fares are designed to protect the travelling public from excessive fares, and this process cannot be used to create 'affordable fares' for the public thus preventing hackney carriage drivers from making a reasonable commercial profit.

Portfolio Holder's Views

34. *"As portfolio holder I am of the view that this review has been carried out thoroughly and carefully. Consultation has been offered and due consideration given both to the drivers and the general public.*

Increases in inflation during the past year have led to difficulties for taxi drivers as for everyone else, and we look forward to a more stable situation in the future. However in light of the evidence I see no reason to alter the current fare structure, which should be retained"

Councillor Liz Wright - Portfolio Holder for Communities and Health

Contact and Email

35. Trevor Ford - Environmental Protection and Licensing Team Leader
(01233) 330 397
trevor.ford@ashford.gov.uk

APPENDIX A: Current fare table

APPENDIX B: Taxi licensing fees

APPENDIX A: CURRENT FARE TABLE

ASHFORD BOROUGH COUNCIL
AUTHORISED FARES FOR HACKNEY CARRIAGES 2022/23 (effective from 15 August 2022)

Fares for distance or time: Rate 1	£
If the distance does not exceed 465.50 yards, for the whole distance or for the first 148 seconds of waiting time	2.90
For each subsequent 142.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 45.5 seconds of waiting time or uncompleted part thereof	0.20
Fares for certain times and days: Rate 2	
a) For each hire commenced between 00:00 and 07:00	1½ x Rate 1
b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only.	1½ x Rate 1
Fares for certain times and days: Rate 3	
c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEAR'S DAY	2 x Rate 1
Note: When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable.	

Guide to average expected fares;

2 miles - £7.30
 5 miles - £14.70
 10 miles - £27.10

**Complaints about this vehicle or driver
 should be made to the Licensing Authority;**
 Ashford Borough Council, Tannery Lane, TN23 1PL
licensing@ashford.gov.uk
 01233-331111

See overleaf for further fare details

Extras - up to a maximum of £1.20	£
(a) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance. Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should <u>each be counted as a person</u> . A babe in arms should not be counted as a person.	0.20
(b) for each article of luggage conveyed outside the passenger compartment of the carriage	0.05
(c) for perambulators	0.05
(d) for dogs (but excluding assistance or guide dogs)	0.10

Rates calculated by time

When the hirer expresses his desire to engage a hackney carriage by time, then the rate of fare shall be calculated by time, such rate or fare being agreed in advance.

Journeys outside Council's area

Fares to destinations outside the Ashford Borough area may be negotiated prior to commencement of the journey, but the fare charged must not exceed the above tariff. If no such agreement is reached then the meter fare only must be charged.

Complaints

Complaints about this vehicle or driver should be made to the Licensing Authority
 Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
licensing@ashford.gov.uk 01233-331111

See overleaf for further fare details

**APPENDIX B: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2024/25**

	PROPOSED FEES 2024/25
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£97.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£200.00
Additional driver's licence (adding a licence)	£39.00
Hackney Carriage Knowledge Test & Re-test	£74.00
Replacement badge / Licence	£15.00
Vehicle Licence - New or Renewal (including plate) for 1 year	£346.00 New £305.00 Renewal
Vehicle Plate Internal / External	£26.00
Transfer of Vehicle Licence (with or without vehicle plate)	£48.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	£32.00
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	No charge
Private Hire Operators Licence - New or Renewal (for 5 years)	1-3 vehicles : £210 4-10 vehicles : £620 11-20 vehicles : £1170
To increase number of vehicles licensed during duration of Operators Licence	1-3 : N/A 4-10 : £436.00 11-20 : £588.00
Fee for Returned (Bounced) Cheques	£22.00

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Agenda Item No: 6
Report To: REGULATORY COMMITTEE
Date of Meeting: 16 January 2024
Report Title: Taxi Licensing Policy Review
Report Author: Trevor Ford
Job Title: Environmental Protection & Licensing Team Leader
Portfolio Holder: Cllr. Liz Wright
Portfolio Holder for: Communities and Health

Summary: The purpose of this report is to extend the current Taxi Licensing Policy until the existing policy and new DfT guidance is reviewed, consulted upon, and presented back to Committee.

Key Decision: NO

Significantly Affected Wards: All

Recommendations: **The Committee is recommended to;**

- i. note the publishing of the DfT best practice guidance on taxi licensing,**
- ii. note the planned policy review process, and,**
- iii. recommend the extension of the current Taxi Licensing Policy 2017-2022**

Policy Overview: The determination of taxi and private hire driver, operator, and vehicle licence applications is a statutory duty and provides protection to the public ensuring vehicles, operators and drivers are fit and proper for the purposes of providing such services.

Our policy with respects to this subject area guides members of the public, applicants, elected members, and officers on such matters.

Financial Implications: None

Legal Implications: The proposed extension to policy appears a pragmatic measure to allow the council to fully consider the new Department of Transport guidance against the general review of the Taxi Policy content. This approach is recommended to ensure that policy changes are well-managed and can be implemented with less burden on the

Text agreed by Principle Litigator on 28th December 2023

licensed trade, whilst recognising our continued role in protecting public safety.

Equalities Impact Assessment: N/A

Data Protection Impact Assessment: N/A

Risk Assessment (Risk Appetite Statement): Judicial review is a risk if the policy strays beyond the requirements of the act, or restricts legal activities without due and appropriate cause.

The extension of the existing policy, pending full review, remain within the scope of the Act and ensures that our approach remains legally robust.

Sustainability Implications: None

Other Material Implications: None

Exempt from Publication: NO

Background Papers: Taxi Licensing Policy;
<https://www.ashford.gov.uk/media/stycwvx0/taxi-licensing-policy-july22update.pdf>

DfT Taxi and Private Hire Vehicle Best Practice Guidance;
[Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684242/Taxi_and_private_hire_vehicle_licensing_best_practice_guidance_for_licensing_authorities_in_England_-_GOV.UK.pdf)

Contact: trevor.ford@ashford.gov.uk – Tel: (01233) 330 397

Report Title: Taxi Licensing Policy Review

Introduction and Background

1. A taxi licensing policy relating to the determination of applications not only guides the decision-maker but also serves to inform an applicant about what they should consider in preparing their application. Furthermore, the policy sets out the standards to which the licensing authority will work and provides confidence to the public that the drivers are fit and proper, and that the vehicles are fit for purpose.
2. The Council adopted the current iteration of its Taxi Licensing Policy on 12 October 2017. Amendments were adopted into the policy in 2018, 2021, and 2022 to ensure that it remained up to date with good practice, and continued to protect the safety of the travelling public.
3. That policy is due review and update, however tying up with that review, the Department for Transport (DfT) published the overdue/updated 'Taxi and Private Hire Best Practice Guidance' on 17 November 2023.
4. This guidance provides further grounds to review current taxi licensing requirements against best practice.
5. Initial review of the new DfT guidance highlights that the following potential changes required to meet the new best practice guidance;
 - Development of an inclusive service plan to assess and review accessible taxi services within the borough, develop a strategy to make transport from accessible, review courses and assessments for applicants with regard to accessibility, and develop an action plan to improve the inclusivity of the trade.
 - Amending enforcement schemes so that penalty points remain on record for 3 years for drivers, and 5 years for operators.
 - Amending application forms and policy to require drivers to declare intention to work predominately within the area in which they are licensed.
 - Requiring drivers to undertake driver training/assessment every three years
 - Requiring drivers to undertake disability awareness training
 - Requiring drivers to complete daily vehicle checks, and retain written checklist records
 - Requiring operators to train customer facing staff in disability awareness
 - Requiring operators to use suitably accessible booking platforms (if using a digital booking platform)
 - Requiring vehicles with window tinting rear of B-pillars to have a minimum 30% light transmission
 - Changing/updating vehicle age limits to take into account other factors such as emission limits, wheelchair accessibility, NCAP safety rating etc.

Proposal

6. The Licensing team recommend that a full review of the policy should be conducted alongside the detailed review of the DfT best practice guidance.
7. As part of that process a meeting of the Taxi (trade) forum is planned for 17 January 2024, whereby the updated best practice requirements will be presented to the trade, and initial feedback sought as to the measure that will allow the council to adapt its services to operate in line with 'best practice'.
8. Following the Taxi Forum, proposals will be developed, and will be put out to formal consultation with the licensed trade, public, and other interested parties for a two month period.
9. The result of the formal consultation will be reviewed and an updated Taxi Licensing Policy for 2024-2029 will presented to the Regulatory Committee for further consideration in summer 2024.
10. As such it is proposed that the Regulatory Committee note the publishing of the updated best practice guidance, the proposed review process, and recommend to council that the existing Taxi Licensing Policy be extended until the full review is completed and new Taxi Licensing Policy for 2024-2029 published.

Equalities Impact Assessment

11. Recipients of the policy include holders of licences, members of the council's Appeals Committee, authorities e.g. Kent Police, KCC Schools Transport, Kent Fire & Rescue Service, etc. and all of the Borough's businesses, residents of the borough and those who visit and use local taxi services.
12. An equalities impact assessment will be conducted in due course as part of any updated/amended policy.

Consultation Planned or Undertaken

13. As there is no change to policy at this time, no public or trade consultation has been conducted or planned with reference to this extension.

Other Options Considered

14. There are as always a number of options available to councils with respects to taxi licensing, the proposed measures however appear the only practical option available at this time.

Reasons for Supporting Option Recommended

15. It is felt that the options proposed are appropriate to the borough, act to ensure that public safety is protected, and ensure an efficient and effective licensing regime.

16. Overall this approach is recommended to ensure that the policy remains up to date, and can be effectively applied by the council, officers, applicants, and the general public.

Next Steps in Process

17. If the Regulatory Committee recommend the extension, and this is agreed by council, then the existing policy will continue to have effect until updated.
18. An updated policy following development and consultation will then be bought back before Committee for formal review, with the intent of publishing a new/updated Taxi Licensing Policy for 2024-2029.

Conclusion

19. The proposed extension is being made based on good practice, coupled with the clear need to protect the public.

Portfolio Holder's Views

20. *"The protection of the public must always be our over-riding concern, and I am satisfied that the measures proposed are fair and that they meet with best practice guidelines."*

Councillor Liz Wright
Portfolio Holder for Communities and Health

Contact and Email

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Agenda Item No: 7

Report To: **REGULATORY COMMITTEE**

Date of Meeting: 16 January 2024

Report Title: **Sex Shops, Sex Cinemas, and Sexual Entertainments Venue Policy Review**

Report Author: Trevor Ford
Job Title: Environmental Protection & Licensing Team Leader

Portfolio Holder: Cllr. Liz Wright
Portfolio Holder for: Communities and Health

Summary: The purpose of this report is to present a review of the 'Sex Shops, Sex Cinemas, and Sexual Entertainment Venues Policy'

Key Decision: NO

Significantly Affected Wards: All

Recommendations: **The Committee is recommended to:-**

- **approve an revised 'Sex Shops, Sex Cinemas, and Sexual Entertainments Venue Policy'**

Policy Overview: The determination of sex shop establishments, sex cinemas, and sexual entertainment venue applications is a statutory duty of the Council.

Although there is no legal requirement for a policy with respects to this licensing subject, such a policy guides members of the public, applicants, elected members and officers on matters relating to sex establishments, sex cinemas and sex shops

The existing policy became due review as of 12 January 2022

This report recommends the approval of a revised policy.

Financial Implications: None

Legal Implications: Although there is no statutory duty to have a policy for licensing of sex shops, sex cinemas, and sexual entertainment venues, the adoption of a policy aids to guide would be applicants, businesses, officers, members, and the public on how the authority will consider and deal with such

Text agreed by Principle Litigator on 28th December 2023

matters. As such it appears pragmatic to maintain such a policy, and from time to time review the policy when there is change to guidance, legislation or case law.

Equalities Impact Assessment:	See Attached
Data Protection Impact Assessment:	N/A
Risk Assessment (Risk Appetite Statement):	Judicial review is a risk if the policy strays beyond the requirements of the act, or restricts legal activities without due and appropriate cause.
Sustainability Implications:	None
Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	Sex Shops, Sex Cinemas, and Sexual Entertainment Venues Policy available at; https://www.ashford.gov.uk/media/cjdmmzcs/sev-policy-2017-2022-final.pdf
Contact:	trevor.ford@ashford.gov.uk – Tel: (01233) 330 397

Report Title: Sex Shops, Sex Cinemas, and Sexual Entertainments Venue Policy review

Introduction and Background

1. The purpose of this report is to present to Committee the review of the current Sex Shops, Sex Cinemas, and Sexual Entertainments Venue Policy.
2. The Local Government (Miscellaneous Provisions) Act 1982 schedule 3 governs the control of sex establishments (sex shops, sex cinemas, and sex establishments).
3. On the 17th February 2011 the council adopted provisions of Schedule 3 of the Act, and adopted the council's *Sex Shops, Sex Cinemas, and Sexual Entertainment Venues Licensing Policy 2011*.
4. Although there is no legal requirement for a policy with respects to this subject, such a policy guides members of the public, applicants, elected members and officers on matters relating to sex establishments, sex cinemas and sex shops.
5. There are currently no licensed premises within the borough.
6. There are a number of mandatory grounds for refusal of such licenses. A license **must** not be granted:
 - to a person under the age of 18;
 - to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - to a body corporate which is not incorporated in an EEA State; or
 - to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

In addition a licence **may** be refused where:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a

person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - that the grant or renewal of the licence would be inappropriate, having regard to the:
 - i. character of the relevant locality; or
 - ii. use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
7. The policy sets out how the council will approach the making of such decisions, indicating what the council considers to be important, what control measures it will be looking for, and so forth.
8. It is vital that the policy does not turn into a rule that is applied inflexibly and fetters the exercise of discretion. There must be a willingness to consider individual applications on their particular merits.
9. A policy relating to the decision-making stage not only guides the decision-maker but also services to inform an applicant about what they should consider in preparing their application.

Proposal

10. As a result of no significant legislative changes since the last revision, a lack of any particular new guidance, and a lack of feedback from the consultation exercise it is recommended that the Committee approve to council the republishing of the Policy for 2024 onwards.
11. Administrative amendments, such as updating the relevant Committee and Sub-Committee names, and date etc. will be made to the republished policy document to ensure that the policy remains accurate, however these changes will not affect the policy elements of this document.
12. If there is relevant new guidance, or legislative changes, then the policy will be subject to review prior to the expiry of the five-year period, or shall otherwise be subject to review after five years.

Equalities Impact Assessment

13. The policy will affect all persons involved or affected in licensable activity in the Borough. Direct recipients of the policy include holders of premises licences, members of licensing sub-committee, authorities e.g. Police, Trading Standards, Kent Fire & Rescue Service, etc. Indirect recipients of the policy are all of the Borough's businesses, residents of the borough and those who visit to use the above premises.

14. An equalities impact assessment is attached as *Appendix A*

Consultation Planned or Undertaken

15. An open consultation seeking any views on the review, and potential revision, of this policy was published in April 2023 and closed on the 31 July 2023.
16. This consultation was listed both under the relevant licensing webpages, and also the council's consultation portal.
17. The following persons/organisations were also directly invited to submit comments;
 - Kent Police
 - Kent Fire & Rescue Service
 - Kent County Council Trading Standards
 - Kent County Council Social Services
 - Members
 - Ashford Borough Council Planning Authority
 - Ashford Borough Council Legal Services
 - Ashford Borough Council Economic Development
 - Tenterden Town Council
18. It should be noted, that with no current licensees within the borough, and no known trade organisations, no direct consultation could be undertaken with parties representing the local trade.
19. No responses were received with reference to the consultation.

Other Options Considered

20. The requirement to implement and enforce the Act is an adoptive duty. Alternate options to this policy include variations on the theme, or not having a policy. There is no statutory duty to have a written policy for this subject.

Reasons for Supporting Option Recommended

21. The approach of periodically reviewing the policy, and updating where there are relevant changes in the law or good practice is recommended to ensure that the policy remains up to date, and effectively can be usefully applied by the council, officers, applicants, and the general public.

Next Steps in Process

22. One adopted the republished policy will be made available through the council's website.

23. The policy will be subject to review after five years, along with any periodic review brought about by changes in council approach, or change to relevant legislation

Conclusion

24. In summary a licensing policy would be unlawful if it gave the impression that it could dictate the contents of an application and give the impression that the Council would assess and exercise substantive discretionary powers in relation to all applications, unless there are relevant representations and the decision taking function is permitted under the authority of the Act.
25. It is recommended that the Committee recommend to council the republishing of the existing policy for the period of 2024 onwards

Portfolio Holder's Views

26. 'As Portfolio Holder I am satisfied that, in the light of due consultation having been carried out, to continue to adopt the existing policy on these issues is a proper and appropriate response.'

Councillor Liz Wright
Portfolio Holder for Communities and Health

Contact and Email

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Appendix A: Equalities Impact Assessment

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:
 - (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
 - (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
 - (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
 - (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
 - (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).
3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership*
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
 - removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
8. In terms of timing:
 - Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
 - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
 - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.
10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:
 - Current serving members of the Armed Forces (both Regular and Reserve)
 - Former serving members of the Armed Forces (both Regular and Reserve)
 - The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:
 - Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
 - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.

- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on “Meeting the Equality Duty in Policy and Decision-Making” (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Environmental Protection and Licensing Team Leader
Decision maker:	Full Council
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Policy review
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	29 February 2023
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes 	The report seeks to republish the existing policy for the licensing of Sex Shops, Sex Cinemas, and Sexual Entertainment Venues.

<ul style="list-style-type: none"> Who will be affected and how? How many people will be affected? 	<p>There are no changes to policy content, and only minor administrative updates to the existing policy to update matters such as Committee names, and referenced documents.</p> <p>Those affected will primarily be those associated with the licensed trade (businesses, employees, customers). Secondly other parties such as local residents, and agencies such as Kent Police may be affected by the operation of such a licensed premises.</p>	
<p>Information and research:</p> <ul style="list-style-type: none"> Outline the information and research that has informed the decision. Include sources and key findings. 	<p>Research conducted as part of the revision of the policy includes;</p> <ul style="list-style-type: none"> Legislative changes Best practice guidance General licensing research 	
<p>Consultation:</p> <ul style="list-style-type: none"> What specific consultation has occurred on this decision? What were the results of the consultation? Did the consultation analysis reveal any difference in views across the protected characteristics? What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>A open consultation was conducted between April and July 2023, with the consultation being advertised on the councils consultation portal, the relevant licensing webpage, and with the following organisations directly invited to submit any comments;</p> <ul style="list-style-type: none"> Kent Police Kent Fire & Rescue Service Kent County Council Trading Standards Kent County Council Social Services Members Ashford Borough Council Planning Authority Ashford Borough Council Legal Services Ashford Borough Council Economic Development Tenterden Town Council <p>In the absence of any trade organisations, or local licensed premises of this nature, no parties representing the trade could be invited to submit comments directly.</p> <p>No responses were received with reference to the consultation made.</p>	
<p>Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.</p> <p>When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.</p>		
<p>Protected characteristic</p>	<p>Relevance to Decision High/Medium/Low/None</p>	<p>Impact of Decision Positive (Major/Minor)</p>

		Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Low	Neutral
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	High	Positive (Major)
<u>DISABILITY</u> Physical	Low	Neutral
Mental	Low	Neutral
Sensory	Low	Neutral
<u>GENDER RE- ASSIGNMENT</u>	High	Positive (Major)
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u> Men	High	Positive (Major)
Women	High	Positive (Major)
<u>SEXUAL ORIENTATION</u>	High	Positive (Major)
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline	N/A
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the measures taken to mitigate against it.	
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>The republishing of the policy is not considered to have any negative impacts on equality.</p> <p>The adoption of a policy in respects of this licensing area is considered good practice, and goes to aim to promote the protection of children from harm associated with adult entertainments, and also the safety of performers etc. (regardless of sex, or sexual orientation etc.).</p> <p>The policy will be reviewed after a period of five years, or sooner if guidance or legislative changes deem it necessary.</p>
EIA completion date:	2 January 2023