

Crawley Borough Council

Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Committee Rooms A & B - Town Hall**, on **20 June 2022** at **7.00 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

Membership:

Councillors

I T Irvine (Chair), Z Ali (Vice-Chair), M L Ayling, J Bounds, S Buck, B J Burgess, J Hart, K L Jaggard, M G Jones, A Nawaz, K McCarthy, M Morris, C J Mullins and D M Peck

Please contact Democratic.Services@ Crawley.gov.uk if you have any queries regarding this agenda.

Published 10 June 2022



Switchboard: 01293 438000
Main fax: 01293 511803
Minicom: 01293 405202 DX:
57139 Crawley 1
www.crawley.gov.uk

Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	3 - 6
To approve as a correct record the minutes of the Licensing Committee held on 1 March 2022.	
4. Public Question Time	
To answer any questions asked by the public which relate to an item on this agenda and which are in line with the Council's Constitution.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
5. Hackney Carriage Fares 2022 - 2023	7 - 18
To consider report HCS/042 of the Head of Community Services.	
6. Supplemental Agenda	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services team on 01293 438549 or email: democratic.services@crawley.gov.uk

Crawley Borough Council

Minutes of Licensing Committee

Tuesday, 1 March 2022 at 7.00 pm

Councillors Present:

K L Jaggard (Chair)

A Nawaz (Vice-Chair)

Z Ali, M L Ayling, J Bounds, S Buck, B J Burgess, M G Jones, K McCarthy, M Morris,
C J Mullins and D M Peck

Also in Attendance:

Councillor P K Lamb

Officers Present:

Dan Carberry	Public Protection and Enforcement Manager
Kareen Plympton	Health, Safety and Licensing Team Leader
Jess Tamplin	Democratic Services Support Officer
Kate Wilson	Head of Community Services
Astrid Williams	Senior Lawyer (Solicitor)

Apologies for Absence:

Councillor R S Fiveash and M W Pickett

1. Disclosures of Interest

No disclosures of interests were made.

Councillors Ali, Ayling, Bounds, Buck, Jaggard, Jones, Lamb, McCarthy, Morris, C Mullins, Nawaz, and Peck confirmed that they had received some form(s) of lobbying in respect of agenda item 5 – Review of Private Hire and Hackney Carriage Licensing Policy (Consultation Feedback).

2. Minutes

The minutes of the meeting of the Licensing Committee held on 13 September 2021 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions submitted by members of the public.

4. **Review of Private Hire and Hackney Carriage Licensing Policy (Consultation Feedback)**

The Committee considered report [HCS/38](#) of the Head of Community Services, which set out the feedback from the public consultation and changes made to the draft Private Hire and Hackney Carriage Licensing Policy.

The Committee Chair invited the Chair of Crawley Hackney Carriage Association to speak on the item. Matters raised included the impact of the Covid-19 pandemic on the taxi trade, hackney carriage drivers' wish to extend the 11 year age limit on licensed vehicles for a further 12 months, the possibility of introducing 'dual badge' licences, and revisions to the cap on licensed vehicles' engine sizes.

In accordance with General Committee Procedure Rule 8.5, the Committee Chair invited Councillor Lamb to speak on the item. Councillor Lamb spoke in support of an extension to the 11 year age limit on licensed vehicles in light of the economic impact of the Covid-19 pandemic on Crawley as a whole, and specifically on licensed drivers in the area. It was highlighted that the granting of a further 12 month extension to 11 year old vehicles would help to mitigate current obstacles encountered by the trade such as less business, rising fuel prices, lower incomes, and being forced to leave the trade. It was suggested that the administration could cover the extra administrative costs relating to implementation of the extension.

The Health, Safety and Licensing Team Leader presented the report and summarised the consultation feedback and the changes to the Policy, which aimed to promote public safety – the primary purpose of the licensing regime. The proposed changes to the Policy were based on the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards which sought to protect children and vulnerable adults from harm – it was heard that all elements of the Standards were required to be implemented unless there was a compelling local reason not to do so. The proposed changes to the Policy included higher standards of testing for licensed drivers, increased frequency of DBS checks for drivers and dispatch/booking staff, and more rigorous medical standards, among other matters. The Team Leader summarised the feedback received through the consultation process (of which there had been 57 official respondents), and the clarifications made by officers in response to the matters raised.

Committee members discussed the report and proposed revised Policy in detail. Committee members sought further detail on the nature of advisories that may be identified by a Certificate of Compliance test. The Team Leader explained that advisories were similar to those given in an MOT, such as worn tyres, worn brake pads, or steering column issues. Recent tests had picked up more advisories than in previous years, signifying potential safety concerns. Garages undertaking these tests were audited by the Council to ensure all requirements were being followed. The Committee was to be asked to consider the policy on advisories, along with several other matters, at a later date.

The Committee deliberated the 11 year age limit on licensed vehicles. The following matters and views were raised as part of the discussion on this matter:

- A prior significant operational decision had been taken in February 2021 to temporarily grant a 12 month extension to 11 year old vehicles, as many licensed drivers had experienced a loss of earnings throughout the Covid-19 pandemic. A further extension may allow those whose vehicles were

Agenda Item 3

Licensing Committee (6)
1 March 2022

approaching 11 years old more time to recuperate earnings before needing to purchase a new vehicle.

- Licensed vehicles had likely experienced lower mileage over the past two years due to lower demand for the service.
- Whether the existing ability of licensing officers to award adhoc extensions to 11 year old vehicles (in exceptional circumstances) was sufficient.
- The Council's declaration of a climate emergency and older vehicles' potentially greater emissions contributions than those of newer vehicles.
- Certificate of Compliance tests were an important tool in ensuring a vehicle's road safety – an extension to the 11 year age limit would not necessarily lead to unsafe vehicles, as long as these tests were still undertaken six-monthly.
- The differences between extending the age limit to 12 years, or granting a 12 month extension to the 11 year age limit, which would lead to some licensed vehicles being up to 13 years of age due to the previous extension.
- 51 licensed vehicles had either exceeded the 11 year age limit or were due to exceed it this year. If no further extension was granted, those vehicles would come out of the trade at the time of their current licence expiring.
- Whether any potential extension should be incorporated into the revised Policy or made and recorded as a separate decision. The Licensing Team Leader confirmed that any extension past 11 years old would be a deviation from and contradiction to the proposed Policy, so it was advisable to make any amendment in the form of a change to the Policy. The Committee was asked to note that granting a further age limit extension could leave the Council open to potential legal challenge.

It was moved and seconded that the draft revised Policy be amended to grant an additional 12 month extension, from 1 March 2022, to any vehicle currently subject to the 11 year age limit, subject to this being further reviewed by the Licensing Committee before the end of March 2023. A vote was taken and it was **AGREED** that the amendment be incorporated in to the draft revised Policy and therefore form part of the substantive recommendation.

The Committee requested that its thanks be communicated to the officers responsible for report HCS/38 and the proposed Policy, and the associated work that was undertaken.

RESOLVED

That the Committee:

- 1) Considers the feedback from the consultation exercise on the proposed revised Policy.
- 2) Approves the draft revised Policy as set out in Appendix A (as amended by the proposal to grant an additional 12 month extension, from 1 March 2022, to any vehicle currently subject to the 11 year age limit, subject to this being further reviewed by the Licensing Committee before the end of March 2023) and for it to take effect from 1 April 2022.
- 3) Delegates any future minor revisions to the Policy to the Head of Community Services, following agreement with the Cabinet Member for Environmental Services and Sustainability and the Chair of the Licensing Committee.

Agenda Item 3

Licensing Committee (7)
1 March 2022

- 4) Agrees to consider a report later in 2022 regarding further revisions to the Policy, to address any remaining matters contained in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards as well as any other changes identified as a result of matters impacting public safety, as well as future operational and enforcement changes.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.37 pm.

K L Jaggard (Chair)

Agenda Item 5

Crawley Borough Council

Report to Licensing Committee

20 June 2022

Hackney Carriage Fares 2022 - 2023

Report of the Head of Community Services – HCS/042

1. Purpose

- 1.1. The purpose of this report is to consider a request to vary the fares which may be charged for journeys by hackney carriages licensed by Crawley Borough Council. The proposal is to increase the current fares.

2. Recommendations

That the Committee:

- 2.1 Revises the wording of the fare card to make it easier for both drivers and the travelling public to understand.
- 2.2 Approves the table of fares put forward by the Chairman of the Crawley Hackney Carriage Association (on behalf of its members) as set out in Appendix C, either:
 - i. without amendment; or
 - ii. amended.
- 2.3 Authorises the Head of Community Services to publish a public notice of the variation agreed upon and the period within which objections can be made in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

3. Reasons for the Recommendations

- 3.1 Members of the Crawley Hackney Carriage Association (CHCA) have requested that the Council considers revising the current fare structure and increasing tariff levels. The CHCA makes this request in the light of the rising cost of living, rising inflation, the negative impact of the Coronavirus pandemic on the industry and significantly increased fuel costs.
- 3.2 Committee members are asked to take into account that no increase has been implemented since 9th December 2019.
- 3.3 Procedure requires the Licensing Committee to consider the matter and decide whether to vary the table of fares (also referred to as the tariff card). This needs to be carried out bearing in mind those affected, namely the members of the hackney carriage trade and the travelling public. Although the views of the

Agenda Item 5

trade are particularly relevant, they are only one factor to be considered in the decision-making process.

- 3.4 The Licensing Committee may make any changes to the table of fares that it considers reasonable and appropriate. Extensive consultation with representatives of the CHCA has resulted in this latest proposed fare card and tariff structure.
- 3.5 Members of the Licensing Committee have previously requested that a simplified table of fares is prepared in consultation with the hackney carriage trade. Officers have therefore revised the explanatory information contained in the proposed table of fares (appendix C) to make it easier to understand and interpret by both licensed drivers and the travelling public. However, at this time, further simplifying the table of fares has proved unsuccessful due to the trade wishing to retain the current 4 tariffs. Work will continue between officers and the trade to progress a future proposal that meets these objectives.

4. Background

- 4.1 The Council, as Licensing Authority for the borough of Crawley, is the appropriate authority for the purposes of setting hackney carriage rates or fares in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. This is the maximum charge that can be levied in respect of a journey.
 - 4.1.1 The last variation to the table of fares was undertaken on 11th November 2019 (taking effect on 9th December 2019) and prior to that, September 2017. A copy of the current table of fares is set out in appendix A to this report. The CHCA has not requested an increase in fares since that date, however it has been agreed that the Team Leader for Health, Safety and Licensing will work collaboratively with the CHCA to look at the issue of the table of fares, its form and content on a more regular basis.
 - 4.2 At the end of February 2022, the Chairman and Secretary of the CHCA provided details of a proposed increase to the current table of fares. Officers were informed that the proposal arose out of a consultation process with CHCA, comprising of 100 members. The final documentation associated with this consultation was provided to Council Officers at the beginning of April 2022 and is being placed before the first available meeting of the Licensing Committee. A copy of the proposals in the form of options A, B and C was sent to its members by the CHCA. This consultation sheet is included at Appendix B.
 - 4.3 The Council currently has a limit of 123 hackney carriage proprietor licences, and this number is set at that figure unless and until Committee members decide to modify this following an Unmet Demand Survey (currently pending).
 - 4.4 The proposed increase is designed to provide licensed drivers with an improved 'hourly rate', offset the additional monies incurred of running a taxi business due to escalating fuel costs, to take account of the shift in trade as a result of the Coronavirus pandemic and its impact, alongside rising inflation and cost of living increases.

Agenda Item 5

4.5 In summary:

- 82 respondents selected Option A (the original proposal)
- 8 respondents selected Option B
- 7 respondents selected Option C – no increase
- 3 respondents did not complete the form correctly and are treated as invalid

4.6 The survey therefore shows that the majority of consultees were in favour of Option A. This has been modified as discussions with the CHCA have continued, and whilst option A has formed the basis of the proposed fare increase, further increases have been proposed since the CHCA's initial internal consultation due to increasing fuel costs. The proposal is as follows:

- £4.30 start rate
- First mile after that will be £4.50 and an increase of 20p on the current mileage rate, plus £3 increase in waiting time (latest proposal sent to officers on 23rd May 2022 on behalf of CHCA Members)
- Tariff 3 100% increase on tariff 1
- Tariff 4 50% increase on tariff 1
- Tariff 4 and 3, on December 26 replace tariff 4 from tariff 1
- Tariff 3 1st January between midnight until 0630 hours on tariff 1
- Tariff 2 change to start time 2300 hours until 0630 hours.

4.7 Extensive discussions have taken place between the representatives of the CHCA further to the results of the internal trade consultation being shared with the Licensing Team Leader. This was with particular regard to the following:

- The introduction of a simpler fare card
- An increase of 20p on the current mileage rate
- Tariff increases
- Increased waiting times and charges associated with the same
- Soilage charge of £100 as opposed to the current £75.

4.8 Given that there has not been an increase in the table of fares since 2019, Officers are supportive of the increases proposed. There have been ongoing discussions as to the form and content of the new fare tariff, culminating in a final proposal which is included at appendix C.

4.9 The proposed changes have also been shared with meter supply companies to test the functionality of such and to ensure that each change works appropriately. These companies are content that the proposals will be compatible with taxi meter capabilities.

5. Wider Hackney Carriage Trade Consultation

5.1 It is important to note that not all hackney carriage proprietors are members of the CHCA (it appears that 23 proprietors are not). In order to seek their views, a letter was sent to all licensed hackney carriage proprietors with the proposed tariff card. At the time of writing this report, no further feedback has been received.

Agenda Item 5

6. Consultation & Objections

- 6.1 If the Committee decides to vary the existing table of fares, a public notice must be placed in a local newspaper and must also be available to the public for inspection without payment at the Town Hall for a period of 14 days from the date of first publication. This is usually displayed on the Town Hall noticeboard and on the relevant section of the Council's website. If valid objections are then received, these are reported back to the Licensing Committee for its consideration. The Committee will then be required to set a further date on which the table of fares shall come into force with or without further variation as it decides after due consideration of any objections.
- 6.2 If the Committee decides to vary the existing table of fares and not mirror the request by the CHCA, this will need to be checked with meter suppliers to test for functionality. If no valid objection is received, or valid objections are received but subsequently withdrawn, the variation to the table of fares takes effect on the date the public notice expires or the date the last objection is withdrawn, whichever is later.
- 6.3 The table of fares set by the Licensing Committee will continue in that form until such time as the Licensing Committee once again decides to vary it. However, the Council's standard practice is to consult with the trade regularly and review fare levels when requested by the CHCA.
- 6.4 Regular face-to-face meetings will be reinstated with both the private hire and hackney carriage trade to facilitate information exchange and partnership working. In addition, there are regular communications via email and WhatsApp regarding issues impacting the trade.
- 6.5 The Council has not consulted or sought the views of ward councillors as this matter is not ward-specific. There is a formal consultation process where representations can be made by any party, as described above.

7. Implications

- 7.1 There are no staffing or financial implications for the Council arising from this report.
- 7.2 The process for varying hackney carriage fares is controlled by statute and set independently of the procedure used to set the Council's general fees and charges. The Council as Licensing Authority sets the maximum fare that can be charged by the hackney carriage trade. This does not stop a proprietor or driver charging less than the fare specified if they wish to do so.
- 7.3 The Council as Licensing Authority does not set the fares in respect of the private hire trade.
- 7.4 As previously stated, the legislation sets out a statutory period regarding the time allowed for objection. Unlike other sections of the Act which allow for objectors or aggrieved persons to appeal to a Magistrates Court, Section 65(4) requires all objections to the proposed table of fares to be referred to the Licensing Authority which made the original decision.

Agenda Item 5

- 7.5 Article 1 of the First Protocol of the Human Rights Act 1998 entitles every person to the right to peaceful enjoyment of their possessions, which includes their livelihood or their means of earning it. The impact of a fare tariff may affect a person's livelihood or their means of earning it. In setting a fare tariff the Council must consider the impact on both the public and those whose livelihood may be affected.

8. **Background Papers/Information**

- [Section 65 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)
- [Report PES/255 - Hackney Carriage Fares 2017-2018 - Licensing Committee, 11 September 2017](#)
- [Agenda – Hackney Carriage Fares 2020-2021 - Licensing Committee, 11 November 2019](#)

Contact Officer:
Kareen Plympton
Team Leader, Health, Safety & Licensing
kareen.plympton@ Crawley.gov.uk
01293 438023

This page is intentionally left blank

Crawley Hackney Carriage Fares

The table of fares made by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976

Valid from 6 December 2019.

Tariff 1 – Applies to all hirings except those mentioned in tariffs 2 and 3 and 4	
Initial distance not exceeding 183 meters (200 yards) or 61 seconds or un-completed part thereof	£4.10
For the next 1426 meters (1560 yards) or 479 seconds (7 minutes and 59 seconds) or un-completed part thereof	20p
For each subsequent 134 meters (147 yards) or 45 seconds or un-completed part thereof	20p
Tariff 2 – Applies to all hirings between midnight and 06:00 including all Bank Holidays, and all hirings from 18:00 to 23:59 hrs. on the 24 December and from 18:00 on New Year's Eve to 23:59 on 1 January.	
2. Vehicles carrying more than 4 passengers during the time of operation of Tariff 1	
Initial distance not exceeding 183 meters (200 yards) or 54 sec or un-completed part thereof	£4.80
For the next 1426 meters (1560 yards) or 423 seconds (7 minutes 3 seconds) or un-completed part thereof	30p
For each subsequent 152 meters (166 yards) or 45 seconds or un-completed part thereof	30p
Tariff 3 – Applies to all hirings all day on 25 and 26 December.	
2. Vehicles carrying more than 4 passengers during times of operation of Tariff 2	
Initial distance not exceeding 183 meters (200 yards) or 52 sec or un-completed part thereof	£8.00
For the next 1426 meters (1560 yards) or 409 seconds (6 minutes 49 seconds) or un-completed part thereof	40p
For each subsequent 154 meters (168 yards) or 44 seconds or un-completed part thereof	40p
Tariff 4 – Applies to all hirings between 06:00am and 23:59 where there are 5 or more passengers in the vehicle except on 25 and 26 December (when Tariff 3 will apply)	
Initial distance not exceeding 183 meters (200 yards) or 61 sec or un-completed part thereof	£6.15
For the next 1426 meters (1560 yards) or 479 seconds (7 minutes 59 seconds) or un-completed part thereof	30p
For each subsequent 134 meters (147 yards) or 45 seconds or un-completed part thereof	30p

Extra Charges

A soilage charge of £75 (maximum).

Where a Hackney Carriage is hired by distance the proprietor or driver shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorized by the above table which may not be recorded on the face of such meter. The driver may charge any 'road charge or tolls' where applicable (this must be agreed with the customer before hire commences).

E842.0

This page is intentionally left blank

Crawley Hackney Carriage Association Consultation Options

40

*PROPOSAL FOR THE FOLLOWING CHANGES IN CRAWLEY HACKNEY TARIFFS
ACCORDING TO THE CURRENT INCREASE IN COST OF LIVING - 2022.*

Can every driver please carefully read the following proposals and complete the details below. Thanks in advance.

OPTION - A

1) Tariff - 1
Minimum £4.30 at the start.
First Mile will be £4.50 after that, an increase of 14p from the current mileage rate, plus a increase in waiting time.

*2) Tariff 3: *
100% extra of tariff 1.

*3) Tariff 4: *
50% extra of Tariff 1.

4) Tariff 4 & Tariff 3:
On December 26, replace Tariff 4 from Tariff 3.

5) Tariff - 3 :
On 1st of January between midnight till 6.30 am on Tariff-3.

6)Tariff 2:
Change the time Tariff 2 STARTS 23:00 till 6.30 am.
Pls

OPTION - B

Changes 1 to 5 same as above (in Option - A) but
Change No -6 is different as below:

6) Tariff - 2:
Increase 14p per mile,
Change the time Tariff 2 STARTS 2300 till 6.30 am.

OPTION -C

No changes to Any Tariff at all

This page is intentionally left blank

Crawley Hackney Carriage Fares
**The table of fares made by the Council under Section 65 of the
 Local Government (Miscellaneous Provisions) Act 1976**

PROPOSED FARE CARD 2022

Tariff 1	
Applies to all hirings except those mentioned in Tariffs 2 and 3 and 4	
Initial distance not exceeding 183 metres (200 yards) or 55.9 seconds or un-completed part thereof	£4.30
For the next 1426 metres (1,560 yards) or 435.7 seconds (7 minutes and 15.7 seconds) or un-completed part thereof	£0.20
For each subsequent 124.1 metres (135.7 yards) or 37.9 seconds or un-completed part thereof	£0.20
Tariff 2 – NIGHT RATE (a) AND OTHER DATES AND TIMES AS LISTED IN (b) to (e)	
Applies in all hirings in the following circumstances (except as otherwise provided for in Tariffs 3 and 4):	
(a) hirings on any day between the period starting at 23:00 hours and continuing until 06:30 hours on the following day (NIGHT RATE)	
(b) hirings between 00:00 hours and 23:59 hours on all Public/Bank Holidays	
(c) hirings between 18:00 hours and 23:59 hours on Christmas Eve (24 th December)	
(d) hirings between 18:00 hours and 23:59 hours on New Year's Eve (31 st December)	
(e) hirings at any time where there more than 4 passengers and Tariff 1 would otherwise apply	
Initial distance not exceeding 183 meters (200 yards) or 54 seconds or un-completed part thereof	£4.80
For the next 1426 meters (1,560 yards) or 423 seconds (7 minutes 3 seconds) or un-completed part thereof	£0.30
For each subsequent 152 meters (166 yards) or 45 seconds or un-completed part thereof	£0.30
Tariff 3	
Applies in all hirings between 23:00 hours and 0630 hours and in the following circumstances (except as otherwise provided for in Tariff 4):	
(a) hirings between 00:00 hours on 25 December (Christmas Day) and continuously until 23:59 hours on 26 December (Boxing Day)	
(c) hirings between 00:00 and 06:30 hours on 1 January	
(d) hirings at any time where there more than 4 passengers and Tariff 2 would otherwise apply	
Initial distance not exceeding 183 meters (200 yards) or 55.9 seconds or un-completed part thereof	£8.60
For the next 1,426 meters (1,560 yards) or 435.7 seconds (7 minutes 15.7 seconds) or un-completed part thereof	£0.40
For each subsequent 124.1 meters (135.7 yards) or 37.9 seconds or un-completed part thereof	£0.40
Tariff 4	
Applies to all hirings between 06:30 hours and 23:00 hours where there are more than 4 passengers in the vehicle, except on 25 and 26 December (when Tariff 3 will apply)	
Initial distance not exceeding 183 meters (200 yards) or 55.9 seconds or un-completed part thereof	£6.45
For the next 1,426 meters (1,560 yards) or 435.7 seconds (7 minutes 15.7 seconds) or un-completed part thereof	£0.30

For each subsequent 124.1 meters (135.7 yards) or 37.9 seconds or un-completed part thereof.	£0.30
<u>Extra Charges</u> A soilage charge of £100 (maximum) Any airport drop-off charges and all tolls charges	
<u>Notes:</u> Where a Hackney Carriage is hired by distance the proprietor or driver shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorized by the above table which may not be recorded on the face of such meter. The driver may charge any 'road charge or tolls' where applicable (this must be agreed with the customer before hire commences).	