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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 10 July 2024

To: Members of the Licensing Committee

Cllr DT Glenville (Chair)	Cllr CE Green
Cllr P Stead-Davis (Vice-Chair)	Cllr L Hodgkins
Cllr RG Allen	Cllr MT Mullaney
Cllr MC Bools	Cllr LJP O'Shea
Cllr MB Cartwright	Cllr BE Sutton
Cllr WJ Crooks	

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **LICENSING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **THURSDAY, 18 JULY 2024** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen', is enclosed in a light grey rectangular box.

Rebecca Owen
Democratic Services Manager

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Thank you

LICENSING COMMITTEE - 18 JULY 2024

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 2)**

To confirm the minutes of the previous meeting.

3. **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair 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.**

5. **QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

6. **TRADE REQUEST FOR FARE TARIFF INCREASE (Pages 3 - 16)**

Members to consider a request by the Hinckley Area Taxi Association for an increase in the table of fares for hackney carriages

7. **ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIR DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY**

As announced under item 3.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

LICENSING COMMITTEE

11 OCTOBER 2022 AT 6.30 PM

PRESENT:

Cllr L Hodgkins – Vice-Chairman
Cllr DC Bill MBE, Cllr MB Cartwright, Cllr WJ Crooks, Cllr MT Mullaney,
Cllr K Nichols, Cllr LJP O'Shea and Cllr R Webber-Jones

Officers in attendance: Rebecca Valentine-Wilkinson

161. **Apologies and substitutions**

Apologies for absence were submitted by Councillor Sheppard Bools, Councillor C Allen and Councillor R Allen.

162. **Minutes**

It was moved by Councillor Mullaney, seconded by Councillor Nichols and

RESOLVED – the minutes of the meeting held on 2 November 2021 be confirmed as a correct record

163. **Declarations of interest**

No interests were declared at this stage.

164. **Taxi Licensing Policy**

Consideration was given to the final draft of the Hackney Carriage and Private Hire Licensing Policy following public consultation.

The policy now ensured that the Council had in place a policy that reflected best practice among licensing authorities, addressed changes in the regulatory landscape and contributed to the future priorities and aspirations of the Council (for example, reducing impacts on air quality and the environment).

Consultation with the public, trade and other stakeholders lasted for seventeen weeks, and had considered the view of a wide range of individuals and organisations.

In response to a question from members around reviewing the age of vehicles and keeping up with our climate change targets, it was confirmed that the policy would be reviewed every three years.

Members thanked the team for an excellent report and such a comprehensive piece of work.

It was moved by Councillor Cartwright, seconded by Councillor O'Shea and unanimously

RESOLVED – that the contents of the Hackney Carriage and

Private Hire Licensing Policy be recommended to Council for approval.

(The Meeting closed at 6.38 pm)

CHAIRMAN



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee	18 July 2024
Executive	11 September 2024

Wards affected: All wards

Trade Request for Fare Tariff Increase

Report of Director of Environment & Planning

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 Licensing Committee

- (i) Consider the application letter and proposed tariff shown in appendix A.
- (ii) That the licensing committee discuss with the trade representatives the proposals set out in appendix A.
- (iii) That the decision of the licensing committee is presented to Executive as the recommendation of the council.
- (iv) That any objections received, following the consultation to be referred to a future meeting for discussion.
- (v) The Licensing Officer be authorised to take the necessary steps to implement the revised tariff change.
- (vi) To promote and support the taxi trade at events such as job fairs, to encourage people to join the trade.

3. Background to the report

3.1 The Local Government (Miscellaneous Provisions) Act 1976 allows the council to set the maximum costs and fares that drivers may charge the public for journeys taken in a taxi. In this context “the Council” means the Executive by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

3.2 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

Outside of London, the standard process in many is for the trade to put forward a proposal to the council and this is either approved or rejected.

3.3 Hinckley and Bosworth Borough Council has received an application from the Hinckley Area Taxi Association for an increase in the table of fares. The Council approved the current fare tariff in 2022. The association has drawn attention in its application to the increase in running costs, the rising price of fuel, car maintenance and the cost of new vehicles and insurance premiums.

3.4 The letter and proposal from Hinckley Taxi Association is shown at Appendix A. The application shows the current and proposed fare structures and detail of how the tariffs are calculated. For ease of use the tables show the cost per mile for tariff 1 (normal time), tariff 2 (time and a half) and tariff 3 (double time).

3.5 The implementation date will be decided once Executive agree in principle to the request to increase the fare structure. At that point the proposal will have to be advertised in a local newspaper. Should any objections be received then the council must consider them at a future meeting.

3.6 Prior to the consideration of this proposal Hinckley & Bosworth Borough Council was placed 265 out of 364 in the national table of fares published by National Taxi & Private Hire Association 2024.

Table A Local Authority Comparison Table

League Position	Local Authority	Tariff 1 2-mile fare	Last Increase
143	Nuneaton & Bedworth Borough Council	£ 7.25	2023
170	Harborough District Council	£ 7.09	2022
266	Melton Borough Council	£ 6.40	2021
60	Coventry City Council	£ 8.00	2022
157	West Northants District Council	£ 7.20	2022
222	Charnwood Borough Council	£ 6.75	2022
97	Leicester City	£ 7.60	2024
168	Rugby Borough Council	£ 7.10	2022
265	Hinckley & Bosworth Borough Council	£ 6.40	2022
303	North West Leicestershire District Council	£ 6.00	2022
227	Blaby District Council	£ 6.70	2022
231	Oadby & Wigston	£ 6.70	2023

4. Proposal from Hinckley Taxi Association

- 4.1 The taxi trade’s proposal (1) for Tariff 1 (normal time) from £ 2.80 to £ 3.20 and Tariff 2 (time and a half) from £ 4.20 to £ 4.80 and Tariff 3 (double time) from £ 5.60 to £ 6.40
- 4.2 The taxi trade’s proposal (2) Tariff 1 (normal time) from £ 2.80 to £ 3.40 and Tariff 2 (time and a half) from £ 4.20 to £ 5.10 and Tariff 3 (double time) from £ 5.60 to £ 6.80
- 4.3 Table B provides shows the current tariff set and two proposals to uplift the tariff as proposed by Hinckley Taxi Association.

Table B Summary of proposed increases per Tariff

Taxi Fare				
		Current	Proposal 1	Proposal 2
Tariff 1		£2.80	£3.20	£3.40
Tariff 2		£4.20	£4.80	£5.10
Tariff 3		£5.60	£6.40	£6.80

5. The Power of the Authority to Set Fares

- 5.1 Local licensing authorities have the power to set taxi fares, and most do so. There is no power to set Private Hire Vehicle fares. In reviewing the tariff fare scales, the Department for Transport suggests that local 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 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.
- 5.2 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 hailing's; 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.
- 5.3 Hackney carriages have taximeters fitted that are calibrated and sealed. It is not a requirement for private hire vehicles to have meters, although some proprietors choose to install them. There are a number of makes and models of taximeters in use and 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.
- 5.4 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.
- 5.5 The setting of hackney carriage fare fees needs to be conducted in accordance with legislative provisions. If it can be shown that the legislation has not been followed, then the Council may be at risk of judicial review by anyone affected by the decision.

6. Scale of Fees

- 6.1 The 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'
- 6.2 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 fee setting process can be lengthy (from the date the Council agree a new tariff to the date vehicle meters are updated and the new tariff comes into force) due to the need to advertise any variations to the fare 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.

6.3 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)

6.4 When the journey is to end outside the council's area, the driver isn't allowed to demand a fare greater than that shown on the meter unless such agreement has been made in advance.

7. Exemptions in accordance with the Access to Information procedure rules

7.1 The report is to be taken in open session.

8. Financial implications [MT]

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

9. Legal implications [ST]

9.1 Contained within the body of the report.

10. Corporate Plan implications

10.1 A well regulated and enforced taxi service provides reassurance to the public and will contribute to protect people from harm under the People priority. A taxi fleet which is adequately rewarded provides a good level of service for residents and local business assisting economic growth by providing new jobs in the borough supporting the Prosperity priority.

11. Consultation

11.1 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 objection is duly made and is not withdrawn, the council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

12. Risk implications

12.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

12.2 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.

12.3 The following table shows the risks associated with this report / decisions:

Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with enforcement policy.	Mark Brymer
Economy/Community. (Impact of fare increase may have a detrimental effect to the publics use)	The Committee to determine the correct course of action at this time	Mark Brymer

13. Knowing your community – equality and rural implications

13.1 Taxis provide an increasingly important transport option for disabled people. 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

14. Climate implications

14.1 There will be no additional climate implications as a result of this decision.

15. Corporate implications

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

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers:

The Local Government (Miscellaneous Provisions) Act 1976

The 1847 Town Police Clauses Act

Application from the Hinckley Area Taxi Association for increase in fare tariff

Contact Officer: Mark Brymer, ext. 5645

Executive Member: Councillor MB Cartwright

Hinckley Area Taxi Association

17 Shenton Road Barwell Leicestershire LE9 8AR

07721426630

Dear Mark Brymer

I am writing to you regarding consultations I've had with the trade for some time regarding putting an application forward for a tariff increase for the Hackney and private hire taxi trade, within the Hinckley and Bosworth area, who have not had a rise since 2021.

The reason for this is obviously the cost of living crisis. Offices are costing more to keep open and just keeping the lights on and paying for the essential running costs have gone through the roof, meaning that some companies are choosing to work from home in non-peak times and opening booking offices in peak times. Businesses were never offered the option of assistance from the government to pay energy companies during this crisis, meaning they have to foot the full cost without any rebate. Obviously this then has a snowball effect on all other utilities like internet, business rates, water rates, and telephone bills. Obviously other costs have risen also, like staff wages, advertising and promotion of their business.

The obvious other costs are still there and they are also rising, like fuel, car parts and maintenance, the cost of replacing vehicles and insurance.

Along with base running costs the staff and owner drivers still have their bills to pay. People still have to put food on the table, pay their bills and pay their running costs for their own vehicles.

The trade have been discussing this for some time and have not taken this decision lightly. The majority of the trade obviously don't want to make it difficult for our customers. If we are struggling so are they, so the last thing we

want to do is reduce our revenue by people not using our services anymore and making it more difficult for us . The decision to apply for a tariff increase has been a requirement for different reasons.

The reasons that have made this inevitable are as follows;

- Based on the league tables for the UK, comparing 362 councils, Hinckley and Bosworth are Borough is positioned at 260. Although I do have to add that positions 1 and 5 are airport listings of Heathrow and Luton that are not actually councils. However in recent occasions, we have found it difficult to use just the league table as a comparison due to the fact some of these prices are city based, like London for example with places like Epsom and Ewell at £10.60 and inner London TFL also running at £10.60 for a two mile journey, which are well above what we would expect for our area. The trade tries to look at the surrounding areas and try to work from this. Looking at current listings, based on a 2 mile journey Charnwood are charging £6.75, Blaby £6.70 and Nuneaton & Bedworth are charging £7.25, Tamworth £7.14 Hinckley and Bosworth currently at £6.40. All our neighbouring councils last had a tariff increase in 2022, apart from Nuneaton who applied for a tariff increase in 2023. Nuneaton usually apply for a raise in tariff annually and because the others haven't had a rise for two years, it's fairly likely that the rates around our neighbouring councils may rise in due course, leaving Hinckley and Bosworth area well behind in terms of the average cost per 2 mile journey.

The national average for a 2 mile journey in the UK stands at £7.24.

- Additionally I thought I wouldn't have to mention this again, but also the economy, especially the night time economy has and still is struggling after the pandemic. This is purely because it didn't have time to recover from the pandemic, before it too was hit with high business running costs.
- The cost of living crisis has had an impact on all of us, right down from business providers, small and large businesses and the consumer. Running costs and wage increases have been passed on all along the

chain and have impacted the cost of everything in every aspect of life. Although we try not to pass this onto the customer, eventually we are left with no choice.

- We have also noticed a sharp rise in public liability insurance, fuel costs and costings for parts and tyres, which have risen considerably due to industry passing their costs onto the consumer ,which in this case is us the trade .
- Recently UBER has flooded our town showing a strong presence in our area. They are supposed to operate on a private hire basis via the Uber app. Often this has not been the case and, quite regularly they have been witnessed picking up passengers up off the street without prior booking. If a private hire vehicle licensed in our area did this they would be breaking their conditions of licence. Because there is not as strict legislation governing Uber and no one is there to ensure that the legislation is followed to the letter, they seem to fall through the net, which doesn't bode well the trade and makes the competition opportunities somewhat restricted for the licensed trade. I have been assured by Mr Brymer that local authorities are tightening up on Uber now ,which is good news ,but I wonder how its took the U.K 12 years to do so . I would have thought with them covering over 40 towns across the country, with over 60,000 drivers that would have been a priority and a necessity to ensure the safety of the public.

The trade are eager to move on and improve by trying to attract younger people into the workforce to provide the professional service we have always tried to provide to the people of Hinckley and Bosworth area .To enable us to do this ,we need to get revenue flowing into the industry so that we have incentives to offer new people wishing to work within the profession ,like up to date vehicles and booking systems that make operations more reliable and customer friendly, we would also like to rise up from depths of the cost of living crisis by allowing firms that have traded in this area for years to continue . This will be impossible if it's not financially viable.

To help the licencing committee see the existing rates and the proposed rates I have attached the two tables to this application.

Table 1 existing rates

Tariff 1

For first 880 yards or part thereof	£2.80
For every 176 yards or part thereof	24p

Calculation in mileage

1 mile	£4.00
2 miles	£6.40
3 miles	£8.80
4 miles	£11.20
5 miles	£13.60

Tariff 2 Existing rate

For the first 880 yards or part thereof	£4.20
For every 176 yards or part thereof	36p

Calculation in miles

1 mile	£6.00
2 miles	£9.60
3 miles	£13.20
4 miles	£16.40
5 miles	£20.00

Table 2 Proposed rates

Proposal 1

Tariff 1

For the first 880 yards or part thereof	£3, 20
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For every 176 yards or part thereof 28p

Calculation in miles

1 mile £4.60

2 mile £7.40

3 mile £10.20

4 mile £13.00

5 mile £15.80

Tariff 2

For the first 880 yards or part thereof £4.80

For every 176 yards or part thereof 42p

Calculation in miles

1 mile £6.90

2 mile £11.10

3 mile £15.30

4 mile £19.50

5 mile £23.70

Proposal 2

Tariff 1

For the first 880 yards or part thereof £3.40

For every 176 yards or part thereof 30p

Calculation in miles

1 mile £4.90

2 mile £7.90

3 mile £10.90

4 mile £13.90

5 mile £16.90

Tariff 2

For the first 880 yards and part thereof £5.10

For every 176 yards and part thereof 45p

Calculation in miles

1 miles £7.35

2 miles £11.85

3 miles £16.35

4 miles £20.85

5 miles £25.35

If the council were to accept one of these proposals, the trade respectfully asks that the, soiling charges, extra charges and Tariff 3 is adjusted accordingly.

Respectfully I'd also like the committee to take into consideration when making a decision on this increase, that Uber charge a minimum of £5.00, for journeys 1 mile or less. This is why we think it's necessary to bring our switch on up higher. This will help cover for dead mileage when having to travel to customers that want to travel less than a mile Uber also operate system called surge pricing. Surge pricing is a system where when there is high demand they can raise their prices as high as they feel necessary. So one day a journey could cost you £16, but if you call the next day and they're busy they can charge you £35 for the same journey. That's another double standard that an hackney carriage vehicle can NOT do even if the job is pre booked, the driver is not allowed to charge over the meter price, otherwise they face prosecution .Myself, I find it difficult to comprehend how if the job is pre booked and the customer agrees to the rate prior to booking, why a licensed taxi can't do the same as Uber, regardless of the fact its fitted with a meter. Technically its working in exactly the same manner as an Uber, with a pre booked pre agreed price as a private hire booking. What's the difference? I think the answer to that is not much apart from a meter being on board and a plate being the rear of the vehicle, that we are bound by conditions of licence to adhere to the legislation .This might be

why a lot of the drivers have gone to drive for Uber and that's a shame for the whole borough

We look forward to hearing your decision in due course

Kind Regards

Tina Duane

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