

Date: 6 April 2011

To: Members of the Licensing (Regulatory) Committee

Mr. K. Nichols (Chairman)	Mr. P. Hall
Mr. C. G. Joyce (Vice-Chairman)	Dr. J. R. Moore
Mr. P. R. Batty	Mr. K. Morrell
Mr. J. C. Bown	Mr. O. O'Shea
Mr. S. L. Bray	Dr. A.J. Smith
Mr. M. B. Cartwright	Mrs. S. Sprason
Mrs. S. Francks	Mr. B.E. Sutton
Mr. D. M Gould	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor

There will be a meeting of the **LICENSING (REGULATORY) COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY 19 APRIL 2011 at 6:30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Pat Pitt (Mrs.)
Corporate Governance Officer

LICENSING (REGULATORY) COMMITTEE

19 APRIL 2011

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 24 November 2010 - copy attached marked LR5.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.**

RESOLVED 5. TRADE REQUEST FOR VARIATION OF HACKNEY CARRIAGE FARES

Report of Deputy Chief Executive (Community Direction) attached marked LR6. (Pages 1-5)

6. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

To: All Members of the **Licensing (Regulatory) Committee** with a copy to all other Members of the Council.

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LICENSING (REGULATORY) COMMITTEE
24 NOVEMBER 2010 AT 6.30 PM

PRESENT: Mr. K. Nichols – Chairman
Mr C.J. Joyce – Vice Chairman

Mr. J.C. Bown, Mr. S.L. Bray, Mr. M.B. Cartwright,
Mr. D.M. Gould, Mr. P.A.S. Hall, Mr. R. Mayne, Mr. K. Morrell,
Mr L.J.P. O'Shea, Mrs S. Sprason and Mr. B. E. Sutton

Officers in attendance: Mr. Mark Brymer, Mrs. P.I. Pitt and Mr.
M. Rice

308 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mrs S. Francks, Dr. J.R. Moore (for whom Mr. Mayne substituted in accordance with Council Procedure Rule 4.3) and Dr. A.J. Smith.

309 MINUTES (LR3)

On the motion of Mr. Hall, seconded by Mr. Bown, it was

RESOLVED - the minutes of the meeting held on 25 November 2009 be confirmed and signed by the Chairman.

310 DECLARATIONS OF INTEREST

No interests were declared at this stage.

Mr. Gould entered the meeting at 6.38 pm.

311 EXECUTIVE PRIVATE HIRE PLATE EXEMPTION (LR4)

In consequence of a request from the proprietor of a local company seeking exemption from having to display a private hire vehicle plate on his corporate vehicles, the Principal Licensing Officer asked that Members consider amending the Council's Hackney Carriage and Private Hire Licensing Policy to provide for "exempt plating".

At this juncture Messrs Mayne, Nichols and O'Shea declared a personal interest in this item.

The Principal Licensing Officer emphasised that requests for plate exemption would not be automatically granted and that in support of their submission applicants would be required to produce suitable evidence as to reasons for requesting an exemption, and supply full details of the work to be undertaken. If the Committee was minded to agree that the existing Policy should be amended there would be extensive consultation before a revised Policy was adopted.

Although no national recognition scheme existed which governed the display of private hire vehicle plates the suggestion was made that a disc similar to a tax disc be displayed.

It was moved by Mr. Cartwright, seconded by Mr. Sutton and

RESOLVED - the following be agreed:-

- (i) The existing Hackney Carriage and Private Hire Licensing Policy (Appendix A to the report of the Deputy Chief Executive (Community Direction) be changed, subject to consultation with the private hire trade; and
- (ii) The power to determine applications for “exempt plating” be delegated to the Principal Licensing Officer, such delegation to be subject to the Principal Licensing Officer having the discretion to refer such applications to a Licensing Sub-Committee for determination.

At the conclusion of the meeting it was agreed that as a temporary measure until such time as the existing Policy is revised the Principal Licensing Officer arrange exemption for two vehicles from the need to display the Council’s approved identification plate.

(The meeting closed at 6.47 pm)

LICENSING REGULATORY COMMITTEE – 19 APRIL 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: TRADE REQUEST FOR VARIATION OF HACKNEY CARRIAGE FARES

1. PURPOSE OF REPORT

- 1.1 To consider a request by the Hinckley Area Taxi Association for an increase in the table of fares for hackney carriages.

2. RECOMMENDATION

- 2.1 The Committee determine the application.
- (i) the tariffs shown in Appendix A be considered;
 - (ii) should the tariff be approved either with or without amendments, the Principal Licensing Officer be authorised to take the necessary steps to implement the revised tariff with effect from 2 June 2011, subject to there being no objections to the proposal; and
 - (iii) any objections received be referred to a future meeting of this Committee.

3. BACKGROUND TO THE REPORT

- 3.1 Hinckley and Bosworth Borough Council has received an application from the Hinckley Area Taxi Association for an increase in the table of fares. The association has drawn attention in its application to the increase in running costs, the rising price of fuel, the increase in the cost of new vehicles and insurance premiums. Their application at Appendix A, shows the initial hiring fee with increments every 176 yards showing how the price of fares are calculated.
- 3.2 This council's current fare structure came into effect in August 2007. A copy of the current fare card is attached at Appendix B along with tables showing the current and proposed fare structures. For ease of use these tables show the cost per mile for tariff 1 and 2 and how our fares compare with neighbouring authorities.
- 3.3 Prior to the consideration of this proposal Hinckley & Bosworth Borough Council was placed 274 out of 378 councils nationally in the table of fares published by Private Hire & Taxi monthly March 2011. A representative from Hinckley Taxi Association will be in attendance to answer questions.

THE POWER OF THE AUTHORITY TO SET FARES

- 3.4 Local licensing authorities have the power to set taxi fares and most do so. (There is no power to set Private Hire Vehicle fares.) It is seen as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. The Department for Transport suggests that in doing so local licensing authorities should pay particular heed to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.
- 3.5 Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at rank, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition.
- 3.6 Hackney carriages have taximeters fitted that are calibrated and sealed. It is not a requirement for private hire vehicles to have meters, although many proprietors choose to install them. There are a number of makes and models of taximeters in use but they must all comply with the Measuring Instruments (Taximeters) Regulations 2006. Whilst meters will vary in sophistication, all are designed to calculate fares by measuring distance and time and will display the incrementally increasing charge as the journey continues and will exhibit the total amount to be paid when the destination is reached.
- 3.8 Taxi fare regulation provides certainty and is intended to protect consumers from overcharging whilst still allowing flexibility for discounting. The Office of Fair Trading has declared that competition should remain on fares and have issued guidance that warns against the formation of cartels.
- 3.9 As already stated, all hackney carriages have taximeters and the fares calculated on those meters cannot be in excess of the council's maximum rate. However, modern taximeters are capable of accepting a number of different rates and indeed many councils will approve more than one 'tier' on its maximum tariff, typically allowing enhanced payments for journeys taken late at night or on Sundays or public holidays.

An important case in this connection is *R v Liverpool City Council, ex parte Curzon Ltd* that established two principles:

1. That it was lawful for a hackney carriage driver to charge less than the fare shown on the meter; and
2. That a proprietor of a hackney carriage could calibrate his taximeter in such a way as to offer a universal discount on the council's maximum tariff.

3.10 The basic methods by which the scales may be varied are:

- vary charge for initial drop
- vary charge for subsequent yardages
- vary distance travelled for initial drop, subsequent yardage or both
- vary the 'extra charges'

3.11 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may fix the rates or fares within the district both for time and distance, (along with all other charges in connection with the hire of a hackney carriage) and sets out the process. The process can be lengthy due to the need to advertise any variations to the scale and consider any objections but it does give the public the opportunity to comment. There is also a cost involved in the advertising of the changes.

3.12 Once the fares have been set, the meter should be set to the approved rate and it is an offence to charge more than the fare shown on the meter (plus any legitimate extras) although section 54 of the 1847 Town Police Clauses Act allows agreement to be made, in advance of the hiring of a hackney carriage, that a sum less than that shown at the end of the hiring will be paid. Once such an agreement has been made it is an offence for the proprietor or driver to demand more than was agreed in advance, and such an agreement cannot provide for payment of a fare higher than would be shown on the meter (except as detailed in the following paragraph).

3.13 When the journey is to end outside the council's area, section 66 of the 1976 Act prohibits a driver demanding a fare greater than that shown on the meter unless such agreement has been made in advance.

THE CRITERIA FOR SETTING FARES

3.14 As stated above, the 1976 Act says that the council may set fares - there is no obligation on it to do so.

3.15 So far as local authorities who do set fares are concerned, there are a number of different practices. These include:

- review on application
- assessment purely on basis of application
- assessment by reference to inflation / R.P.I.

Outside London, the standard process in many areas for setting fares is for the trade to put forward a proposal to the council's Licensing Committee and this is either approved or rejected.

3.16 If the Committee are minded to grant this increase in the fare structure then it will be necessary to set an implementation date and the proposal will have to be advertised in a local newspaper. Should any objections be received then the Committee must consider them at a future meeting.

STATUTORY POWERS TO UNDERTAKE PROPOSAL

- 3.17 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Licensing Committee power to determine hackney carriage fares.

The power is not delegated to officers.

4. FINANCIAL IMPLICATIONS [CB]

- 4.1 There are no financial implications arising for the Council from the above proposal.

5. LEGAL IMPLICATIONS [MR]

- 5.1 Contained within the body of the report.

6. CORPORATE PLAN IMPLICATIONS [RP]

- 6.1 A well regulated and enforced taxi service provides reassurance to the public and contributes to the Safe and Healthier Borough aim. A taxi fleet which is adequately rewarded provides a good level of service for residents and local business assisting in the Thriving Economy.

7. CONSULTATION

- 7.1 If new table of fares is approved the table must be published in a local newspaper giving at least 14 days for objections to be received. If any objection is received the Local Authority must consider them. The fare table or a revised table will come into effect within two months of the original date.

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives. It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Economy/Community. (Impact of fare increase may have a detrimental affect to the publics use)	The Committee to determine the correct course of action at this time.	Mark Brymer
Reputation – Negative Press	The Committee giving cogent reasons for the determination.	Mark Brymer

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**
[RP]

With the requirement for Taxis to be increasingly able to transport disabled persons, taxis provide an important transport option for the disabled. Increases in fares will affect those sections of the community where such transport costs are a significant percentage of their income. Where public transport is not provided or regular, taxis may be the only public transport option for residents in the more remote villages. This can be a significant additional cost for living in rural locations.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications [SS]
 - Environmental implications
 - Asset Management implications
 - Human Resources implications
 - Planning Implications
 - Voluntary Sector
-

Background papers:

HBBC current fare card

Application from the Hinckley Area Taxi Association for increase in fare tariff (and supporting information).

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

Contact Officer: Mark Brymer ext 5645

APPENDIX A

HINCKLEY AREA TAXI ASSOCIATION



**54 Gwendoline Av
Hinckley
Leicestershire
LE10 0EZ**

Tel 01455 616666 Fax 01455250123 EMAIL tina.duane1@ntlworld.com

**To Mark Brymer
Chief licensing officer
Argents Mead
Hinckley
Leicestershire**

Dear Mr. Brymer

Recently I spoke to you regarding the trade's feelings regarding a tariff increase. The trade had a meeting at the Kase Hotel on Wednesday 23rd February 2011. The general feeling of the trade was that it has been a considerable time since they had an increase ,this was however a conscious decision for the last three years as the trade were reluctant to increase the tariff due to the fear of losing custom and deterring the public from using the town centre. The drivers are of the opinion that recently due to the recession this has a major impact on the amount of cash the public have had to spend on social activities. However due to the fuel increase (a rise of 50%), increase of insurance costs (a rise of 33.3%).the rising cost of new vehicles due to the rise in VAT and the rise in cost of maintenance due to the increase in cost of parts ,the trade now have no other option than to apply for a tariff increase . Members of the trade have worked on some figures and were very careful to ensure that the increase we intend to apply for is not unrealistic and viable to go towards covering the extra expenditure that they have had to endure. The figures are as follows;

Tariff 1

From in Yards	Up to in Yards	Price
0	880	£2.60
880.001	1056	£2.80
1056.001	1232	£3.00
1232.001	1408	£3.20
1408.001	1584	£3.40
1584.001	1760	£3.60
1760.001	1936	£3.80
1936.001	2112	£4.00
2112.001	2288	£4.20
2288.001	2464	£4.40
2464.001	2640	£4.60
2640.001	2816	£4.80
2816.001	2992	£5.00
2992.001	3168	£5.20
3168.001	3344	£5.40
3344.001	3520	£5.60
3520.001	3696	£5.80
3696.001	3872	£6.00
3872.001	4048	£6.20
4048.001	4224	£6.40
4224.001	4400	£6.60
4400.001	4576	£6.80
4576.001	4752	£7.00
4752.001	4928	£7.20
4928.001	5104	£7.40
5104.001	5280	£7.60

1 mile

2 miles

3 miles

Tariff 2

From in Yards	Up to in Yards	Price
0	880	£3.90
880.001	1056	£4.20
1056.001	1232	£4.50
1232.001	1408	£4.80
1408.001	1584	£5.10
1584.001	1760	£5.40
1760.001	1936	£5.70
1936.001	2112	£6.00
2112.001	2288	£6.30
2288.001	2464	£6.60
2464.001	2640	£6.90
2640.001	2816	£7.20
2816.001	2992	£7.50
2992.001	3168	£7.80
3168.001	3344	£8.10
3344.001	3520	£8.40
3520.001	3696	£8.70
3696.001	3872	£9.00
3872.001	4048	£9.30
4048.001	4224	£9.60
4224.001	4400	£9.90
4400.001	4576	£10.20
4576.001	4752	£10.50
4752.001	4928	£10.80
4928.001	5104	£11.10
5104.001	5280	£11.40

1 mile

2 miles

3 miles

Further Tables continued on Page 3

Tariff 3

From in Yards	Up to in Yards	Price
0	880	£5.20
880.001	1056	£5.60
1056.001	1232	£6.00
1232.001	1408	£6.40
1408.001	1584	£6.80
1584.001	1760	£7.20
1760.001	1936	£7.60
1936.001	2112	£8.00
2112.001	2288	£8.40
2288.001	2464	£8.80
2464.001	2640	£9.20
2640.001	2816	£9.60
2816.001	2992	£10.00
2992.001	3168	£10.40
3168.001	3344	£10.80
3344.001	3520	£11.20
3520.001	3696	£11.60
3696.001	3872	£12.00
3872.001	4048	£12.40
4048.001	4224	£12.80
4224.001	4400	£13.20
4400.001	4576	£13.60
4576.001	4752	£14.00
4752.001	4928	£14.40
4928.001	5104	£14.80
5104.001	5280	£15.20

1 mile

2 miles

3 miles

Soiling Charge still remains at £50.00

Waiting time T1 20 Pence per Minute

Waiting time T2 30 Pence per Minute

Waiting time T3 40 Pence per Minute

The Taxi industry in Hinckley is operating on an above average standard, the vehicles that are operating are well maintained and are well presented, we would like this level of standard and presentation to continue, we fear this may be difficult if businesses are suffering loss of revenue. There has been a significant drop in the amount of new vehicles replacing older vehicles in the last two years. Members are not expecting this rise to give them the opportunity to rush out and buy new vehicles, just to maintain the standard of the vehicles currently operating in the Borough at present. Hopefully the economy will right itself and along with the tariff increase this will take the strain off already struggling operators. Please would you submit this proposal to the licensing committee at your earliest possible convenience? Thank you for your time.

Kind Regards

Tina Duane

Hinckley & Bosworth Borough Council

Hackney Carriage Fare Card

Tariff 1

For the first 880 YARDS (or uncompleted part thereof)	£2.40
For each subsequent 220 YARDS (or uncompleted part thereof)	20p

Waiting Time

For each 1 minute of waiting time or uncompleted part thereof:	20p
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Provided that where a hiring by distance terminates at the place at which it commenced, that rate of fare which the proprietor or driver shall be entitled to demand or take for the hiring shall be two-thirds of the rate or fare prescribed by the foregoing tables:	20p
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Extra Charges

For each person in excess of one. (Only for the purposes of working out the fare shall two children between 3 and 10 years to count as one person and younger children are not to be reckoned).	20p
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For each suitcase or pushchair over one.	20p
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Where a hirer arranged by letter, telephone or otherwise with the proprietor or driver prior to the commencement of the hiring for the hire of the carriage to commence from a stated place other than a hackney carriage stand.	£1
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Tariff 2

For all journeys commencing between 22:30 and 06:00, Christmas and New Years Eve between the hours of 18:00 and midnight, and on bank and public holidays except Christmas Day and New Years Day.

For the first 880 YARDS (or uncompleted part thereof)	£3.50
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For each subsequent 220 YARDS (or uncompleted part thereof)	30p
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Waiting Time: (Full details as above)	30p
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Extra Charges: (Full details as above)	30p
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Tariff 3

For all journeys commencing on Christmas Day, Boxing Day and New Years Day.

For the first 880 YARDS (or uncompleted part thereof)	£4.80
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For each subsequent 220 YARDS (or uncompleted part thereof)	40p
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Waiting Time: (Full details as above)	40p
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Extra Charges: (Full details as above)	40p
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Soiling Charge

A charge may be made in respect of a passenger soiling a vehicle that results in that vehicle being withdrawn from service for any period of time – Such charge not to exceed	£50.00
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**These Fares are the Maximum charge and
can be discounted at the Drivers discretion**

Appendix B

Table 1 shows how the existing fare structure at tariff 1 compares with the proposed fare structure; this is in use from 06.00 am until 22.30 pm.

Distance in Miles	Existing Fare Tariff 1 £	Proposed Fare Tariff 1 £	Increase in Pounds / Pence
1	3.20	3.60	40p
2	4.80	5.60	80p
3	6.40	7.60	1.20
4	8.00	9.60	1.60
5	9.60	11.60	2.00
6	11.20	13.60	2.40
7	12.80	15.60	2.80
8	14.40	17.60	3.20
9	16.00	19.60	3.60
10	17.60	21.60	4.00

Current running mile tariff 1 = £ 1.60

Proposed running mile tariff 1 = £ 2.00

Table 2 shows how the existing fare structure at tariff 2 compares with the proposed fare structure; this is in use from 22.30 pm until 06.00 am.

Distance in Miles	Existing Fare Tariff 2 £	Proposed Fare Tariff 2 £	Increase in Pounds / Pence
1	4.70	5.40	£ 0.70
2	7.10	8.40	£ 1.30
3	9.50	11.40	£ 1.90
4	11.90	14.40	£ 2.50
5	14.30	17.40	£ 3.10
6	16.70	20.40	£ 3.70
7	19.10	23.40	£ 4.30
8	21.50	26.40	£ 4.90
9	23.90	29.40	£ 5.50
10	26.30	32.40	£ 6.10

Current running mile tariff 2 = £ 2.40

Proposed running mile tariff 2 = £ 3.00

Appendix B

Table 3 shows how our councils current and proposed fare structure compares with that of neighbouring authorities for Tariff 1. Information taken from Private Hire & Taxi Monthly magazine March 2011.

	1 Mile £	5 Miles £	10 Miles £
Hinckley & Bosworth Borough Council - (Aug 2007)	3.20	9.60	17.60
Hinckley & Bosworth Borough Council (Proposed)	3.60	11.60	21.60
Nuneaton & Bedworth BC (January 2011)	3.70	10.90	19.70
Blaby DC (August 2007)	3.40	8.20	14.20
Harborough DC (July 2008)	4.10	11.14	19.94
Charnwood BC (August 2010)	4.27	9.71	16.51
Leicester City Council (January 2011)	4.00	10.00	17.50
NW Leicestershire DC (July 2008)	3.40	9.80	17.80
Rugby BC (February 2009)	3.60	10.70	19.60
Melton BC (December 2008)	3.20	8.80	15.80
Oadby & Wigston BC (September 2007)	3.00	8.60	15.60
National Average	£ 3.46	£ 10.27	£ 18.94