



Minutes

Licensing Committee Tuesday, 26th July, 2022

Attendance

Cllr Dr Barrett	Cllr Mynott
Cllr Cuthbert	Cllr Parker
Cllr Barber (Vice-Chair)	Cllr Wiles
Cllr Gelderbloem	Cllr Tanner
Cllr Laplain	Cllr Bridge (Chair)

Apologies

Cllr Fryd	Cllr Jakobsson
-----------	----------------

Substitute Present

Cllr Mrs Hones
Cllr Sankey

Also Present

Cllr Cuthbert
Cllr Heard
Cllr Hossack
Cllr Aspinell
Cllr S Cloke
Cllr Naylor
Cllr Wagland

Officers Present

Paul Adams	- Licensing Manager
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Mike Ovenden	- Associate Consultant Planner
Carole Vint	- Planning Officer
Daryl Cook	- Planning Officer
Paulette McAllister	- Principal, Design & Conservation Officer
Steve Plumb	-
Tom Newcombe	- Solicitor, Birketts (for and on behalf of the Council's Solicitor)
Zoe Borman	- Governance and Member Support Officer

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

112. Apologies for Absence

Apologies were received from Cllrs Jakobsson and Fryd. Cllrs Hones and Sankey were substitutes respectively.

113. Minutes of the Previous Meeting

The Minutes of the Licensing Committee held on 28th June were agreed as a true record.

114. Minutes of the Licensing Sub Committee

The Minutes of the Licensing Sub Committee held on 1st July were agreed as a true record.

115. Licensing Act Policy Review

The Licensing Act 2003 requires Local Councils to review their Statement of Licensing Policy every five years. A reviewed policy has been produced for consideration of this committee in preparation for consultation.

Mr Adams summarised the report.

Cllr Bridge **MOVED** and Cllr Barber **SECONDED** the recommendations within the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** to:

1. **Agree for the reviewed statement of Licensing Policy to go out to consultation, and;**
2. **That after consultation, relevant responses are reported to the Licensing Committee for consideration, or**
3. **If no relevant responses are received during consultation, then it is recommended the policy be referred to Ordinary Council for the adoption.**

Reasons for Recommendation

The adoption of the policy is an Ordinary Council function.

This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Ordinary Council for adoption.

116. Gambling Act 2005 Policy Review

The Gambling Act 2005 requires local councils to review their Gambling Statement of Policy every three years. A reviewed Statement of Gambling Policy has been produced for consideration by this committee in preparation for consultation.

Mr Adams summarised the report.

Cllr Bridge **MOVED** and Cllr Barber **SECONDED** the recommendations within the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** to:

- 1. Agree for the reviewed statement of Gambling Policy to go out to consultation, and;**
- 2. That after consultation, relevant responses are reported to the Licensing Committee for consideration, or**
- 3. If no relevant responses are received during consultation, then it is recommended the policy be referred to Ordinary Council for the adoption.**

Reasons for Recommendation

The adoption of the policy is an Ordinary Council function.

This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Ordinary Council for adoption.

117. Urgent Business - Hackney Carriage Fares

There was one item of urgent business.

Hackney Carriage Fares Report

Local Authorities have a power to set fares for hackney carriages. A request from representatives of the hackney carriage trade has been received for an increase in the Taxi Fare, which has been subject to public consultation. This report considers the responses to the public consultation and asks members to agree the final Taxi Fare that will take effect in accordance with the statutory requirements.

Paul Adams summarised the report.

Following discussion, Cllr Bridge **MOVED** and Cllr Barber **SECONDED** the recommendations within the report.

A vote was taken by a show of hands and it was **RESOLVED**:

- 1. Consider the consultation responses as in appendix B, and**
- 2. To either agree for the proposed table of fares, as set out in Appendix A to come into effect from the 15 August 2022, or**
- 3. To make any amendments if feels necessary the table of fares in Appendix A, after considering the consultation response, and agree for the Table of Fares with those amendments to come into effect from the 15 August 2022**

Reasons for Recommendation

The process of setting Hackney carriage Fares is prescribed by the legislation; this recommendation is compliant with the procedure to be followed.

Minute Item 117

Committee(s): Licensing Committee	Date: 26 July 2022
Subject: Hackney Carriage Fares	Wards Affected: All
Report of: Paul Adams – Licensing Manager	Public
Report Author/s: Name: Paul Adams – Licensing Manager Telephone: 01277312503 E-mail: paul.adams@brentwood.gov.uk	For Decision

Summary

Local Authorities have a power to set fares for hackney carriages. A request from representatives of the hackney carriage trade has been received for an increase in the Taxi Fare, which has been subject to public consultation. This report considers the responses to the public consultation and asks members to agree the final Taxi Fare that will take effect in accordance with the statutory requirements.

Recommendation(s)

Members are asked to:

- R1. Consider the consultation responses as in appendix B, and**
- R2. To either agree for the proposed table of fares, as set out in Appendix A to come into effect from the 15 August 2022, or**
- R3. To make any amendments if feels necessary the table of fares in Appendix A, after considering the consultation response, and agree for the Table of Fares with those amendments to come into effect from the 15 August 2022**

Main Report

1. Introduction and Background.

- 1.1. Local Authorities have the power to set fares for Hackney Carriage vehicles.
- 1.2. The setting of fares relates to the Council fixing the rates or fares within the district, this may include what is charged for time and distance travelled and all other charges in connection with the hire of a vehicle or with the arrangements for hire of a vehicle
- 1.3. The rate or fares set is known as the "table of fares".

- 1.4. This fare is the maximum amount that can be charged, an individual driver does have the ability to charge below the amount prescribed in the table of fares if they chose to do so.
- 1.5. The table of fares were last set with effect from December 2016; details are provided in **Appendix A**
- 1.6. The cost of providing and running a hackney carriage vehicle has increased since the fare was set in 2016, this increase is being requested to rebalance to costs with the income achieved to ensure that a living wage can be achieved.
- 1.7. The power to set fares is provided by Section 65, Local Government (Miscellaneous Provisions) Act 1976.
- 1.8. When this power is exercised the Local Authority must publish in at least one local newspaper circulating in the district a notice setting out the table of fares allowing not less than 14 days for objection to be made. The Local Authority must make available at their offices a copy of said notice.
- 1.9. If after the 14 days no objection has been received or received and withdrawn, then the new fare takes effect from the date published in the notice
- 1.10. If objection has been received and not withdrawn the Local Authority must consider the objection and may make changes to the proposed table of fares as it feels necessary, or it may choose to not make any changes to the proposal.
- 1.11. If objection is received a report will be brought back to the Licensing Committee for consideration. The new fare will then come into effect within two months of the original date.

2. **Issue, Options and Analysis of Options**

- 2.1. Following a request from representatives of the hackney carriage trade via the Taxi Trade Consultative Group (TTCG) for an increase in the Taxi Fare which was considered and agreed for consultation by the Licensing Committee on the 28 June 2022. Consultation has been carried out in accordance with the legislation.
- 2.2. The proposes table of fares are detailed in **Appendix A**, which also provides a comparison on the difference in cost for a journey of varying distance.
- 2.3. Following the consultation, 4 responses were received, which can be found in **Appendix B**. 1 response supports the proposals, 2 responses suggest that the increase is too large, and one suggests that some of the extras should also be increased.
- 2.4. It is intended that the new table of fares will come into effect on Monday 15 August 2022, which is in line with the statutory time frame.

3. Reasons for Recommendation

- 3.1. The process of setting Hackney carriage Fares is prescribed by the legislation; this recommendation is compliant with the procedure to be followed.

4. Consultation

- 4.1. Consultation has been carried out in accordance with the requirements contained within Section 65, Local Government (Miscellaneous Provisions) Act 1976.
- 4.2. A notice was published in a local paper and was be posted on Brentwood Borough Council's Website and on the public notice board at the front of the Civic Offices, giving 14 days for representations to be made.
- 4.3. All licence holders were also emailed advising of the proposals and advising of their ability to make representation.
- 4.4. As representations have been received, these must now be considered by this committee.

5. References to Corporate Plan

- 5.1. None.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)
Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

There are no direct financial implications for Brentwood Borough Council arising from this report.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer
Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.

(a) When a district council make or vary a table of fares, they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen

days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning and Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

There are no direct financial implications arising from this report as does not relate to the price of a license. The requested price increase relates to income paid directly to the drivers in connection to their business. The taxi trade plays an important role supporting the local economy and so the council should help to regulate it in partnership with representatives, as this consultation seeks to do.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager Communities, Leisure and Health

Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The table of fares does not allow additional charges to be made for passengers accompanied by guide dogs or wheelchair users. This recognises the relevant duty set out in legislation to make reasonable adjustments for disabled users of Hackney Carriages.

Health & Wellbeing Implications

Name/Title: Jo Cory , Corporate Health & Wellbeing Officer

Tel/Email: 01277 312500/jo.cory@brentwood.gov.uk

There are no direct Health or Wellbeing implications arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

Background Papers

None.

Appendices to this report

Appendix A – Details of Current Table of Fares and Proposed Table of Fares

Appendix B – Consultation responses.

This page is intentionally left blank

01/03/2022

Current Tariffs Dec 2016

Proposed Tariffs

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 1	Tariff 2	Tariff 3	Tariff 4
	100.00%	112.50%	125.00%	200.00%	100.00%	112.50%	125.00%	200.00%
Initial Price	£3.40	£3.80	£4.20	£6.80	£4.80	£5.30	£5.80	£9.60
Unit Price	£0.20	£0.20	£0.20	£0.20	£0.30	£0.30	£0.30	£0.30
Yards to flagfall	1053	1034	1024	1053	1338	1272	1224	1338
Yards per drop	154	137	123	77	211	188	169	105
Initial Wait (secs)	239	234	233	260	273	257	246	280
Unit Wait (secs)	35	31	28	19	43	38	34	22
1st Mile	£4.32	£4.86	£5.40	£8.64	£5.40	£6.08	£6.75	£10.81
Per Mile	£2.29	£2.57	£2.86	£4.57	£2.50	£2.81	£3.12	£5.03
Waiting time per hour	£20.57	£23.23	£25.71	£37.89	£25.12	£28.42	£31.76	£49.09
Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 1	Tariff 2	Tariff 3	Tariff 4
1	£4.32	£4.86	£5.40	£8.64	£5.40	£6.08	£6.75	£10.81
2	£6.60	£7.43	£8.26	£13.21	£7.90	£8.89	£9.88	£15.83
3	£8.89	£10.00	£11.12	£17.78	£10.40	£11.70	£13.00	£20.86
4	£11.18	£12.57	£13.98	£22.35	£12.91	£14.50	£16.12	£25.89
5	£13.46	£15.14	£16.84	£26.92	£15.41	£17.31	£19.25	£30.92
10	£24.89	£27.98	£31.15	£49.78	£27.92	£31.36	£34.87	£56.06

Extra Charges

For each person in excess of one - Additional £0.40p

All journeys with 5 or more passengers - Additional 50% of proper fare

Booking Fee up to a maximum of £20 may be added to the proper fare where a Hackney Carriage vehicle is used for Private Hire use within the district.

London Congestion Charge and Dartford Crossing - As Applied

Cab Soiling - Inside £50 - Outside £20

This page is intentionally left blank

Appendix B

Responses to the Taxi Fare Increase Consultation

1. Andrew Earl Licensed Taxi Driver Received by email 11/7/22

I would like to say that I support the proposed changes to the tariff.

Especially the over 5 passengers uplift which is most welcome. Extras never really covered the extra costs associated with a larger vehicle.

2. Trevor Yorke Licensed Taxi Driver received by email 11/7/22

I feel there should be a small increase in taxi fares within Brentwood. The proposed fares are too extreme and need to be scaled back a little. I feel the yardage is better, but the minimum fare should not be jumping up over a £1. We are getting a lot more local people using taxis as we are cheaper than Uber for short journeys and we need to keep that so local people keep using us

3. Andre Robson Licensed Taxi Driver received by email 8/7/22

20p has been the standard for 20+ years

40p is still every small addition for extras

£1 for first extra and 50 each thereafter making £2 max for four-seater and £3 per 6 seater.

Car soiling, again it's disgusting loss of earning when it happens. Prehistoric fees on soiling where the changes are needed and never have adjusted.

£50 never compensates. Double it.

Times need changing we still sitting in the past.

4. Mark Millership Licensed Taxi Driver received by email 18/7/22

I object to this increase as I feel it is too big,

This page is intentionally left blank