

Licensing and Regulatory Committee

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Monday 11 July 2022 at 5.30 pm** in the **Conference Chamber**, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU

Present

Michael Anderson
Mike Chester
Patrick Chung
Roger Dicker
Pat Hanlon
Brian Harvey
Beccy Hopfensperger

Sara Mildmay-White
Aaron Luccarini
Robert Nobbs
Karen Soons
Clive Springett
Don Waldron

In attendance

John Burns
Andy Drummond

(Portfolio Holder for Regulatory and Environment)

13. **Election of Chair 2022/2023**

This being the first meeting of the Licensing and Regulatory Committee since the Authority's Annual Meeting in May 2022, the Business Partner (Litigation and Licensing) opened the meeting and asked for nominations for the Chair of the Committee for 2022/2023.

The following nominations were duly proposed and seconded:

1. Councillor Clive Springett
2. Councillor Michael Anderson

In light of there being two nominations for the position of Chair, the Business Partner (Litigation and Licensing) explained that each nomination would be voted on in turn, with each Member of the Committee only being able to vote for one of the two, and the Member with the highest number of votes would be appointed as Chair.

Upon being put to the vote:

1. Councillor Clive Springett received 8 votes in support
2. Councillor Michael Anderson received 5 votes in support

Accordingly, it was

Resolved:

That Councillor Clive Springett be elected as Chair for 2022/2023.

Councillor Springett then came forward to the top table and took the Chair for the remainder of the meeting.

14. Election of Vice Chair 2022/2023

The Chair sought nominations for the Vice Chair of the Committee for 2022/2023.

The following nominations were duly proposed and seconded:

1. Councillor Rachel Hood
2. Councillor Michael Anderson

In light of there being two nominations for the position of Vice Chair, the Chair explained that each nomination would be voted on in turn, as before and the Member with the highest number of votes would be appointed as Vice Chair.

Upon being put to the vote:

1. Councillor Rachel Hood received 7 votes in support
2. Councillor Michael Anderson received 5 votes in support

Accordingly, it was

Resolved:

That Councillor Rachel Hood be elected as Vice Chair for 2022/2023.

15. Apologies for absence

Apologies for absence were received from Councillors Carol Bull and Rachel Hood.

Councillor Richard Rout was also unable to attend the meeting.

16. Substitutes

The following substitution was declared:

Councillor Mike Chester substituting for Councillor Carol Bull.

17. Minutes

The minutes of the meeting held on 27 January 2020 were confirmed as a correct record and signed by the Chair.

18. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

19. **Public participation**

The following members of the public spoke under this item in relation to Agenda Item 8 (Report number LIC/WS/22/001 - Review into West Suffolk Council's Hackney Carriage Fares Table for Zone A and Zone B 2022):

1. **Rob Dorling (Bury Travel)**

Rob Dorling referred to the Council meeting, which he had attended on 22 March 2022, to ask the Council to consider implementing an emergency increase in the Hackney Carriage Fares and sought the convening of an extraordinary Licensing and Regulatory Committee meeting to do this. However, although this request had been acknowledged by Councillor Andy Drummond, Portfolio Holder for Regulatory and Environment, it was considered that the request for a fare review was already being responded to in a timely manner and an extraordinary meeting was therefore, not required at that time.

Rob Dorling explained to the Committee of the extremely hard financial challenges being faced by the Hackney Carriage Drivers in the current climate. Some drivers had decided to leave the trade, as it was no longer a viable financial prospect for them, as some drivers were only earning £5.00 per hour. He also referred to his 'Compromise Proposal', which had been circulated to the Licensing and Regulatory Committee, which proposed a minimum of £4.60 per mile, alongside an annual review of the Hackney Carriage Fares, which could assist with keeping some taxi drivers in the town.

2. **Jason Crooks (Registered Hackney Carriage Driver)**

(Note: Jason Crooks is also an elected West Suffolk Councillor, but attended the meeting in a public capacity as a registered Hackney Carriage Driver)

Jason Crooks referred to the 'Addendum' which had been circulated to the Licensing and Regulatory Committee in relation to the revised table of fares for Zone A and Zone B (revised Appendix A). He specifically queried the information in this Table of Fares with regards to yards/meters distance which had been used. In his view, this was unlawful and, therefore, should not be approved by the Licensing and Regulatory Committee.

3. **Mark Goodchild (Goodchilds Cars)**

Mark Goodchild referred to the statement made by Jason Crooks in relation to the unlawful use of the yards/meters distance and also supported that this should not be approved by the Licensing and Regulatory Committee.

In addition, he also referred to the feedback which had been provided from the Trade and which had been included within Appendix D to the

'Addendum' report. He stated that a further review of the Table of Fares should be undertaken again in April 2023 and should then be reviewed annually and that the review should also take into account the National Minimum Wage.

20. **Review into West Suffolk Council's Hackney Carriage Fares Table for Zone A and Zone B 2022 (Report number LIC/WS/22/001)**

The Committee received Report number LIC/WS/22/001 which explained that in light of significant increases in hackney carriage operating costs, it was considered appropriate to review the current fare table for both Zones. Therefore, a copy of the revised fare tables for Zone A and B were attached at Appendix A to the Report.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 made provision for the Council to fix the rates of fares for time, distance and all other charges in connection with the hire of a hackney carriage. When setting the fares, the legislation did not prevent the Council from considering any external factors and there was no limit on the amount of increase or variation (subject to reasonableness).

As the Council wanted to encourage the provision of high-quality hackney carriage vehicles, it was important that fares were balanced. Thereby, ensuring proprietors were able to support the running costs associated with the high standard of vehicles required by the Council, but at the same time, the fares should not be so high as to preclude use by passengers.

West Suffolk Council currently offered six different tariffs across two zones (A and B), which reflected that, prior to the merging St Edmundsbury and Forest Heath Councils, they had operated as two separate councils. It was noted that the fares proposed were the maximum which may be charged, with drivers having to option to charge less than the metered fare, should they choose to do so.

Section 4. of the report set out the proposed amendments to these tariffs, taking into consideration the increased overall running costs associated with the sector:

- a. Increase the fare up to the first mile (commonly referred to as the flag drop) by 14%, in respect of all six tariffs for both Zone A and Zone B.
- b. Increase the charge for subsequent distance travelled by 14% for all six tariffs for both zones.
- c. To bring forward the time at which tariffs 2 and 5 (night-time rates) take effect from midnight to 10pm, and subsequently end tariffs 1 and 4 two hours earlier at 10pm across both zones.
- d. To reword the additional charge from "*if the vehicle is left unfit to work*" to "*soiling a vehicle to the extent that it is taken out of work*". This would bring the phrase in line with commonly accepted terminology.

The increases had been calculated using a defined methodology that drew a comparison across the average wage and associated running costs in 2019 (when the fares review was last undertaken) as well as 2022. Further

information on the sources used was set out in Appendix B. This explained which sources of data had been used as part of the Council's procedure for setting taxi fares for distance and time and other changes in connection with the hire of a taxi. This involved comparing the current annual running costs and salary, against what was present when a fares review was last undertaken. The West Suffolk Fares calculator has been used for this, the results of which were set out in Appendix C. Data from central Government approved sources, such as the Office for National Statistics (ONS) had also been used wherever possible. Therefore, Report number LIC/WS/22/001 was recommending that the revised tables of fares for Zones A and B, as set out in Appendix A be approved.

It was also noted that where an Authority made or varied a Table of Fares, it must publish in at least one local newspaper, a notice setting out the Table or variation, specifying a period not less than 14 days within which objections may be made. If no objections were received or withdrawn, the Table or variation would come into effect. If an objection was made and not withdrawn, the Council must set a further date for the Table or variation to come into effect, with or without modification as decided by it, after consideration of the objections. In light of allowing for this statutory process, it was being proposed for the revised fares to come into effect from October 2022.

Following the issue of the agenda papers, an addendum to Report number LIC/WS/22/001 was circulated to the Licensing and Regulatory Committee on 7 July 2022, which sought to provide additional information in the interests of clarification and transparency on the review into West Suffolk Council's Hackney Carriage fares. Recent feedback from the Trade had been received by the Licensing Team, which the Addendum sought to highlight.

The revised tables within the Addendum sought to round-up the proposed figures to an amount that was divisible by ten across the more commonly encountered fares. The Trade was significantly cash driven and it was envisaged that the revised format would assist the Trade with its day-to-day operations. This had been achieved through a 14% reduction in distance to the initial distance (the flag drop) and a 14% reduction in the additional distance and time. An additional increase in the standing charge, by approximately 5% had brought the fares in line with previously proposed fare increases.

Therefore, the recommendations remained as originally stated within Report number LIC/WS/22/001. However, it was now also being recommended for the revised table of fares for Zone A and Zone B to be approved, as set out in the revised Appendix A in the Addendum to Report number LIC/WS/22/001.

Further to the circulation of the agenda papers and the subsequent Addendum, a 'Compromise Proposal' which had been submitted by Mr Rob Dorling (Bury Travel) on behalf of the West Suffolk Hackney Drivers was also circulated to the Licensing and Regulatory Committee on 11 July 2022. This proposal was for an £1.20 increase from £3.80 to £5 for one mile between 6am and midnight (Tariff 1), with each subsequent mile costing approximately £2.10. This increase was to offset rises in fuel costs, as well as the cost of living. These increases were higher than those which were

being proposed by the review which had been undertaken by the Council, which were proposing that that fares for one mile in Tariff 1 should be increased to £4.40.

The Licensing and Regulatory Committee then discussed the content of Report number LIC/WS/22/001, along with the associated 'Addendum' and 'Compromise Proposal' as submitted. Members raised concerns that, in their view, there appeared to be some inconsistencies with the calculations which had been used by the Officers to determine the fare increase. It was noted that the fuel costs mentioned in the Report had been taken from June 2020, rather than being taken as an average for the year and taking into consideration the rate of likely future price increases. It was also asked as to why the three year Consumer Price Index (CPI) data had not also included the year 2022 to-date and why there had not been data relating to average house and rent prices.

The Officer acknowledged the concerns raised by the Committee with regards to the calculations which had been used and explained that there were a number of various methodologies available for the calculating of fare increases. It was also important to consider that any increase in fares would have a financial effect on taxi-users throughout the District, particularly for those individuals who were partly or wholly reliant on taxis for transport.

The Committee referred to the proposal for the revised Table of Fares not becoming effective until October 2022. Therefore, it was requested as to whether the proposed timetable could be shortened, to allow for an earlier implementation date. The Officer confirmed that a 23 day period of consultation had been factored into the implementation of the revised Table of Fares. However, there was a minimum statutory period of not less than 14 days for which objections could be made to the proposed revised Table of Fares and it was acknowledged that there was the ability to shorten the proposed timetable, in line with these statutory requirements.

The Committee referred to the proposals for the fares to be reviewed on an annual basis. Taking into account the continuing uncertainty around the cost of living and fuel costs in the short-term, Members proposed that a review be undertaken again in six months' time (around April 2023), with reviews to then be undertaken on an annual basis.

With the vote being unanimous, it was

Resolved:

That:-

1. The 'Compromise Proposal' Table of Fares for Zone A and Zone B, as submitted by Mr Rob Dorling (Bury Travel) on behalf of the West Suffolk Hackney Drivers and circulated to the Licensing and Regulatory Committee on 11 July 2022, be approved.
2. The 'Compromise Proposal' Table of Fares to be implemented as soon as possible, in line with the minimum statutory requirements.

3. A further review of the revised table of fares for Zone A and Zone B be undertaken in six months' time (around April 2023) and then to be reviewed on an annual basis.

The meeting concluded at 6.20 pm

Signed by:

Chair
