



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 10 July 2013 at 9.30am

PRESENT

Councillor Michael Allan (Chairman)
Councillor Sue Austen
Councillor Tony Godge
Councillor Lindsey Harris
Councillor Elaine Griffin-Singh
Councillor Chris Morris
Councillor Tony Parramint
Councillor Philip Read
Councillor John Palmer
Councillor Sue Willows

APOLOGIES

Councillor Allen Alderson
Councillor Lavinia Edwards
Councillor Andy Wright

IN ATTENDANCE

Amanda Apcar - Principal Solicitor
Lin Bagwell – Licensing Officer (Enforcement)
Elizabeth Bailey – Principal Environmental Health Officer
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer

4 members of the public attended the meeting.

3. **DECLARATIONS OF INTEREST**

There were no interests declared.

4. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meetings held on 17 April 2013 and 14 May 2013 be confirmed as a correct record and signed by the Chairman.

5. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- The Chairman welcomed all Members, particularly new Committee Members, to the first Licensing Committee meeting of the new municipal year and thanked the former Licensing Committee Chairman for the way in which he had carried out the role. The Chairman noted that it would be a difficult job to follow in his footsteps.
- Noted that a very useful training session had taken place on 18 June 2013 on 'Licensing Hearings for All Parties' which had been delivered by Gary Grant, a Barrister from Francis Taylor Building on behalf of the Institute of Licensing.
- The information/training session which had been intended to proceed after this meeting had been deferred until the next meeting as it had been necessary to schedule a Taxi Licensing Sub-Committee following the Licensing Committee meeting.

6. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**
HACKNEY CARRIAGE FARES INCREASE PROPOSALS

Members were referred to two papers that were tabled at the meeting. One paper summarised all of the Hackney Carriage fare proposals in comparison to the current Hackney Carriage fares. The other paper detailed the national averages of Hackney Carriage fares including those in East Anglia.

The Licensing Officer (Enforcement) presented a report, (N49), previously circulated, for the Licensing Committee to consider proposals to review Hackney Carriage fares at the request of Hackney Carriage vehicle proprietors.

It was explained that on 2 April 2013 the Council received a request from Mr John Skipper, proprietor of A10 Taxis, as detailed in Appendix 1 of the officer's report, to increase the vehicle booking fee listed under 'sundry items' on the existing table of Hackney Carriage fares from 50p to £5.00.

On 26 April 2013 the Council, as obliged, wrote to all Hackney Carriage vehicle proprietors to notify them of the receipt of a request for a review of the current Hackney Carriage tariff and to invite them to submit in writing any further proposals for a fare increase by 31 May 2013.

During the consultation period from 26 April to 31 May 2013 the Council received:

- seven responses from individual Hackney Carriage vehicle proprietors in support of increases to the existing Hackney Carriage tariffs;
- an email response from Mr John Skipper on 29 April 2013 providing reasons for the proposed increase to the booking fee, as detailed in Appendix 3 of the officer's report.

- a multiple response (with fifteen signatures) together with a proposed tariff as detailed in Appendix 11 of the officer's report.
- a response that agreed that the existing Hackney Carriage tariff required amendment but it did not suggest a proposed increase, as detailed in Appendix 12 of the officer's report.

Each proposal together with a mock Hackney Carriage tariff card were provided with each of the consultation responses. Any proposed changes to the existing tariffs were illustrated in red font (Appendices 4 to 11 of the officer's report). A working example of a 6.5 mile fare for each rate of fare was included on the individual mock tariff cards.

Section 65 of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 enables a District Council to fix the rate of Hackney Carriage fares within the district for time, as well as distance, and all other charges in connection with the hire of a Hackney Carriage vehicle by means of a 'table of fares'. The current Hackney Carriage table of fares was appended to the officer's report as Appendix 2 and had been in effect since 1 July 2010.

The Licensing Officer (Enforcement) explained that since 1 July 2010 vehicle proprietor costs had risen, particularly in relation to the cost of fuel. However, one Hackney Carriage vehicle proprietor had made the following arguments against increasing Hackney Carriage fares as follows:

- It could be deemed unfair for the Council to show any preference from the proposals submitted;
- As each of the proposals differ, it could appear that there is a lack of consensus amongst the Hackney Carriage trade regarding the level of the proposed fare increases or whether a fare increase is necessary at all.
- No evidence has been submitted as to how individual vehicle proprietors determined their proposals, such as a breakdown of business overheads, fuel costs, etc.

All of the Hackney Carriage fare proposals that were received during the consultation were sent to Panther Taxis Ltd who are the local agent that provides independent advice to the licensing authority regarding taximeters and their calibration. Panther Taxis Ltd provided the following response, which was attached to the officer's report as Appendix 13:

- any of the proposed tariffs can be entered into all modern taximeters;
- Panther Cars Ltd have only installed new meters into East Cambridgeshire licensed Hackney Carriage vehicles and have not reinstalled any old-style meters into licensed vehicles for several years;
- it is suggested that 'odd amount' increments, such as the 17p increment for each subsequent tenth of a mile, might be rounded up to a decimal number, such as 20p, to prevent problems for drivers and customers alike requiring the correct change;

- for 'sundry items' on the tariff card, the driver must enter these amounts manually by pressing a button on the taximeter. The button is set at the lowest denominator, currently 5p, to allow the driver to input 20p for items of luggage, 25p for additional passengers, 50p for pre-bookings and £1.00 for the carriage of bicycles and pets. It is suggested that the button might be set at a higher common denominator, such as 25p to assist the driver;
- as all new meters are set in meters and kilometres, if a local authority wishes to set the rates in yard and miles Panther Cars Ltd have to convert the meters to the approximate equivalent to the said yards and miles;
- where a local authority allows various time and day tariffs (Sundays, bank holidays, etc.) most authorities insist in having the meter calendar controlled to prevent the driver from adjusting the tariff;
- although East Cambridgeshire District Council licensed Hackney Carriage taximeters are sealed to prevent drivers from tampering with set fare distances, currently the majority of East Cambridgeshire District Council taximeters are not calendar controlled which means that drivers are required to change the tariff rates manually.

Regarding the 'sundry items' on the taxi tariff card the Licensing Officer (Enforcement) suggested that it might be preferable, in order to assist the driver, to increase the fee for 'each article of luggage carried outside of the passenger compartment of the carriage' from 20p to 25p, or to reduce the fee for 'each passenger in excess of one' from 25p to 20p to enable the lowest denominator on the 'sundry items' button on the meter to be calibrated to 20p or 25p from 5p.

Members were advised that the cost to re-calibrate each Hackney Carriage meter would be borne by the Hackney Carriage vehicle proprietors at a cost of approximately £20.00 per taximeter.

Members were therefore requested to consider and, if they wished, agree a variation to the Hackney Carriage fares following consultation with the Hackney Carriage trade from 26 April 2013 to 31 May 2013.

If Members agreed to vary the current Hackney Carriage fares it would be necessary for the Committee to authorise the Head of Environmental Services to:

- (i) advertise the variation of fares in at least one local newspaper circulating in the district and publish a notice in the Council offices for public inspection allowing 28 days for the public to make representations. The cost for which would need to be met from existing budgets; and
- (ii) set the date for any variation to take effect on either 2 September 2013 or, following further consideration of any objections that have not been withdrawn, 2 November 2013.

Alternatively Members could consider the Hackney Carriage fare proposals and resolve to not make any changes to the current table of fares.

Cllr Goodge had been impressed with the consultation responses particularly as some of the responses acknowledged the impact that an increase in Hackney Carriage fares would have on the public, who were also affected by the current economic current, and the subsequent detrimental impact that this could have on the taxi trade.

Having carefully considered the various proposals Cllr Goodge suggested that the proposal attached as Appendix 7 of the officer's report was a sensible suggestion. Cllr Goodge also considered that including a separate rate for Christmas Day, as suggested in Appendix 8 of the officer's report was also an acceptable proposal.

The Head of Environmental Services reminded Members that the Committee did not have to accept one particular proposal but could amend the Hackney Carriage fares by a mixture from all or some of the proposals. Alternatively Members could choose to not amend the current Hackney Carriage table of fares.

In response to a question from Cllr Read, the Licensing Officer (Enforcement) explained that currently Christmas Day was included in Rate 3 of the Hackney Carriage table of fares. Rate 3 was the rate for hiring a Hackney Carriage vehicle on public or bank holidays which was currently set at £5.50 for the first mile and £2 for every mile thereafter.

Referring to the proposal to increase the soiling charge, Cllr Griffin-Singh was concerned that a charge for soiling could be inappropriately imposed for instance if a packet of crisps was spilt in a vehicle.

Cllr Read assumed that Hackney Carriage vehicle proprietors had a system in place to verify bookings to prevent unnecessary journeys to longer distance fares.

In response to questions, the Licensing Officer (Enforcement) explained that Hackney Carriage vehicles were able to take Private Hire bookings, but Private Hire vehicles could not work as a Hackney Carriage vehicle. An increase in the current pre-booking fee of 50p to £5 had been proposed as a taximeter could not be engaged until the Hackney Carriage vehicle arrived at the pick-up location, which could be some distance from the office.

Cllr Read agreed that Hackney Carriage vehicle proprietors should be able to make some charge for pre-bookings, particularly to compensate for longer distance bookings for short journeys. However, Cllr Read did not agree that people living outside of Ely should in effect be penalised for living outside of Ely.

In response to questions by Cllr Griffin-Singh, the Licensing Officer (Enforcement) explained that Hackney Carriage vehicles were able to use the taxi ranks, could be hailed as well as pre-booked. However, Private Hire vehicles could only be pre-booked. It was not unusual for Hackney Carriage vehicle proprietors to have a fleet of vehicles for use as Private Hire vehicles. It was noted that only two of the consultation responses had requested an increase in the pre-booking fee from 50p to £5, and that many of the consultation responses had been received from independent taxi drivers. It was further noted that there were other Hackney Carriage and Private Hire companies based outside of Ely that could accept the rural bookings.

Cllr Goodge stated that the Council now had a good relationship with the taxi trade, which he did not wish to jeopardise, and he urged the Committee to focus on the relevant points of the report. Cllr Goodge stated that there had been some sensible proposals submitted during the consultation and he therefore proposed amendments to the Hackney Carriage table of fares as per Appendix 7 of the officer's report which made the following amendments:

Rate 1

For the first mile (approx. 1.6093 kilometres)	£3.00 to £3.50
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	17p to 20p

Rate 2

For the first mile (approx. 1.6093 kilometres)	£3.50 to £4.00
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This proposal was seconded by Cllr Read.

The Head of Environmental Services reminded Members that any amendments to the Hackney Carriage table of fares needed to be justified and it was important to consider whether increasing the pre-booking fee from 50p to £5 was justified. The Chairman also reminded Members that the Committee did not have to agree to any of the proposals.

Cllr Read stated that he felt that the Committee had considered whether the pre-booking fee should be increased. Cllr Read further stated that the proposed increases were justified on the basis that the Hackney Carriage table of fares had not been revised since July 2010 and in that time vehicle proprietor costs had risen, particularly in relation to the cost of fuel. Cllr Read explained that the proposed amendments addressed this issue as well as to an extent the costs associated with the more rural fares. Cllr Read stated that the Committee should not accept the increase in the pre-booking fee from 50p to £5.

In addition to his earlier proposal, Cllr Goodge also proposed the separate rate for Christmas Day – Rate 4 - as listed in Appendix 8 of the officer's report.

Members were asked to consider whether they wished to amend any of the rates for 'sundry items'. As previously explained, the Licensing Officer noted that the lowest denominator on the 'sundry items' button was currently 5p and therefore Members might wish to consider increasing the fee for 'each article of luggage carried outside of the passenger compartment of the carriage' from 20p to 25p. The lowest denominator on the 'sundry items' button would then be set at 25p.

The Licensing Officer explained that a proposal had been suggested by a member of the taxi trade to increase the charge for the soiling of the interior of a vehicle from £80 to £90. The Licensing Officer explained that a member of the public had recently complained at being charged £80 for the soiling of a vehicle. However, the Licensing Officer noted that the financial loss incurred by the taxi trade as a result of soiling was much greater than £80.

Cllr Goodge proposed that the fee for 'each article of luggage carried outside of the passenger compartment of the carriage' be increased from 20p to 25p.

Cllr Austen suggested that Rate 4 should also be applicable to Easter Sunday as well as Christmas Day. Cllr Goodge stated that his proposal for the inclusion of a Rate 4 only applied to Christmas Day.

Cllr Read suggested that as a result of the financial loss incurred by the taxi trade in the event of the soiling of a vehicle that the charge should be increased more significantly to £150. It was explained that as the only proposal from the trade was to increase the charge for the soiling of the interior of a vehicle from £80 to £90, that such an increase was difficult to justify. Cllr Goodge proposed that the charge for the soiling of the interior of a vehicle be increased to £90.

All of the subsequent proposed amendments to the original proposal by Cllr Goodge were accepted by the seconder, Cllr Read.

The Licensing Officer noted that there had also been a proposal that the charges for the 'conveyance of bicycles or trunks' and 'pets' be increased from £1 to £2, which would assist with the clearing of pet hair from the vehicle. Cllr Griffin-Singh enquired whether this was a significant issue experienced by the trade. The Head of Environmental Services suspected that if it was a significant issue then there would have been more proposals for an increase in these sundry fees.

Cllr Goodge suggested that 'each subsequent tenth of a mile' within the new Rate 4 should be 35p, not 20p, as a tenth of £3.50 was 35p and the lowest denominator was now proposed as 25p. It was explained that the lowest denominator related to sundry items which were manually input into the taximeters by the drivers. The rates of fares could be set at any amount as these were pre-programmed and calibrated into the taximeters.

Cllr Austen proposed an amendment that Rate 4 also apply to New Years Day and Easter Sunday, which was seconded by Cllr Morris. On being put to the vote the amendment was lost.

It was then resolved:

That the Licensing Committee:

- i. agree a variation to the Hackney Carriage fares following consultation with the Hackney Carriage trade from 26 April 2013 to 31 May 2013 as detailed in the table of fares detailed below, with the following amendments:

Rate 1

For the first mile (approx. 1.6093 kilometres)	£3.00 to £3.50
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	17p to 20p

Rate 2

For the first mile (approx. 1.6093 kilometres)	£3.50 to £4.00
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Rate 4 (For hiring on Christmas Day)

For the first mile (approx. 1.6093 kilometres)	£6.00
Every mile thereafter (approx. 1.6093 kilometres)	£3.50
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	20p

Waiting Time

For each period of three minutes or uncompleted part thereafter	£1.20
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For each article of luggage carried outside the passenger compartment of the carriage	20p to 25p
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Soiling the interior of the vehicle	Not to exceed £80.00 to Not to exceed £90.00
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- ii. authorise the Head of Environmental Services to:
 - a. advertise the variation of fares in at least one local newspaper circulating in the district and publish a notice in the Council offices for public inspection allowing 28 days for the public to make representations;
 - b. set the date for any variation to take effect on either 2 September 2013 or, following further consideration of any objections that have not been withdrawn, 2 November 2013.

FARES FOR DISTANCE

(A) RATE 1

For the first mile (approx. 1.6093 kilometres)	£3.50
Every mile thereafter (approx. 1.6093 kilometres)	£1.70
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	20p

Waiting Time

For each period of three minutes or uncompleted part thereafter	£1.00
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(B) RATE 2

For hiring begun between 19.00 and 07:00 from Monday evening to Saturday morning inclusive

For hiring begun between 13:00 on a Saturday until 07:00 on a Monday

For the first mile (approx. 1.6093 kilometres)	£4.00
Every mile thereafter (approx. 1.6093 kilometres)	£2.00
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	20p

Waiting Time

For each period of three minutes or uncompleted part thereafter	£1.20
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(C) RATE 3

For hiring on public or Bank Holidays

For the first mile (approx. 1.6093 kilometres)	£5.50
Every mile thereafter (approx. 1.6093 kilometres)	£2.00
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	20p

Waiting Time

For each period of three minutes or uncompleted part thereafter	£1.20
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(D) RATE 4

For hiring on Christmas Day

For the first mile (approx. 1.6093 kilometres)	£6.00
Every mile thereafter (approx. 1.6093 kilometres)	£3.50
For each subsequent tenth of mile (approx. 0.16093 kilometres) or uncompleted part thereof	20p

Waiting Time

For each period of three minutes or uncompleted part thereafter	£1.20
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(E) SUNDRY ITEMS

For each article of luggage carried outside the passenger compartment of the carriage	25p
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For each passenger in excess of one (two children under 12 years old shall count as one person and children under the age of three shall not be counted). No charge shall be made where a person is carried whose illness or physical incapacity requires that he or she must be accompanied at all times when away from his or her place of residence.	25p
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Where the hirer arranges by letter, telephone or otherwise with the proprietor or driver prior to commencement of hiring, for hire of the carriage to commence from a stated place other than a hackney carriage stand.	50p
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Soiling the interior of the vehicle	Not to exceed	£90.00
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Conveyance of bicycles or trunks where they have to be carried	£1.00
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Pets (excluding assistance dogs)	£1.00
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7. HACKNEY CARRIAGE ROOF SIGN CONSULTATION OUTCOME REPORT

The Principal Environmental Health Officer presented a report, (N50), previously circulated, to inform Members of the Hackney Carriage roof sign consultation responses and for the Licensing Committee to determine the *'form to be approved by the Council'* in relation to licensed Hackney Carriage vehicles.

It was explained that the Council's current licence Condition 3.3 for Hackney Carriage vehicles stated that *'A vehicle roof sign will be allowed in a form to be approved by the Council'*. However, there was no definition as to what constituted 'in a form to be approved'.

The former Chairman of the Licensing Committee had met with the Hackney Carriage and Private Hire trade at the Council Offices on 19 September 2012 to discuss Hackney Carriage roof signs. The notes of this meeting were attached to the officer's report as Appendix 1.

A survey of roof signs on Hackney Carriage vehicles licensed by East Cambridgeshire District Council was conducted between 10 October 2012 and 25 October 2012 – the results were attached to the officer's report as Appendix 2. The survey identified a variety of shapes, sizes and colours of signs being used by the trade. Several signs were noted to have additional numbering which could cause confusion with the vehicle licence plate number should a member of public wish to make a complaint about a vehicle or driver.

It was explained that should Members approve the suggested amendment to the Council's licence Condition 3.3, the survey had identified that approximately 13 roof signs would require the wording 'TAXI' to be affixed to the rear of the roof sign and approximately 3 roof signs would have to remove numbering from the end of the roof signs.

Should a vehicle proprietor choose to replace a roof sign rather than modify an existing sign to meet the *'approved form'*, roof signs are available on the market for purchase in the region of £34 + VAT for a 10 x 6 x 4 inch size sign. For vehicle proprietors wishing to add the wording TAXI to the sign, web based companies offer 10 inch signage from £5 and it is also possible to purchase individual lettering in the region of 30p per letter.

Further to the Hackney Carriage roof sign survey a consultation paper was circulated to the Hackney Carriage and Private Hire trade, members of the public, the police, neighbouring local authorities, Trading Standards and VOSA to request comments on the officer's recommendation as detailed in paragraph 2.1 of the officer's report. A total of 7 responses were received with no adverse comments being made to the proposals. The consultation responses were attached to the officer's report as Appendix 3.

Members were informed that alternatively they could remove the requirement from the Councils current licence condition 3.3 for Hackney Carriage roof signs to be of an 'approved form'. However, it would be necessary to ensure that the licence condition was clear that roof signs for

Hackney Carriages are mandatory and that they must be illuminated when available for hire.

The Principal Environmental Health Officer explained that by having a description of an '*approved form*' in relation to Hackney Carriage roof signs a minimum standard was defined as well as providing certainty for new and existing licensees and for the travelling public.

The suggested '*approved form*' still offered flexibility for vehicle proprietors to choose the shape, size and colour of the Hackney Carriage roof signs and allowed existing proprietors in the main to retain their existing signs. The suggested proposals had the least impact on the majority of those signs surveyed.

It was important to include the requirement that roof signs are mandatory for Hackney Carriage vehicles as this was not specifically implied in the current licence condition. By making it clear it established a separation between Hackney Carriage vehicles and Private Hire vehicles.

The Principal Environmental Health Officer explained that the suggested proposed changes would come into effect on the renewal of existing vehicle licences from 1 October 2013 and that the Hackney Carriage roof sign standards would be reviewed as a result of any future changes to legislation/guidance issued in connection with the Law Commission Tax Reform.

Cllr Goodge stated that he supported the officer's recommendations and he was happy to propose the recommendations listed in the officer's report.

Cllr Morris stated that a significant amount of officer time been spent on this matter. Cllr Morris wished that the Committee's appreciation to the officers be minuted and he subsequently seconded the recommendation.

It was unanimously resolved:

- i. That the current vehicle licence condition 3.3 for Hackney Carriage roof signs has the following wording added;

In terms of an 'approved form' for Hackney Carriage roof signs that this relates to the following basic standards;

- (i) That the roof sign is illuminated when the vehicle is available for hire*
- (ii) That the word 'TAXI' in black capital letters is clearly legible on the front and rear side of the roof sign*
- (iii) That there are no other markings on the roof sign*

In addition to it being mandatory that Hackney Carriages carry a roof sign.

- ii. That the proposed changes come into effect on renewal of existing vehicle licences from 1 October 2013.
- iii. To review Hackney Carriage roof sign standards as a result of any future changes to legislation/guidance issued in connection with the Law Commission Taxi Reform.

8. **FORWARD AGENDA PLAN**

The Committee received and considered the Licensing Committee forward agenda plan.

The Chairman clarified that the item on the agenda for the September Licensing Committee meeting regarding the public speaking scheme related to Licensing Sub-Committee meetings, and that the information/training session would proceed following the September Licensing Committee meeting provided that no Taxi Licensing Sub-Committee meeting was required to be convened.

Cllr Goodge, as the former Chairman of the Licensing Committee, noted that he had periodically consulted with the Hackney Carriage and Private Hire Trade and he hoped that the Chairman would continue with these meetings. The Chairman confirmed that it was his intention to continue with the Hackney Carriage and Private Hire Trade meetings.

It was resolved:

That the Licensing Committee forward agenda plan be noted.

The meeting concluded at 10.25am.