



Crawley Borough Council

Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Committee Room C - Town Hall**, on **12 September 2023 at 7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read 'Ashraf', positioned above the title 'Chief Executive'.

Chief Executive

Membership:
Councillors

I Ashraf (Chair), Z Ali (Vice-Chair), M L Ayling, T G Belben,
B J Burgess, D Crow, I T Irvine, K L Jaggard, M G Jones, K Khan,
Y Khan, K McCarthy, A Nawaz, B Noyce and D M Peck

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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	5 - 10
To approve as a correct record the minutes of the Licensing Committee held on 12 June 2023.	
4. Licensing Sub-Committee Minutes	11 - 30
To approve as a correct record the minutes of the Licensing Sub-Committee held on 22 June 2023 (application for the review of a premises licence – Saad News, 8 Brighton Road, Crawley, RH10 6AA).	
5. 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.	
6. Proposed Fees and Charges for 2023 - Hackney Carriage and Private Hire Licensing Regime	31 - 56
To consider report HCS/063 of the Head of Community Services.	
7. Hackney Carriage Fares 2023-2024	57 - 70
To consider report HCS/065 of the Head of Community Services.	
8. Supplemental Agenda	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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Crawley Borough Council

Minutes of Licensing Committee

Monday, 12 June 2023 at 7.00 pm

Councillors Present:

I Ashraf (Chair)

Z Ali (Vice-Chair)

M L Ayling, T G Belben, B J Burgess, D Crow, I T Irvine, K L Jaggard, M G Jones, K Khan, Y Khan, K McCarthy, A Nawaz and B Noyce

Officers Present:

Georgina Bouette	Head of Community Services
Dan Carberry	Public Protection and Enforcement Manager
Chris Pedlow	Democracy & Data Manager
Kareen Plympton	Team Leader - Health, Safety and Licensing
Jess Tamplin	Democratic Services Officer
Astrid Williams	Senior Lawyer (Solicitor)

Apologies for Absence:

Councillor D M Peck

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 7 February 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions from members of the public.

4. Revisions to the Constitution: Licensing Committee Functions

The Committee considered report [HCS/062 / LDS/204](#) of the Head of Community Services and Head of Governance, People & Performance, as set out in the supplementary agenda. The Democracy & Data Manager introduced the report,

which summarised a number of proposed changes to the functions of the Licensing Committee set out in the Council's Constitution, which aimed to clarify and streamline the decision-making process. [Appendix A](#) to the report provided detail on each of the proposed additions, amendments, or deletions.

The Committee then considered the item. A Committee member requested further detail about the proposed changes and their reasons. Officers explained that an audit had identified an administrative conflict between the Licensing Committee's functions and the officers' Scheme of Delegation for decision-making, which, if left in place, could cause unnecessary delays to the work of the Licensing team (e.g. the processing and determining of new applications).

A concern was raised about the removal of some of the Licensing Committee's responsibilities. In response, officers confirmed that the Council (as Licensing authority) would still carry out its functions, but these would instead be the responsibility of officers. The functions were uncontentious operational decisions where no representations had been received and/or where decisions were required within a specific time period and which were not considered to be significant enough for the Committee's consideration, so would be an unnecessary burden on its workload. The Committee was assured that it would retain control of some functions, e.g. the review of fees and charges, if any representations or objections were received.

It was agreed that the Committee was generally in favour of the proposed changes and that it was sensible to ensure a consistent approach. It was noted that the views raised as part of the discussion were to be passed to the Governance Committee for its consideration.

RESOLVED

That the Licensing Committee expresses its support for the proposed revisions to the Licensing Committee Functions (as per Appendix A to report HCS/062 / LDS/204).

5. Introduction of a Mobile Homes (Caravan Site) Licensing & Fees Policy

The Committee considered report [HCS/059](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which sought the approval of a new Policy for caravan sites. The Policy aimed to implement a structured approach that complied with Regulations, increased transparency, and ensured suitable fees were in place.

The Committee then discussed the matter. The following points were raised:

- A Committee member asked for detail of the sources which had informed the Policy. It was heard that it was influenced by Government guidance, legislation and regulations, private sector housing living standards, and through collaboration with other local authorities in a pan-Sussex group.
- Officers confirmed that there were currently no licensed caravan sites within the borough, but four potential sites had been identified and investigations were continuing. The Council would work with the communities at those sites to inform them of the upcoming Policy implementation and potential licensing implications. An Equality Impact Assessment had been undertaken.
- Clarification was sought about how a site was defined. It was explained that each site would be judged on its merits as to whether it fell within the Regulations and Policy. Certain sites may be exempt from requiring a licence,

such as those owned by members of the Caravan Club, as the organisation implements its own screening process.

- Queries were raised regarding the impact of the Policy on Gypsy, Roma and Traveller communities. It was explained that the Policy was not specifically focused on this area, but did provide some clarity – for example these communities may be exempt from some aspects of the legislation and Policy (such as fee paying).
- The Committee discussed the relationship between the licensing of caravan sites and their granting of planning permission. Any site would require planning permission before being granted a licence, and issues such as tree preservation and site access would be controlled by planning conditions.
- In response to a query, officers explained that an application for a site would not be valid until a new licence fee was paid. The Policy allowed the Council to take enforcement action where appropriate.

The Committee expressed general support for the implementation of the Policy and conveyed its thanks to officers.

RESOLVED

That the Committee:

- a) Notes the statutory powers local authorities have under the Regulations.
- b) Adopts the proposed Mobile Homes (Caravan Site) Licensing and Fees Policy as set out within Appendix A to report HCS/059.
- c) Endorses and delegates authority to the Head of Community Services for the amendment of the calculation of fees in response to any surplus or deficit, and the making of minor amendments to the Policy, once adopted, to reflect changes in legislation or guidance and codes of practice where a full review of the policy is not warranted and that this be reflected in the Head of Service sub-delegation scheme.

6. Revision of Licence Conditions and Hackney Carriage and Private Hire Licensing Policy

The Committee considered report [HCS/060](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which sought approval for several variations to the Hackney Carriage and Private Hire Licensing Policy. The proposed amendments aimed to strengthen the requirements set out in the existing Policy, which in turn were proposed to further improve public safety. The Committee heard a summary of the proposed changes, which included:

- Further detail regarding the use of the NR3S Register;
- New requirements relating to HMRC tax code checks for licensed drivers;
- Amendments to the maximum number of penalty points allowed on a licence;
- Clarification of licence conditions and licensee self-reporting scenarios;
- A new requirement for licensed individuals to keep their knowledge of the Policy up-to-date.

The Committee then discussed the matter and the following comments were made:

- Clarity was sought over the minimum age for a person to apply to become a licensed driver. It was explained that there was no minimum age, but applicants must have held a driving licence for a minimum of 12 months to be eligible to apply.

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- A query was raised as to whether the Council undertakes checks to ensure that licensed drivers and vehicles are properly insured. Officers confirmed that checks are undertaken regularly and those without sufficient insurance may be subject to a suspension of their licence.
- Officers were asked whether the Policy is circulated to licensed drivers as and when changes are made. It was confirmed that significant changes are communicated (including those changes currently before the Committee), but that in general, it was the responsibility of each individual licensee to ensure they regularly read and comply with the Policy.

The Committee discussed in detail the proposed addition to the Policy that any person applying to become a licensed driver should have no more than three DVLA penalty points on their driving licence. Views were expressed both for and against the proposal.

Committee members against the three-point maximum were of the view that the threshold was too low and would preclude local people from applying for a licence. A balance needed to be sought between ensuring public safety and ensuring applicants had the opportunity to join the trade to serve the town's residents. Neighbouring local authorities had varying practices, with some requiring zero points and others implementing maximums higher than three points; under the law those drivers were able to operate in Crawley under these looser restrictions so it seemed unfair to penalise applicants from Crawley with the same credentials. Furthermore, Metrobus bus driver applicants tended to be allowed a maximum of six points. Aligning the Policy with those of nearby authorities should be considered – it was proposed to compare with Transport for London's Policy.

Committee members in favour of the three-point maximum were of the view that the main aim of the Policy was to facilitate public safety – applicants with more than three penalty points may have a history of dangerous driving, which could mean they are not a fit and proper person and therefore may pose a risk to the travelling public. If caught speeding, drivers could sometimes undertake a Speed Awareness Course in lieu of receiving three points, and any penalty points received were removed from a licence after four years. Licensed drivers were professionals and the standard to which new applicants were held should not be lowered, so it was felt that the proposed three-point threshold should not be increased.

Officers clarified several matters during the discussion:

- That three points were generally given for one lower-end offence, for example speeding, an insurance breach, or running a red light (but penalties varied significantly depending on the case in question).
- That licensees were required to notify the Council of any penalty points within 48 hours of being issued.
- That those with more than 3 points would not be precluded from applying for a licence, and that each application was considered on its individual merits. It would be for an applicant to demonstrate why they fell outside of the Policy.
- That this matter was not covered in the existing Policy as it did not specify a maximum number of points for new applicants. The Policy currently set out that existing licensees were to have their licence considered by the Head of Community Services if they received seven points or more. If the proposed changes were approved, this system would remain in place, with the addition of the three-point rule for new applicants only.
- That, having briefly researched TfL's Policy following requests from Committee members, it was unclear about the maximum number of penalty points, so it was not possible to make comparisons.

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- That neighbouring authorities implemented various maximums between zero and six points.

The following amendment to the wording of the proposed additional paragraph of Appendix L of the Hackney Carriage and Private Hire Licensing Policy was moved by Councillor Ali and seconded by Councillor Nawaz:

A new application will not normally be considered or granted if the individual has more than ~~3~~ 6 DVLA Penalty Points endorsed on their licence until such time as the matter is removed from a licence. (This includes any Penalty Points, banning period or other sanction.)

A vote was taken and the amendment fell.

The Committee then moved to a vote on the original recommendations as printed in the report.

RESOLVED

That the Committee approves the amended wording and conditions of the Hackney Carriage and Private Hire Licensing Policy, as detailed in report HCS/060.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.54 pm

I Ashraf (Chair)

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Crawley Borough Council

Minutes of Licensing Sub-Committee

Thursday, 22 June 2023 at 10.30 am

Councillors Present:

I T Irvine (Chair)

I Ashraf and B J Burgess

Officers Present:

Heather Girling

Democratic Services Officer

Warren Jones

Senior Licensing Officer

Kareen Plympton

Team Leader - Health, Safety and Licensing

Astrid Williams

Senior Lawyer (Solicitor)

Also in Attendance:

For the Applicant

Peter Aston – WSCC Trading Standards Team Manager

For the Responsible
Authority

Sophie Krousti – WSCC Public Health Lead for Alcohol

Holly Yandall – WSCC Public Health Lead for Tobacco
Control

For the Premises

Riafan Caseem Lebbe - Saad News Agent Ltd, Premises
Licence Holder and Designated Premises Supervisor

Surendra Panchal – Representative for Premises Licence
Holder

1. Appointment of Chair

RESOLVED

That Councillor I T Irvine be appointed Chair for the Hearing.

2. Disclosures of Interest

No disclosures of interests were made.

3. Application for the Review of a Premises Licence - Saad News, 8 Brighton Road, Crawley, RH10 6AA (Southgate Ward)

The Sub-Committee considered an application to review the Premises Licence held in respect of the premises Saad News Agent Ltd, 8 Brighton Road, Crawley, RH10 6AA (Southgate Ward).

Following the introduction of those present at the Hearing, the Senior Lawyer outlined the procedure for the Hearing, a copy of which had accompanied the documentation issued prior to the meeting. The Senior Lawyer informed all parties that the Sub-Committee had requested a pre-meeting with the Senior Lawyer and Democratic Services Officer prior to the commencement of the Sub-Committee, to confirm the procedure that would be followed during the Hearing. At that pre-meeting, the Sub-Committee had confirmed receipt of the supplementary agenda documents which had been circulated following publication of the main agenda. It was confirmed that the Sub-Committee had not asked for clarification of any aspect of the application or on the representations received from any party.

The Senior Lawyer then asked all parties present, if they wished to make any relevant applications, for example additional information or for an adjournment. No applications were made.

The Chair informed the meeting that although the application and other material circulated ahead of the meeting was exempt (Part B), it was the intention to hold the discussion in Open – Public Session (Part A).

Report HCS/061 of the Council's Head of Community Services was presented by the Health, Safety and Licensing Team Leader for Crawley Borough Council.

The Application

The Council's Health, Safety and Licensing Team Leader, informed the Sub-Committee that on 2 May 2023, WSCC Trading Standards had submitted an application to the Council as the Licensing Authority for the Borough of Crawley for a review of the Premises Licence in respect of Premises known as Saad News Agent Ltd, 8 Brighton Road, Crawley. The application was detailed in Appendix A to the report HSC/061 and sought a review on the grounds that the licence holder was not promoting the statutory Licensing Objectives of prevention of crime and disorder and protection of children from harm.

Trading Standards contended that the licensing objectives had been undermined by the Premises Licence Holder (PLH) and Designated Premises Supervisor, Mr Riafan Caseem Lebbe, following a test alcohol purchase failure, and had also failed to ensure the licensed premises was run in accordance with the conditions attached to the Premises Licence to appropriately deal with the management of the premises.

A copy of the Location Plan was attached as Appendix B to the report, along with the Premises Licence and Premises Layout Plan (Appendix C), and further evidence submitted from WSCC Trading Standards as Appendix D.

It was confirmed that the application had been advertised in accordance with legislation, and as a result of the consultation process, three relevant representations had been received. Further to the initial application for a review of the Premises Licence, additional evidence had been submitted by WSCC Public

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Health (Appendix E to the report) supporting the review application by Trading Standards which sought a suspension of the Premises Licence and together with additional conditions as a means to promote the Licensing Objectives.

Also, further evidence had been submitted by Sussex Police (included within Appendix F to the report), which supported the review application and similarly recommended additional conditions. A representation had also been received from West Sussex Fire and Rescue Service (Appendix G) which advised that West Sussex Fire and Rescue Service had no representation or comments to make.

Mr Lebbe as the PLH had submitted a response to the Trading Standards application (Appendix H to the report), along with supporting evidence. This information had been issued as supplementary agenda items and had been circulated to all parties following publication of report HCS/061.

The Health, Safety and Licensing Team Leader then proceeded to inform the hearing of the options available to it in respect of the application and reminded the Sub-Committee that any decision must be appropriate for the promotion of the four licensing objectives. The options were to:

- (i) Modify the conditions of the premises licence (that is, adding new conditions or any alteration to or omission of existing conditions).
- (ii) Exclude a licensable activity from the scope of the premises licence.
- (iii) Remove the Designated Premises Supervisor (DPS).
- (iv) Suspend the licence for a period not exceeding three months.
- (v) Revoke the licence.

The Chair confirmed that the Sub-Committee had read all the documents published in relation to the review and the representations received.

Following the presentation from the Health, Safety and Licensing Team Leader there were no questions from any party in relation to the report.

The Applicant (Trading Standards)

Mr Peter Aston, (Trading Standards Team Manager), then addressed the Sub-Committee highlighting the concerns contained within the application for a review of the licence (Appendix A to the report) along with the further evidence (Appendix D). Mr Aston made the following submissions:

- Following Covid, there were concerns regarding the increase in intelligence that some businesses were taking advantage of the pandemic by selling a range of age-restricted products to children, which was not only harmful to children but also had an impact on legitimate businesses who complied with legislation. As a result, the decision was taken in January 2020 to implement a 'zero-tolerance' policy on alcohol in particular to children.
- Intelligence regarding underage sales of restricted products to children has continued to escalate and in 2021 West Sussex County Council commenced a 'crackdown' on underage sales following a test purchase operation resulting in 9 out of 16 premises selling alcohol and cigarettes to children.
- With regards to the underage sale conducted on the premises (Saad News Agent), in view of intelligence received, followed by the warnings and advice provided by Trading Standards, and the subsequent underage sale of alcohol it was believed that the Licence Holder was undermining the licensing objectives with regards to the prevention of crime and disorder and the protection of children from harm, as well as the Council's current Statement of Licensing Policy.

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- The primary act of a review was to act as a deterrent to prevent further breaches.
- It was requested the Sub-Committee consider imposing the measures proposed by the Responsible Authorities. A suspension of the licence would send out a strong message across the town and county that where premises were found to be in breach of the licensing objectives, particularly regarding child protection matters, that sanctions were strongly administered.

Questions asked by the Sub-Committee of the Applicant (Trading Standards)

The Sub-Committee then asked the following questions of the Applicant:

Questions by the Sub-Committee	Response <i>(Mr Peter Aston)</i>
Someone already complained about the sale to a 13/14-year-old, and they brought it to your attention and then Trading Standards visited the premises. Are you aware of any other misdemeanors or is that the only complaint you received?	I cannot provide you with the full history unfortunately but in terms of what triggered this licence review application we received one complaint. We act on each complaint or piece of intelligence we receive.
If you hadn't received that complaint, you would not have gone to review the premises? Do you go round and review premises regularly?	With regards to this, we act on the intelligence received, we visit the premises to provide robust advice and then follow up in writing. An appointment is made with the Licence Holder to ensure they are fully aware of the information and complaint received. They are also warned that Trading Standards will be undertaking a subsequent test purchase operation.
First time Trading Standards visit you provide advice and information. Is that standard procedure to receive advice and improvement areas first?	That is part of Trading Standards 'zero tolerance' policy. We set out how we look to address the significant problems in West Sussex and Crawley with regards to the selling of restricted products. We may receive allegations of children being sold vapes and if the shop also sells alcohol, we will carry out an advice visit and then this is followed up with a test purchase visit to check the procedures. This ensures the premises is compliant with all legislation and the Challenge 25 policy.

Questions by Other Parties of the Applicant

WSCC Public Health did not have any questions for the applicant.

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Questions by Other Parties (PLH) of the Applicant (WSCC Trading Standards)

Licence Holder's Representative, Mr Panchal, then asked the following questions of the Applicant:

Questions on behalf of the PLH (Mr Surendra Panchal)	Response (Mr Peter Aston)
It mentions in the report that in 2021 there was a crackdown of approximately 16 premises. Out of the 16, was Saad News Agent included?	No it was not. As mentioned, it was following Covid, and we have made extensive media coverage as a deterrent that it is not acceptable to sell alcohol to children.
Saad News Agent was not part of the visit because they were complying in that instance?	Trading Standards had not received any intelligence about Saad News at that point.
Trading Standards received intelligence in August 2022 do you have any evidence for that?	It is quite often anonymous information as it was in this case that Trading Standards then follows up.
There was a record kept of this intelligence and that would help us prove whether there was intelligence received or its just hearsay?	It is hearsay and that is the point of undertaking the visit to the premises. We cannot be 100% sure of the intelligence received. However that is the trigger for the visit and the substantial advice provided to the Licence Holder with regards to their obligations which was subsequently followed up in writing. The Licence Holder is informed that Trading Standards will conduct a test purchase operation.
So you were not sure that on 8 August 2022 underage sales took place or not?	Trading Standards receive intelligence from parents, other businesses that premises is undertaking underage sales of alcohol and we act upon that.

Responsible Authority (WSCC Public Health)

The representatives for West Sussex County Council's Public Health Department, Ms Sophie Krousti and Ms Holly Yandall were both in attendance. Ms Yandall addressed the Sub-Committee and made the following submissions:

- Appropriate action had not been taken by the premises, following initial intelligence received from Trading Standards and the advice visit which had resulted in a test purchase failure. This suggested the premises was not taking its responsibility seriously.
- Had the conditions on the premises licence been adhered to and the licensing objectives promoted, it was unlikely that the incident outlined in the report would have taken place. It was clear that the staff training, particularly regarding the Challenge 25 policy were inadequate.
- A recent national survey published 2022, which found that 40% of young people (11-15) surveyed had drunk alcohol, and these figures were likely to be broadly similarly across the county and the town.
- Each year in West Sussex, there were more than 65 alcohol specific hospital admissions in children, where the primary and secondary diagnosis was wholly

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attributed to alcohol. This did not include broader 'alcohol-related' admissions (which was increasing).

- A key measure in preventing alcohol admissions was preventing the supply of alcohol to children. It was important that licensed premises promoted the licensing objectives.
- West Sussex Public Health supported the recommended actions and conditions proposed by the applicant in its application for review and those of Sussex Police. These would allow for full staff re-training and review of policies and procedures.

Questions asked by the Sub-Committee of Responsible Authority (WSCC Public Health)

The Sub-Committee then asked the following questions of WSCC Public Health:

Questions by the Sub-Committee	Response <i>(Ms Holly Yandall)</i>
You mentioned there was a template for the Challenge 25, do we know if that was put into place at the premises?	My understanding is that the details of the Challenge 25 along with the refusal log template were provided by Trading Standards as set out in their representation.
You mentioned there was a growing trend of alcohol, are there any other trends that are causing concern?	As my colleague in Trading Standards has alluded to, we are concerned about sales of age restricted products to children more broadly. In my experience where we see underage sales of one restricted product and those procedures are not working, we also see other sales of age restricted products too.

Questions by Other Parties of the Responsible Authority (WSCC Public Health)

WSCC Trading Standards did not have any questions for WSCC Public Health.

Questions by Other Parties (PLH) of the Responsible Authority (WSCC Public Health)

Licence Holder's Representative, Mr Panchal, then asked the following questions of the Responsible Authority, WSCC Public Health:

Questions on the behalf of the PLH <i>(Mr Surendra Panchal)</i>	Response <i>(Ms Holly Yandall)</i>
I'm concerned within the report it mentions that a 12–13-year-old was served alcohol. Yet there is no evidence for this. Is that correct within the report?	In the representation made by Trading Standards, I refer to the intelligence they received about the sale of alcohol to a 12–13-year-old.
But in the report, it mentions a 17-year-old so can that be rectified please?	Yes, but the understanding is that the initial intelligence received that caused them to undertake the visit, was that alcohol was sold to a 12–13-year-old child. Trading Standards visited the premises, provided advice and then followed up with a test purchase

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Questions on the behalf of the PLH (Mr Surendra Panchal)	Response (Ms Holly Yandall)
	operation with a 17-year-old volunteer.
The guidance and Licensing Act states that a 17-year-old can sit in a pub or restaurant with a meal and can have wine or cider.	I am familiar with that part of the Licensing legislation, but I am also familiar with the part that states that alcohol must not be sold to a child under 18.
I am trying to clarify the report. When the report mentions a 12–13-year-old, but it was a 17-year-old. The intelligence is not confirmed yet. What is confirmed is the 17-year-old was sold alcohol. Do you still confirm that a 12–13-year-old was served?	My representation makes it clear we are referring to the intelligence by the Trading Standards department which is the catalyst for this process in the first place. As Mr Aston has already set out, Trading Standards can receive multiple reports regarding age restricted sales, and they cannot directly verify those if they are anonymous. The process is to go and visit that venue, provide the advice, guidance and support to that Licence Holder to have all the processes in place. There will be a follow up when there will have been ample time for those procedures to have been implemented, to conduct a test purchase to ensure everything is running as it should. That is the process that was followed in this case. Evidently there is still the sale of alcohol to a child.
We cannot verify in your report that alcohol was sold to a 12–13-year-old child within the report as it is hearsay.	In the story as to how we have reached here today we started with a concerned member of the community submitting a report to Trading Standards that 12–13-year-old had been sold alcohol. Regardless of that, we do have evidence that a 17-year-old child was sold alcohol which is still in breach of the licensing objectives.

PLH (Mr Lebbe - Saad News Agent Ltd)

Mr Surendra Panchal of PLC Ltd, the representative for Mr Lebbe, PLH of Saad News Agent Ltd, addressed the Sub Committee and drew its attention to the representation submitted along with supporting evidence (Appendix H), and made the following submissions:

- The Licence Holder had many years' experience and stated since 2016 to-date had not personally breached the licence as he himself had not conducted any underage sales, as this one sale had been carried out by an employee.
- The Licence Holder actively carried out staff training with training statements being signed by staff and refusal logs had been maintained since 2016.
- The Licence Holder was concerned regarding the premises and the licensing objectives. Following the underage sale, the employee was questioned, and a

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warning letter issued. Subsequently the member of staff's employment was terminated.

- The test purchase failure did not equate to 'two sales of alcohol within very quick succession of one another' nor 'persistent sales', under the Revised Guidance issued under section 182 of the Licensing Act 2003 (s11.29). There had been no further evidence of underage sales or further visits following the test purchase failure from the Responsible Authorities.
- The Licence Holder had the support of local community.
- The Licence Holder confidently promoted the licensing objectives and would support the conditions proposed by Sussex Police.

Questions asked by the Sub-Committee of the PLH

The Sub-Committee then asked the following questions of the PLH:

Questions by the Sub-Committee	Response <i>(respondent in brackets)</i>
We are here to discuss the underage sale of alcohol, which was witnessed and proved following an anonymous report, but are you saying that could have been a false report or are you admitting there was a report, because that came across that you were doubting the first incident that could have taken place.	On repeatedly asking Mr Lebbe and his staff, Mr Lebbe does not agree with the 8 August report because a proper policy was running at the premises. There is no evidence that you have and there is no CCTV to show that there was a sale. No sale occurred according to Mr Lebbe. Mr Lebbe cannot prove that a sale occurred. (Mr Panchal)
So the CCTV camera was not operational?	The CCTV was operating but the employee could not download the CCTV. (Mr Panchal). With regards to the Trading Standards visit, they came in and talked to my staff. Then they called over the phone, and we spoke, and they informed me they were going to carry out another visit. I asked if there anything further was required. CCTV is held for 31 days by law. I dispute the report as I have a child and as you can see by my record, I follow all the training for my staff and have the logs. (Mr Lebbe)
I was wondering if someone could have reported it maliciously. However, we are talking about underage sale to a 17-year-old. Did you put into place all the suggestions by Trading Standards, for example Challenge 25?	Challenge 25 has been in place and followed since 2015 as Mr Lebbe understands the policies in place, along with the training manual and refusal log. (Mr Panchal)
If the procedures and policies are in place and operating how come sales were made to an underage person?	Mr Lebbe was very concerned that the sale was conducted by a member of staff. Mr Lebbe carried out training but unfortunately the employee made a mistake, a warning letter was issued,

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Questions by the Sub-Committee	Response (respondent in brackets)
	and the member of staff has had their employment terminated. (Mr Panchal)
Do you have any competitors around locally?	There is a shop nearby round the corner. (Mr Lebbe)
Mr Panchal, I think you said earlier in your presentation that you weren't entirely sure why you and Mr Lebbe were here today. Trading Standards found that the premises sold alcohol to an underage person and that is a very serious offence.	I am not disputing that it is serious but my reason for saying that was that we have fully co-operated with the responsible authorities and acted following the sale. Necessary actions have been put in place. (Mr Panchal)
With regards to the refusal log, I cannot see anything after 2019. It goes from 2016-2019.	If you would like the logs from 2019 these are available. We have just submitted up to 2019. (Mr Panchal)
I would expect you would submit logs for the period under question and officers have stated that the log book was not there at the time so it would be expected for those to be submitted.	The refusal logs are available from 2019 onwards. (Mr Panchal)

Following Legal advice provided by the Senior Lawyer, the Sub-Committee and all parties agreed to examine the additional refusal logs documentation (consisting of loose pages), which was made available to all parties by Mr Panchal.

Questions asked by the Licensing Authority of the PLH

The Licensing Authority, then asked the following questions of the PLH:

Questions by the Licensing Authority (Health, Safety and Licensing Team Leader)	Response (respondent in brackets)
I am concerned by the sales refusal logs that have been provided. The original evidence only included up until 2019. Why was not the additional refusal log documentation just seen submitted as part of the original evidence?	It was an error in the scanning as it was in my bundle but not in the completed batch to be scanned and for that I apologise. (Mr Panchal).
The refusal log from 2019-2021 refers to Chesterfield Borough Council and the name of the premises is blank, so I am confused as to whether this refusal log does refer to this premises at all. Additionally the most recent refusal register provided through to Trading Standards does show some refusals between 10 May 2023 – 18 May 2023, after the incident had occurred and the review proceedings had been initiated. A	The refusal log was downloaded from the internet and is a template. I did not put a shop name on it as it has been kept within my premises. (Mr Lebbe)

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Licensing Sub-Committee (10)
22 June 2023

Questions by the Licensing Authority <i>(Health, Safety and Licensing Team Leader)</i>	Response <i>(respondent in brackets)</i>
refusal log needs to relate to a particular premises.	
The training records provided primarily relate to training undertaken on 10 May. Was there training undertaken after the first warning by Trading Standards when they were acting on intelligence?	The training for the individual who conducted the sales had training undertaken in January 2023. (Mr Lebbe)
Conditions have been suggested by WSCC Public Health today and you have submitted some information with regards to proposed conditions. Sussex Police have also submitted conditions. Do you agree to the conditions submitted by Sussex Police?	We looked at the conditions suggested by Sussex Police, and we looked to amalgamate them, but we are happy with any conditions that the Sub Committee wish to apply or edit. (Mr Panchal)

Questions asked by the Applicant (Trading Standards) of the PLH

Mr Peter Aston, the Applicant's representative, then asked the following questions of the PLH:

Questions by the Applicant <i>(Mr Peter Aston)</i>	Response <i>(respondent in brackets)</i>
At the beginning of your presentation, you mentioned that Mr Lebbe had never breached his licence. However on the visit on 31 August the refusal books were not present during the visit. Do you accept that?	I spoke to the person over the phone, but I strongly disagree. I was working at the premises and the refusal book was there but mistakenly kept under some paperwork and receipts, so members of staff were unable to find it. (Mr Lebbe)
Your representative has commented regarding the alleged visit of the 12-13 year olds on 8 August. Did you check the CCTV for that day?	I was working that day and did not make the sales. (Mr Lebbe)
You could have reviewed that CCTV footage of 8 August and presented it to the responsible authority that you had not made a sale on 8 August?	The letter was received more than a month later. (Mr Lebbe)

WSCC Public Health did not have any questions for the PLH.

Closing Statement by the Applicant (Trading Standards)

Mr Peter Aston, the Applicant's representative, made the following points in their closing statement:

- Trading Standards did not have confidence that the licensing objectives were or will be promoted by the continuation of licensable activities at the premises.
- It was felt there was a lack of action in terms of addressing the policies and training of staff.
- A suspension of the premises alcohol licence for 3 months would allow for re-training of staff and a deterrent.

Closing Statement by the Responsible Authority (WSCC Public Health)

Ms Holly Yandall made the following points in their closing statement:

- The sale of alcohol to children is incredibly harmful.
- The current training policies and procedures whilst in place were inadequate and improvements were required.

Closing Statement by the PLH

Mr Surendra Panchal, on behalf of Mr Lebbe, made the following points in their closing statement:

- There was concern that the underage sale occurred. But swift action had been taken by the Licence Holder in order to continue to promote the Licensing Objectives.
- The Licence Holder would endorse the conditions submitted by Sussex Police and any by the Sub Committee.

4. Exempt Information – Exclusion of the Public

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub-Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

5. Application to Review the Premises Licence - Saad News Agent Ltd, 8 Brighton Road, Crawley, RH10 6AA (Southgate Ward)

The Sub-Committee gave further consideration to the application, to the matters raised at the hearing. In formulating its decision, the Sub-Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

RESOLVED

The Sub-Committee, having considered the application and the relevant representations in detail, resolved to take the actions detailed in **Appendix 1** to these minutes for the reasons set out therein.

Re-admission of the Public

The Chair declared the hearing re-open for consideration of business in public session.

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Licensing Sub-Committee (12)
22 June 2023

6. **Application to Review the Premises Licence - Saad News Agent Ltd, Crawley, (Southgate Ward)**

The Senior Lawyer informed those present of the legal advice she had provided during the Sub-Committee's deliberations, which was to remind the Sub-Committee of the steps available to them and that in coming to their decision they must have regard to the statutory guidance and the Council's policy.

The Chair on behalf of the Sub-Committee, read out the Sub-Committee's decision and reasons as detailed in **Appendix 1** to these minutes. It was also announced that all parties would receive a copy of the decision notice within five days of the Hearing.

Closure of Meeting

With the business of the Licensing Sub-Committee concluded, the Chair declared the meeting closed at 2.55 pm

I T Irvine (Chair)

Decision of the Licensing Sub-Committee sitting at Crawley Borough Council in relation to the application under section 51 the Licensing Act 2003 for a review of the premises licence held by Mr Rifan Caseem Lebbe in effect for the premises Saad Newsagents, 8 Brighton Road Southgate Crawley West Sussex RH10 6AA

1. The Sub-Committee listened carefully to the submissions made by the representative for the applicant for the review, Trading Standards, the representative for Public Health the representative for the Licence Holder, and the Licence Holder himself.
2. In coming to its determination, the material and documentation the sub-committee took into account included:
 - 2.1 the evidence given and the representations made on behalf of all parties;
 - 2.2 the requirements of the Licensing Act 2003;
 - 2.3 the section 182 Statutory Guidance (December 2022); and
 - 2.4 Crawley Borough Council Licensing Policy.

Observations and findings by the Sub-Committee:

3. This case involved an undisputed sale of alcohol to a child in February 2023 by a member of staff employed at the time at the premises.
4. The context of the review application was the zero tolerance policy by Trading Standards of sales of age-restricted items to children. Trading Standards explained that their policy was to follow up on each piece of intelligence of this nature, such as anonymous complaints, with a subsequent visit to the premises where advice is given with supporting material, and followed by written advice and a warning that checks will follow, such as test purchases.

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5. This is what occurred in this case. Trading Standards, following the receipt of intelligence of an alleged sale of alcohol to a child in August 2022, spoke with the Licence Holder by telephone, then attended in August during which the staff member was unable to find the refusals book. At the visit Trading Standards provided templates along with Challenge 25 posters. On 31 August 2022 there was a follow up letter of advice, which included information about how to show due diligence, staff training, refusals logs, signage and CCTV, and provided a weblink to further advice. The letter warned that there would be a test purchase and if it failed, the licence could be revoked.
6. The Licence Holder explained at the hearing that the refusals book had been at the premises but under paperwork/receipts. At the hearing additional pages of the refusals book (sheets) were provided and shown to the sub-committee and all who were present, as the pages submitted ahead of the hearing went only up to 2019.
7. Despite the Licence Holder assuring the sub-committee that there were robust procedures in place at the premises and that all staff were trained, including the staff member who sold the alcohol to the 17 year old on 8 February 2023, the sub-committee's view was that there were clearly shortfalls in the systems and procedures at the premises, including the training of staff.
8. The sub-committee took the view that the licence holder's keeping of the refusals book did not demonstrate a diligent approach to complying with that existing licensing condition. The additional pages, being the original records, produced and inspected at the hearing were shabby loose pieces of paper with no identifying mark as to the premises. The committee noted the Licence Holder's own admission that the refusals book had been lost under receipts when officers had sought to inspect it in August 2022.
9. In addition, although the sub-committee noted that the staff member who sold the alcohol to a child was a new member of staff and was also recently from abroad, they took the view that to sell alcohol to a child so shortly after being trained and in a premises where the licence holder asserted that a Challenge 25 policy was actively used, in fact indicated that the training and supervision given was inadequate and the Challenge 25 policy was not properly implemented.

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10. The sub-committee however welcomed the Licence Holder's willingness for the additional conditions proposed by Sussex Police and West Sussex Public Health to be added to the licence, and also welcomed his stated commitment to robustly promote the 4 licensing objectives.
11. The sub-committee also noted the Licence Holder's submissions included that this was not a case which fell within the scope of paragraph 11.29 of the guidance, as there was only evidence of 1 sale of alcohol to a child, and so agreed with the Licence Holder that the appropriate steps in this case did not include revoking the premises licence.
12. They did, however, agree with the responsible authorities' representations that the licence ought to be suspended for a period of 3 months to enable the implementation of the new conditions, in particular the training of staff and new procedures.
13. The decision of the sub-committee was that they considered the following were the appropriate steps to take to promote the licensing objectives:
 - 13.1 **To modify the conditions of the licence** as set out below.
 - 13.2 **To suspend** the premises licence for 3 months.

Modifications to conditions

All existing conditions in Annex 2 are to be removed from the licence.

The following conditions are added to the licence:

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation. The following will also apply:
 - 1.1 The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

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- 1.2 CCTV footage will be stored for a minimum of 31 days.
 - 1.3 CCTV will record all alcohol displayed in the premises.
 - 1.4 The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - 1.5 The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The time will be amended promptly when British Summer Time starts and ends.
 - 1.6 Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to Sussex Police Digital media systems.
 - 1.7 Any breakdown or system failure will be notified to the Police Licensing Department immediately (and retain documentary evidence in the form of an acknowledgement or receipt that this has been done) & remedied as soon as practicable.
 - 1.8 In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. All off sales of alcohol will be made in sealed containers.
 3. Spirits will be stored and displayed behind the server/service counter out of the reach of the public.

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4. Surplus alcohol stock, not for immediate sale, shall be securely stored away from the shop floor in an area where the public have no access.
5. The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the “PASS” mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.
6. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.
7. The Premises Licence Holder shall ensure that all staff members (including family members, friends and all temporary staff) engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:
 - 7.1 the lawful selling of age restricted products
 - 7.2 refusing the sale of alcohol to a person who is drunk
8. Individual members of staff should receive refresher training on the Challenge 25 policy every 3 months.
9. All such training and refresher training undertaken by staff members shall be fully documented and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

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10. The premises shall at all times maintain and operate an incident log and refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor (with the date and time of each review documented) at intervals of no less than 4 weeks and feedback given to staff as relevant. The incident log and refusals recording system will be kept at the premises and made available to officers of any responsible authority upon request. All incidents recorded in the incident log and refusals recording system will be retained on the premises for a minimum of twenty-four months.
11. Feedback will be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
12. A list of staff members who are authorised to sell alcohol on the premises will be kept. This shall be endorsed by the DPS with the date of such authorisation commences.

The following conditions relate to any alcohol delivery service:

13. Alcohol deliveries will only be made to a residential or business address and not to a public place.
14. The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
15. At the time the order is placed a declaration will be required from the person placing the order that that person is aged 18 years or over, and that the intended recipient are over 18 years or over. This process will be documented, (tick box before

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proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

16. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
17. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
18. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - 18.1 only employs delivery employees or agents aged 18 and over;
 - 18.2 is aware that alcohol is included in the delivery;
 - 18.3 that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - 18.4 that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

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Crawley Borough Council

Report to Licensing Committee

12 September 2023

Proposed Fees & Charges for 2023: Hackney Carriage and Private Hire Licensing Regime

Report of the Head Community Services – HCS/063

1. Purpose

- 1.1. This report sets out the proposed licence fees and charges for mid-year 2023 in respect of the hackney carriage and private hire licensing regime.

2. Recommendations

The Committee is requested to:

- 2.1 Determine the percentage by which hackney carriage and private hire licensing fees are to be increased.
- 2.2 Approve the fees at the determined increase (as set out in Appendix A to this report) to better reflect the costs of providing the service.

3. Reasons for the Recommendations

- 3.1 In order to ensure that Council Tax payers are not subsidising the range of functions concerning taxi licensing, income is raised by license fees with the aim of covering the cost of the regime within the constraints of legislation and regulations. Licence fees should not be used to raise surplus revenues, but deficits also need to be addressed.
- 3.2 The Council's fees have been compared with other Licensing Authorities and where there are some variances, it is important that the Council's costs are fully recovered each year, taking account of inflationary uplifts so that the Taxi Licensing Service is cost neutral.

4. Licence Fee Setting - General Principles

- 4.1 The powers to set fees and charges for hackney carriage and private hire functions carried out by the Council are conferred by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 Hackney Carriage and Private Hire licence fees and charges were last fully assessed and increased earlier in 2023. At that time, and subsequently, the Licensing Committee has been kept informed that there would be a need to further review fees to address deficits and the need to seek cost recovery. Whilst fees are generally further reviewed annually as per statutory requirements, the current deficits have caused the matter to be put before the Licensing Committee for further consideration and an increase in fees and charges. Fee increases were last instated in 2023, but the deficit budget position has been such for some time.

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- 4.3 The general methodology behind this review of fees has been determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. This guidance has been used as a starting point only because it does not take into account the specific statutory restrictions applicable to taxi and private hire fees and therefore not all the costs listed as recoverable in the guidance have been included in the fees. It was last revised in June 2017 and so also does not take into account the decision in the recent Wakefield case (detailed below) in relation to enforcement costs.
- 4.4 The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible. The LGA Guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. It provides a number of elements that Councils may wish to consider. These include administration, visits, third party costs, liaison with interested parties, management costs, local democracy costs, staffing on-costs, development of services, determination and production of licensing policies, IT and web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.
- 4.5 The primary purpose of the hackney carriage and private hire licensing regime is the provision of a safe, accessible service whereby public safety is paramount. The Taxi Licensing Service, in common with other areas of licensing, is self-financing and the Council must be able to show that it calculates hackney carriage and private hire licensing fees in accordance with the specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. (LGMP Act 1976). This requires that such fees have to be reasonable to recover the cost of issue, administration of licences as well as regulatory and compliance matters in relation to the licensed trade.
- 4.6 The Court of Appeal case: *R (on the application of Rehman) v Wakefield City Council* [2019] EWCA Civ 2166 established that costs of administration under Section 53(2) of the LGMP Act 1976 could include the costs of enforcement against drivers of hackney carriages and private hire vehicles. The Act allows for a range of costs to be recovered in the fees, including:
- The reasonable cost of carrying out vehicle inspection to decide if a licence should be granted
 - The reasonable costs of providing hackney carriage stands
 - Any reasonable administrative or other costs in connection with vehicle inspection and providing hackney carriage stands and
 - Any reasonable administrative or other costs in the control and supervision of hackney carriage and private hire vehicles.
 - Regulatory and compliance matters associated with the licensed trade.
- 4.7 Fees cannot be used to raise revenue or fund activities such as taxi marshals. This has been confirmed in the court case *Cummings and Others v Cardiff City Council* [2014] EWHC 2544 (Admin), which reiterated that fees set must have regard to any surplus or deficit in previous years for each regime (hackney carriage or private hire).
- 4.8 There are also provisions for recovery of deficits. In *R v Westminster City Council, ex parte Hutton* (1985) 83 L.G.R. 461 it was held that where the fee income generated in one year fails to meet the costs of administering the licensing system, it is open to the local authority to make a proportionate increase in the licence fee for the following year(s) so as to recoup the cost of the shortfall (Hutton at p 518). This longstanding principle was confirmed in later case law.

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- 4.9 Crawley Borough Council must also account for any surplus monies. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591 the court determined surpluses as well as deficits are to be carried forward. However, the Licensing Authority is not entitled to make a profit. (*R v Manchester ex parte King* [1991] 89 LGR 696).
- 4.10 It is recognised in law that general anticipated calculations and costs can provide a helpful picture. The Courts have directed that Councils are not required to pin-point precision year on year. The adjustment does not have to be precise: a general calculation which is broadly correct is considered satisfactory, but a cost neutral position needs to be attained, if not immediately then over a short period of time.
- 4.11 As stated previously, the relevant legal provisions for setting fees in the hackney carriage and private hire licensing regime are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically Section 53 with respect to driver licences and Section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.
- 4.12 Despite an apparent disparity between Sections 53 and 70 of the Act regarding whether the power to set fees is an executive or non-executive function, Regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000 requires that "where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge, is not to be the responsibility of an executive of the authority". As a result, fee setting for taxi licensing is a non-executive function. It falls to the Licensing Committee to agree this and follow the statutory advertising requirements, consideration of any objections arising from the advertisement and determination of the fee levels thereafter.
- 4.13 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees. In respect of vehicle and operator licences, Section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 4.14 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences. The judgement in the Court of Appeal case of *R (app Rehman) v Wakefield City Council* [2020] R.T.R. 11 (2019), however, determined that "administration" can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of licensed vehicles and Operators.
- 4.15 Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds and costs awarded following Court proceedings. This work forms a very small part of the overall work of the Taxi Licensing Service with the vast majority of activity directed at those seeking to become or who are already part of licensed trade within the Borough.
- 4.16 As previously stated, the Council cannot make a profit from licence fees and any surplus or deficit must be carried forward and form part of any subsequent review of fees. The Taxi Licensing Service has been carrying a historical combined budget deficit period, with the resultant position in 2023, and includes a forecast for 2023/2024 and 2024/2025. Table 1 below sets out the deficit position.

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TABLE 1

	2020/21	2021/22	2022/23	2023/24 Forecast	2024/25 Estimate
Employees	159,472.22	160,568.46	195,908.53	204,324.25	238,598.84
Operating Costs	7,158.20	19,304.15	20,434.04	36,801.28	40,481.41
Contracted Services	21,262.46	63,049.03	7,365.30	5,000.00	5,500.00
Central Support	121,661.13	126,062.20	138,635.55	119,690.00	125,076.05
Other Income	- 64,805.76	- 19,423.35	- 10,734.34	- 5,343.02	- 10,734.34
Hackney Carriage Fees	- 34,774.72	- 58,993.09	- 58,076.01	- 65,000.00	- 66,462.50
Private Hire Fees	- 149,971.96	- 250,043.46	- 280,531.04	- 280,000.00	-286,300.00
Loss	60,001.56	40,523.94	13,002.03	15,472.51	46,159.46

- 4.17 As stated, fees are used to cover staffing costs, administration as well as regulatory and compliance work where appropriate. Monies are also used to fund service improvements, including IT and digital development and Policy work which represents an appropriate and legitimate approach and is in accordance with the associated requirements in the Act. Fees are used to pay for the implementation and ongoing review of the additional requirements brought about by the Statutory Taxi Standards (2020) and Best Practice Guidance (2010), which has been considered fully by the Licensing Committee previously and key elements implemented.
- 4.18 A proportion of the historical budget deficit can likely be attributed to the choice in the market introduced by the Deregulation Act 2015 which removed the restriction that limited sub-contracting of journeys to within District boundaries. This means that Private Hire Operators are permitted to sub-contract bookings between licensed private hire operators, and as a consequence a journey booked with an operator in one District may be undertaken by a vehicle and driver licensed by another District, providing the booking has been passed to a licensed operator in the second District.
- 4.19 Cross border hiring is also a significant factor in so far as if a Private Hire Operator takes a booking in a District, providing they use a licensed driver and vehicle from that same District, then a booking can be made and a journey undertaken. Whilst this is a lawful practice, this Licensing Authority has lobbied central government to review this practice on public safety grounds.
- 4.20 The COVID-19 pandemic also had a marked impact on the hackney carriage and private hire trade and the resultant income, with several individuals choosing to leave the trade having found alternative employment. For example, within the food delivery service industry, and/or retiring from the trade. Additionally, the lowering of suitability requirements in other Boroughs meant that some individuals found work as licensed drivers in other areas. This trend is now slowly reversing, particularly with the resurgence of air travel and Gatwick Airport.
- 4.21 At the time of writing this report, the total number of licences issued by the Council year on year is included in Table 2 (PH – Private Hire, HC – Hackney Carriage.)

TABLE 2

TYPE	2020 – 2021	2021 – 2022	2022 – 2023
Licensed drivers Total	1118	1050	926
PH Vehicles	686	601	587
HC Vehicles	123	123	123
PH Operators	36	37	41
New driver applications	5	20	*109

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* For the period 01/07/22 – 31/07/23

* In year 01/0/23 – 01/08/23 64 New Driver applications have been granted

4.22 As previously noted, in common with several service led industries, COVID-19 pandemic had a significant impact on the numbers of individuals entering and leaving the trade. Some licensed drivers held a 2 or 3 year licence when the pandemic first impacted, and licences ran into the “pandemic years,” before expiry or surrender, and accounts for why there was not an immediate drop in numbers of licensed individuals. Fees arising from driver licence applications and renewals are split over the period applied for, with applicants impacted by fee increases on application for renewal or other activity. Those applicants choosing to renew for a period of more than 1 year are also not subject to annual or interim fee increases and therefore make savings.

4.23 Pre-pandemic, the average number of new driver applications would have been approximately 160 per annum. As new applicants complete the process, they are joining Airport Cars, Gatwick or other large Private Hire Operator. There is also a trend of current private hire drivers:

- Applying to become hackney carriage drivers instead
- Setting up as smaller Private Hire Operators to avoid the circuit fees of larger Operators and to secure School Contracts with West Sussex County Council and other Education Authorities.

4.24 The number of Hackney Carriage Proprietor licences, in line with the current Council Policy to limit numbers, remains at 123.

4.25 The Taxi Licensing Service has a rigorous process which individuals must complete before becoming a licensed driver and has almost entirely implemented the Taxi Best Practice and Statutory Hackney Carriage and Private Hire Standards (2010/2020) . Some Authorities have more lenient selection and testing requirements, but Crawley Borough Council has continued to place public safety and customer service at the forefront of the licensing regime.

4.26 There is increasing prevalence of App based private hire operators are noted as operating in and around the Crawley Borough, exploiting the sub-contracting and cross-border hiring options. This has seen drivers leave to work as licensed drivers for such where they are licensed by other Local Authorities. No such Operators are licensed, as yet, by Crawley Borough Council (e.g Uber, Ola, Hallo, Ryde)

4.27 It is necessary that the service moves to a cost neutral budget position where the cost recovery process adequately funds the service that must be provided within a service where the needs of the travelling public and public safety are the priority.

5. Council Budget Position

5.1 The Council has a statutory responsibility to set Council Tax and its budget in advance of the commencement of the new financial year (1 April to 31 March). The Council Tax has to be set by 11 March each year. During 2023, the Council continues to review its spending plans and amends spending to meet new priorities and mitigate the ongoing impact of the COVID-19 pandemic and the cost-of-living crisis.

5.2 To provide adequate funding for the proposed level of services, and to fulfil the statutory requirement to set a Budget and Council Tax and report on the robustness of estimate. This continues to be monitored.

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- 5.3 The Council's revenue expenditure is funded from a number of sources. The major sources are Council Tax, rents, Government grants, retained business rates, investment income and fees and charges. The majority of the Council's services are funded from the General Fund. The main exception is the management and maintenance of the Council's housing stock, which is funded through the Housing Revenue Account (HRA).
- 5.4 There have been a number of major financial pressures on the General Fund since the start of the financial crisis in 2008, followed by the impact of the pandemic, the move away from the European Union then the war in Ukraine which has impacted the cost of utilities, interest rates and general inflation. In common with all authorities there have been significant reductions in Government funding, which are highly likely to continue in the coming years. The worldwide issues over the last three years have had a significant impact on the Council's finances, there will be long term implications on both Crawley as a Town and the Council's long-term budgets including the homelessness, leisure contract, fees and charges and income from investment properties. In addition, Crawley is seeing the financial impact of the Water Neutrality issue.
- 5.5 The [Budget Strategy 2021/22 - 2025/26](#) details a series of costs, income and savings needed as a Council. In short, there is a need to increase fees and charges across all services managed by Crawley Borough Council to meet the demands placed on it.
- 5.6 There are a number of services where budgets are susceptible to changes outside the direct control of the Council. These tend to be demand-led services such as taxi alcohol and entertainment licensing as service led industries. These functions are designed to be self-financing and cost neutral.
- 5.7 Budgets are monitored by Officers on a monthly basis and the Corporate Management Team receives an update on key issues, while a Quarterly Revenue and Capital Budget monitoring report is considered by the Cabinet and included in the Councillors' Information Bulletin. This should ensure that any projected variances are identified at an early stage and this process has highlighted the need to return to the Licensing Committee for a review of fees and charges.
- 5.8 Regular meetings are held between the Chair and Vice Chair of the Licensing Committee as well as the Leader of the Council to keep them apprised of developments, concerns and risks within the licensing arena, including the budget position as a self-financing service.

6. Fees & Charges

- 6.1 In arriving at the proposed fee levels, Officers have considered the steps required for each licence type in order to process, validate, review, and suspend, grant or refuse a licence including additional compliance and regulatory checks as well as changes to operational practice and advances in technology to deliver a service that is responsive to change and meets the customers' needs. This includes the Disclosure and Barring Service, DAVIS Driving Licence checks, Kessing Identity checks, HMRC, Right to Work, NR3S (NAFN) Knowledge Tests, vehicle checks as well as other regulatory and compliance checks, some of which are newly introduced by the Statutory Taxi and Private Hire Vehicle Standards (The Standards) in 2020.
- 6.2 This information has then been considered in relation to historical application volumes, pre-Covid-19, for each licence type/activity as well as staffing costs, direct and indirect costs (as per the LGA guidance) associated with the taxi licensing service to arrive at the proposed fee levels.

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- 6.3 The Council's Hackney Carriage and Private Hire Licensing Policy, as agreed previously by the Licensing Committee, has been updated to implements the Statutory Standards which were introduced in July 2020 by the Department for Transport, alongside the Best Practice Report from 2010. The principles contained in these documents aims to safeguard passengers as well as protecting children and vulnerable adults from exploitation.
- 6.4 The Standards have been presented to the Licensing Committee previously, and the majority of the Standards implemented. Other key elements yet to be fully implemented include mandatory CCTV which has audio and visual capabilities. Councils must have regard to these new standards and it is expected that all Standards will be adopted unless there is compelling local reason not to do so, for which the Council must account.
- 6.5 The Standards and Policy also introduce a number of new requirements for existing and new drivers including an enhanced check with the Disclosure and Barring Service (DBS) every 6 months during the duration of each 3 year licence or shorter, as well as English language standard for new and existing drivers, safeguarding training for new drivers and operators and refresher training for existing drivers.
- 6.6 In addition, Operators must submit annual Standard Disclosure Certificates from the DBS and similar checks for Booking and Dispatch staff. This Council had already implemented some additional checks before the Statutory Standards came about, and implemented additional regulatory checks on the grounds of public safety.
- 6.7 Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council are mindful of fee impacts on the taxi trade, this should not take precedence in decision making at the expense of public safety.

7. Benchmarking & Comparisons

- 7.1 A benchmarking exercise was carried out, and comparisons made with several other Licensing Authorities, including Reigate and Banstead, Mole Valley, Adur and Worthing, Arun, Horsham to compare fees and charges.
- 7.2 This has been challenging because different authorities charge fees for differing activities, with some aspects of "checks" and testing included in a total fee cost as listed but practices and inclusions vary. Some authorities spilt charges differently and charge for different services so a direct comparison is difficult and not representative. For this reason, any apparent "like for like" charges need to be treated with caution as the figure often includes different aspects to those within the Crawley Taxi Licensing Service and practices vary considerably.
- 7.3 The fee increases proposed are across the hackney carriage and private hire regime, except for where a fee comprises of a refundable deposit for an item or where fees are set by a government body or other body such as the Data Barring Service (DBS) These checks remain at a cost of £38 but may change as well as the future method of delivery. Committee members will see a wide variance in fees charged for this function by other Councils, particularly where this service is outsourced to a third party body.
- 7.4 The proposed fee increases are set out in a spreadsheet at **Appendix A**, and include 2 suggested fee increases, but Committee members may also consider a higher rate to be implemented.

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- 7.5%
- 10%

- 7.5 For ease, the price difference of all functions has been included to enable Committee members to see the cost differences with a 7.5% and 10% increase on the Trade. However, the fees and charges associated with the taxi licensing regime are treated as something where tax can be deducted.
- 7.6 The spreadsheet gives the exact figure increase. but whatever increase is agreed, the figures will be rounded to the nearest 10 pence, as per wider standard Council practice. Committee members will also note that in one area, electric vehicles, the proposed increase exceeds 10%, but the figure looks to bring these fees in line with other vehicle types and a rationale for this is detailed later in this report at 7.15.
- 7.7 **Appendix B** includes fees and charge comparisons in relation to hackney carriage and private hire fees from the named authorities below, with the previous caveat regarding authority variances, differences in practice and inclusions/omissions from fees. Crawley Borough Council fees have been compared with:
- Reigate and Banstead Council
 - Arun District Council
 - Worthing and Adur Council
 - Mole Valley Council
 - Horsham District Council and
 - Mid Sussex District Council.
- 7.8 A review of the above identifies that, in the main, Crawley Borough Councils fees and charges are “mid range” or lower when compared to other authorities listed. A summary of key elements is provided below.
- 7.9 Some fees and charges listed for the Crawley. are inclusive of costs or are “add ons.” For example, the first Knowledge Test for new applicants wishing to become a hackney carriage or private hire driver is included in the application fee, with an additional fee payable thereafter for extra tests if they fail.
- 7.10 Previously, some requirements were tested in house, such as Safeguarding via the Knowledge Test and the Disability Awareness training, but the requirements have extended. These tests are now provided by specialist service providers who offer a bespoke, improved course directly aimed at applicants wishing to become a licensed driver and existing licensed individuals and cover the subjects with greater depth, alongside testing to check understanding by candidates
- 7.11 A new fee is proposed for a new street listing pack, so that new applicants are provided with a street name and listing document, which aims to help them with journey routes and street details which forms part of the Knowledge Test. This has been developed following feedback from applicants and the Trade as a helpful learning aid and reference point.
- 7.12 In the case of existing licensed drivers, and those moving from hackney carriage to private hire driver, or vice versa, individuals may already have passed the required courses such as the Disability Awareness Course, Wheelchair Access Course and Essential Safeguarding For Taxi Drivers (as provided by external bodies whom the individual pays directly) and may not need to repeat these if attained within the last 5 years. However, a Knowledge Test for a licensed private hire driver wishing to become a hackney carriage driver and vice versa would still be required and incur a fee due to the key differences, conditions and regulatory requirements which are distinct and

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separate from one another.

- 7.13 It is worth noting that there are proposed fees for new hackney carriage proprietor vehicle licences, but these are not issued due to the decision by the Licensing Authority to limit the number of licences to 123 following the Unmet Demand Survey. These are included as chargeable if there is a change in position by the Licensing Committee.
- 7.14 In common with other authorities , both hackney carriage vehicle and proprietor licence transfers for both vehicle and proprietor licences are chargeable and require validation of paperwork, compliance checks and vehicle inspections which are time consuming and labour intensive. Practices vary across authority area.
- 7.15 In the case of all electric vehicles, of which there are none in the hackney carriage trade and 20 in the private hire trade at the time of writing this report, there is a request to bring the fees and charges associated with such in line with other petrol and diesel private hire and hackney carriages as the processes and procedures are identical. This means that the increase proposed is higher than the percentage increases sought in respect of other functions. The lower fee for electric vehicles is a legacy issue that needs to be addressed A reduced fee was put in place approximately 5 years ago to incentivize drivers to purchase all electric vehicles. This practice needs to be updated so that the costs are the same across the fleet, and meet the costs of providing the service as opposed to this being subsidized by other licensed drivers without an electric vehicle. The legislative framework is such that it is difficult for Councils to incentivize the use of electric vehicles through reduced fee levels as has been the case in previous years and that this practice should stop,
- 7.16 The Taxi Licensing Service is seeing a positive shift in the trade, whereby electric vehicles and hybrid vehicles are forming more of the total fleet. Following this report, those vehicles which are hybrid as well as electric will be categorized and recorded on Council systems in order to provide Members with a complete picture in the coming months. The Taxi Service also carries out monthly reporting to DEFRA regarding vehicles and emissions, and is working with Sussex authorities and the Energy Saving Trust in relation to electric fleets, vehicle emissions and associated local and national targets.
- 7.17 Furthermore, as part of the Councils declared climate emergency policy, emissions from key road users such as the hackney carriage and private hire trade, proposals to improve vehicle emission standards and the phasing out of diesel and petrol vehicles will be presented to the Licensing Committee in the coming months.
- 7.18 An ad hoc fee for Medical Assessments is already in place where there are additional matters requiring investigation or an emergency assessment is needed to allow an individual to continue to work, or to provide an outcome to medical issues arising from episodes during the currency of a licence and/or new applicants which are referred to the Councils Nominated Medical Advisor. Subject to new contract processes being in place in due course, all medical matters will be referred to the Councils Nominated Medical Advisor for comment.
- 7.19 Applicants and Licensed Drivers are subject to an Enhanced Data Barring checks every 6 months. In the case of new and renewal applications for Driver Licences, if an individual has completed components of the process such as being part of the Data Barring Service and registers thereafter with the Update Service, they pay an annual fee of £13.50 direct to this Service to remain part of it, and the Authority carries out remote checks with the consent of the driver. Therefore the set fee of £38 for an Enhanced DBS check is removed, unless it is not deemed valid or the Update Service requirement as per the Policy has been allowed to lapse.

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- 7.20 Applicants and existing holders of hackney carriage or private hire licences are actively encouraged to take out the maximum licence term permitted, 3 years, except in exceptional circumstances where a shorter term may be considered, such as medical, conduct or other case as considered.
- 7.21 A 3 year licence however is the expected norm in relation to licence duration, in accordance with Best Practice Guidance. This will make it easier for the Trade and reduce the administrative burden on the Taxi Licensing Service.
- 7.22 In the same way, a review of Private Hire Operator Licences is ongoing with a view to splitting the application fee into an Application and Grant stage as several applicants decline to continue with their application after the initial interview and compliance process, and a 2 stage application and grant process would allow the Authority to recover some of the cost in lieu of the application process even if its not completed by the applicant.
- 7.23 Further, as a result of a legacy issue, all Private Operators licences are issued for one year only, but in accordance with Best Practice, after the issue of first licence for 1 year, thereafter a licence would be issued for a 5 year term and licence fee, split over that period as in the case of driver licences. Work is ongoing in relation to the fees and processes required for a 5 year Operator Licence and this will be revisited.

8. Legal Requirement to Advertise

- 8.1 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, Crawley Borough Council as Licensing Authority, if approved, the Council will need to advertise its intention to change the fees and charges associated with vehicle (both hackney carriage and private hire) and private hire operator licences for a prescribed period, during which objections can be made
- 8.2 It is a statutory requirement for the Committee to consider these objections in taking the decision whether to vary the fees, but the costs of providing the service do need to be met with the aim of a cost neutral service.

9. Equalities, Financial, Resource, Environmental and Legal Implications

- 9.1 Sections 53 and 70 of the Act allow for the recovery of a reasonable fee for the grant of a driver, operator and vehicle licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle.
- 9.2 There are financial and staffing consequences that will arise and elements of the Service may not be delivered if the fees and charges are not increased, including key regulatory and compliance work which may impact upon public safety. An Equality Impact Assessment is included at **Appendix C**.
- 9.3 The licensed trade provide an important service in transporting members of the public, some of which are vulnerable due to their age or for other reasons. Taxi fees should be set at a level which ensures that all necessary checks and testing can be carried out to ensure that new applicants are “fit and proper” to hold a licence and for compliance checks and appropriate enforcement measures to be undertaken with existing licence holders where required.

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9.4 Councilors must ensure that they exercise their decision-making powers in a manner which is compliant with the Human Rights Act 1998, and the principles of natural justice

9.5 The Council is required to consider the impact any decision may have on crime and disorder in the area (Crime & Disorder Act 1998) which states as follows.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent;

(a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment, and

(b) The misuse of drugs, alcohol and other substances in its area, and

(c) Re-offending in its area.

9.6 Pursuant to Section 149 of the Equality Act 2010, the Council when making decisions must have regard to the 'public sector equality duty'. In summary, this means that the Council must, in the exercise of its functions, have due regard to the need to-

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

(b) Advance equality of opportunity between persons who have a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The characteristics protected by the Equality Act are:

- age
- disability
- gender reassignment marriage/civil partnership pregnancy/maternity race
- religion/belief
- gender and sexual orientation

10. Background Papers/Information

[UK Guidance on the Provision of Services Regulations 2020](#)

[Open for business: LGA guidance on locally set licence fees | Local Government Association](#)

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](#)

Contact Officer: Kareen Plympton, Team Leader for Health, Safety and Licensing

kareen.plympton@crawley.gov.uk

01293 438023

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Current and Proposed Fees

TAXI LICENSING	CURRENT FEES 2023/2024 £	Proposed Fees +10%	Cost Increase +10%	Proposed Fees 7.5%	Cost Increase +7.5%	Notes
PRIVATE HIRE DRIVER'S LICENCE						
Initial Application - The fee consists of * - - DBS not subject to increase & Street Listing fee is new.	147.90	173.89	25.99	171.15	23.25	Will depend on individual circumstances such as DBS registration
						DBS not increased but a new Street Listing added.
*Knowledge Test	43.30	47.63	4.33	46.55		
*New application admin fee	42.00	46.20	4.10	45.15		
*Criminal records bureau enquiry	38.00	NO INCREASE	NO INCREASE	NO INCREASE		
*DVLA Disclosure enquiry	9.60	10.56	0.96	10.32		
Additional Expert Medical Consultation	43.70	48.07	5.07	46.98		
*Street Listing - NEW	NO CHARGE	15.00	NO INCREASE	15.00	NO INCREASE	New Street Listing to aid identification of streets etc
*Additional fitness and proprietary checks cost per year	15.00	16.50	1.50	16.13	1.13	
Driver's Licence Fee:						
> Year 1	77.90	85.69	7.79	83.74	5.84	
> Year 2	155.50	171.05	15.55	167.16	11.66	
> Year 3	232.30	255.53	23.23	249.72	17.42	
Replacement badge	14.80	16.28	1.48	15.91	1.11	
Replacement medical form	9.20	10.12	0.92	9.89	0.69	

HACKNEY CARRIAGE DRIVER'S LICENCE Initial Application - The fee consists of * - Note - DBS not subject to increase & Street Listing fee is new.	147.90	173.89	25.00	171.15	23.25	Will depend on individual circumstances such as DBS registration
DBS not subject to an increase						DBS not increased but a new Street Listing added.
*Knowledge Test	43.30	47.63	4.33	46.55	11.70	
*New application admin fee	42.00	46.20	4.20	45.15	3.15	
*Criminal records bureau enquiry	38.00	NO INCREASE	NO INCREASE	NO INCREASE	NO INCREASE	
*DVLA Disclosure enquiry	9.60	10.56	0.96	10.32	0.26	
Additional Expert Medical Consultation (Ad Hoc)	43.70	48.07	5.07	46.98	3.28	Referred to Council Medical Advisor for comment
*Street Listing - NEW	NO CHARGE	15.00	15.00	15.00	15.00	
*Additional fit/ proper/compliance checks	15.00	16.50	1.50	16.13	1.30	
<u>Driver's Licence Fee:</u>						
> Year 1	77.90	85.69	7.79	83.74	5.84	
> Year 2	155.50	171.05	£15.55	167.16	11.66	
> Year 3	232.20	255.42	£23.22	249.62	17.42	
*Longer licences not subject to any yearly increase = savings						
Replacement badge	14.80	16.28	3.48	15.91	1.11	
Replacement medical form	9.20	10.12	2.80	9.89	0.69	
PRIVATE HIRE VEHICLES						
No Meter:						
New Vehicle	341.50	375.65	34.15	367.11	25.61	
Vehicle Renewal	311.20	342.32	31.12	334.54	23.34	
With a Meter:						
New Vehicle	352.80	388.08	35.28	379.26	26.46	
Vehicle Renewal	322.40	354.64	32.24	346.58	24.18	
Electric:						

New Vehicle	118.70	375.65	256.95	367.11	248.41	In line with non metered PHV vehicles which are diesel,petrol, hybrid (10%+)
Vehicle Renewal	157.60	342.32	184.72	334.54	176.94	In line with non metered PHV vehicles which are diesel,petrol, hybrid (10%+)
Vehicle licence transfer of ownership	39.00	42.90	3.90	41.93	2.93	
Transfer of vehicle	157.60	173.36	15.76	169.42	11.82	
Replacement:						
Bracket	29.90	32.89	2.99	32.14	2.24	
External plate	12.70	13.97	1.27	13.65	0.95	
Internal plate	6.30	6.93	0.63	6.77	0.47	
Paper licence	6.30	6.93	0.63	6.77	0.47	
Replacement adhesive plate	11.30	12.43	1.13	12.15	0.85	
Plate deposit for new plates (hard.other)	27.50	NO INCREASE	NO INCREASE	NO INCREASE	NO INCREASE	
		-				
PRIVATE HIRE OPERATOR - new and renewals		-				
		-				
1 - 5 Vehicles	193.30	212.63	19.33	207.80	14.50	
6 - 10 Vehicles	385.60	424.16	38.56	414.52	28.92	
11 - 20 Vehicles	774.80	852.28	77.48	832.91	58.11	
21 - 50 Vehicles	1,467.60	1,614.36	146.76	1,577.67	110.07	
51 - 100 Vehicles	1,933.70	2,127.07	193.37	2,078.73	145.03	
101 + Vehicles	2,897.50	3,187.25	289.75	3,114.81	217.31	
Replacement paper licence	6.30	6.93	0.63	6.77	0.47	
HACKNEY CARRIAGE VEHICLES						
New Vehicle (inc plate, bracket) currently limited	466.10	512.71	46.61	501.06	34.96	
Vehicle Renewal	353.50	388.85	35.35	380.01	26.51	
New Electric Vehicle - currently limited	118.70	512.71	394.01	501.06	382.36	In line with current HCV costs - no NEW licences being issued due to limitation
Electric Vehicle Renewal	157.60	388.85	231.25	380.01	222.41	In line with current HCV costs

Transfer of Vehicle	157.60	173.36	15.76	169.42	11.82	
Vehicle licence transfer of ownership	39.00	42.90	3.90	41.93	2.93	
Adhesive Plate	11.30	12.43	1.13	12.15	0.85	
Unmet Demand Survey (Hackneys cover cost over term)	40.00	44.00	4.00	43.00	3.00	
Replacement:						
Bracket	29.90	32.89	1.27	32.14	2.24	
External plate	12.70	13.97	1.27	13.65	0.95	
Internal plate	6.30	6.93	0.63	6.77	0.47	
Paper licence	6.30	6.93	0.63	6.77	0.47	
Plate deposit for rear plates (Hackney and Private Hire)	27.50	NO INCREASE		NO INCREASE	NO INCREASE	
CAPHPI Check HCV	47.30	52.03	5.03	50.85	3.55	
CAPHPI Check PHV	47.30	52.03	5.03	50.85	3.55	

**ALL FIGURES WILL BE
ROUNDED TO THE NEAREST
10 pence if approved**

Taxi Fees Comparison Chart

	<u>Crawley</u>	<u>Horsham</u>	<u>Mole Valley</u>	<u>Reigate & Banstead</u>	<u>Adur & Worthing</u>	<u>Mid Sussex</u>	<u>Arun</u>
Product Type		Last revised in 2020					
PRIVATE HIRE DRIVER'S LICENCE							
Initial Application - The fee consists of * - Note - DBS not subject to increase & Street Listing fee is new charge	£147.90		New HC/PHV badge cost 108.34	First application £274.00 made up of £97 SEARCH fee and Licence fee of £177. All issued for 3 years.	Application fee and 1st K/test only £122.50		£280.00 includes licence
*Knowledge Test	£43.30	£47.00		£45.00	£55.00	£33.00	£75.00
*New application admin fee	£42.00						
*Criminal records bureau enquiry	£38.00		£62.84		£56.50	First £118.00 - Renewal £77.00	
*DVLA Disclosure enquiry	£9.60		£7.20			£6.00	
Additional Expert Medical Consultation	£43.70						
Street listing (New)	No cost - £15 proposed		£11.25				£15.00
*Additional fitness and proprietary checks cost per year	£15.00				£67.50		
Driver's Licence Fee:							
> Year 1	£77.90	£96.00 New - £91.00 Renewal	£108.34	Only issued where medical restricted £95.00	Exceptional only £120.00	£99.00	£167.00
> Year 2	£155.50		n/a			not available	
> Year 3	£232.30	£271.00 New - £256.00 Renewal	n/a	£257.00 made up of SEARCH fee £80.00 and licence fee of £177.00. 3 yr a standard	£282.50	£209 New and £182.00 Renewal	£385.00
Replacement badge	£14.80		£8.50	£23.00	£18.25		£16.00
Replacement medical form	£9.20						

	<u>Crawley</u>	<u>Horsham</u>	<u>Mole Valley</u>	<u>Reigate & Banstead</u>	<u>Adur & Worthing</u>	<u>Mid Sussex</u>	<u>Arun</u>
HACKNEY CARRIAGE DRIVER'S LICENCE							
Initial Application - The fee consists of * - Note - DBS not subject to increase & Street Listing fee is new.	£147.90			First application £274.00 made up of £97 SEARCH fee and Licence fee of £177. All issued for 3 years.	Application fee and 1st K/test only £122.50		£280.00 includes licence
DBS	£38.00					First £118.00 - Renewal £77.00	
*Knowledge Test	£43.30	£47.00		£66.00	£55.00	£33.00	£75.00
*New application admin fee	£42.00						
*Criminal records bureau enquiry	£38.00		£62.84		£56.50		
*DVLA Disclosure enquiry	£9.60		£7.20			£6.00	
Additional Expert Medical Consultation	£43.70						
*Street Listing - NEW	£15.00		£11.25				£15.00
*Additional fit/ proper/compliance checks	£15.00				£67.50		
<u>Driver's Licence Fee:</u>							
> Year 1	£77.90	£123.00 New £91.00 Renewal		Only issued where medical restricted £95.00	Exceptional only £120.00	£99.00	£167.00
> Year 2	£155.50					not available	
> Year 3	£232.20	£356.00 New - £296.00 Renewal		£257.00 made up of SEARCH fee £80.00 and licence fee of £177.00. 3 yr a standard	£282.50	£209.00 New - £182.00 renewal	£385.00
Replacement badge	£14.80		£8.50	£23.00	£18.25		£16.00
Replacement medical form	£9.20						

	<u>Crawley</u>	<u>Horsham</u>	<u>Mole Valley</u>	<u>Reigate & Banstead</u>	<u>Adur & Worthing</u>	<u>Mid Sussex</u>	<u>Arun</u>
PRIVATE HIRE VEHICLES					£262.50		
No Meter:				£202.00 to £280.00 dependant on age		All £222.00	£145.00 New - £128.00 Renewal (All)
New Vehicle	£341.50	£328.00	£385.50				
Vehicle Renewal	£311.20	£296.00	£385.50				
With a Meter:							
New Vehicle	£352.80	£328.00	£400.00				
Vehicle Renewal	£322.40	£296.00	£400.00				
Electric:							
New Vehicle	£118.70	£50.00	No special concession	No special concession			
Vehicle Renewal	£157.60	£290.00	No special concession	No special concession			
Vehicle licence transfer of ownership	£39.00	£62.00	£96.81	£51.00		£29.00	£15.00
Transfer of vehicle	£157.60	£62.00	£96.81	£79.00	£62.00		£39.00
Replacement:							
Bracket	£29.90						
External plate	£12.70		£20.75		£25.60		£33.00
Internal plate	£6.30		£15.00	£25.00	£18.00		
Paper licence	£6.30			£29.00	£26.50		£15.00
Replacement adhesive plate	£11.30						
Plate deposit for new plates	£27.50					£25.00	

	<u>Crawley</u>	<u>Horsham</u>	<u>Mole Valley</u>	<u>Reigate & Banstead</u>	<u>Adur & Worthing</u>	<u>Mid Sussex</u>	<u>Arun</u>
PRIVATE HIRE OPERATOR - new and renewals				5 year options also given	5 year options also available	Different banding - £179.00 to £273.00	
Operator first application fee	£0.00				£110.00		
1 - 5 Vehicles	£193.30	£344.00	Flat fee 5 years £400.00	£219.00 for new £137.00 renewal	£297.00		New £160.00 renewal £130.00
6 - 10 Vehicles	£385.60	£619.00		£282.00 for new £200.00 renewal	£472.40		New £160.00 renewal £130.00
11 - 20 Vehicles	£774.80	£1,134.00		£352.00 for new £270.00 renewal	£878.40		New £160.00 renewal £130.00
21 - 50 Vehicles	£1,467.60	£2,425.00		£492.00 for new £410.00 renewal	21 - 30 vehicles £1574.40		New £160.00 renewal £130.00
51 - 100 Vehicles	£1,933.70	51+ vehicles £2601.00		£667.00 for new £585.00 renewal	31+ vehicles £1776.00		New £160.00 renewal £130.00
101 + Vehicles	£2,897.50			£842.00 for new £760.00 renewal			New £160.00 renewal £130.00
Replacement paper licence	£6.30						£15.00

	<u>Crawley</u>	<u>Horsham</u>	<u>Mole Valley</u>	<u>Reigate & Banstead</u>	<u>Adur & Worthing</u>	<u>Mid Sussex</u>	<u>Arun</u>
HACKNEY CARRIAGE VEHICLES				£202.00 to £280.00 dependant on age	£307.50		£145.00 New - £128.00 Renewal (All)
New Vehicle (inc plate, bracket) currently limited	£466.10	£360.00	£400.00			£262.00	
Vehicle Renewal	£353.50	£328.00	£400.00			£262.00	
New Electric Vehicle - currently limited	£118.70	£50.00					
Electric Vehicle Renewal	£157.60	£328.00					
Transfer of Vehicle	£157.60	£62.00	£96.81		£62.00		£39.00
Vehicle licence transfer of ownership	£39.00	£62.00	£96.81	£51.00		£29.00	£15.00
Adhesive Plate	£11.30						
Unmet Demand Survey (Hackneys)	£40.00						
Replacement:							
Bracket	£29.90						
External plate	£12.70		£20.75		£25.60	£8.00	£33.00
Internal plate	£6.30		£15.00	£25.00	£18.00	£8.00	
Paper licence	£6.30					£8.00	£15.00
				£29.00			
Plate deposit for rear plates (Hackney and Private Hire)	£27.50					£25.00	
CAPHPI Check HCV	£47.30						
CAPHPI Check PHV	£47.30						
Missed appointment fee	£0.00		£25.93	£41.00			
Vehicle Check - interim where needed	£0.00			£35.00			
Non routine vehicle inspections including advertising	£0.00			£76.00			

	<u>Crawley</u>	<u>Horsham</u>	<u>Mole Valley</u>	<u>Reigate & Banstead</u>	<u>Adur & Worthing</u>	<u>Mid Sussex</u>	<u>Arun</u>
Change vehicle registration	see transfer			£79.00			
Plate dispensation	£0.00			£93.00			
CSE Training	£0.00				£25.00		
Change of address	£0.00					Each licence £8.00	£15.00
Internal plate holder	£0.00					£1.00	
English Test	£0.00					£55.00	
Late renewal fee	£0.00						£35.00

Equality Impact Assessment

1. Introduction

Division:	Community Services
Name of activity:	Increase in Fees and Charges – Hackney Carriage and Private Hire Licensing Service
Type of activity:	A change to an existing activity (including ceasing that activity)
Completed by:	Kareen Plympton
Date completed:	15/08/23
Date approved by Head of Service:	15/08/23

2. About the activity

What is the main purpose of the activity?	
To review and increase the fees and charges of the hackney carriage and private hire service to ensure that the deficit is recovered and that the service, which should be self financing, gets to a position where the income and costs of the service reach a cost neutral position.	
Why is it being introduced / reviewed / changed?	
<p>Review of hackney carriage and private hire fees to overcome deficit position and cover the cost of providing the service. The matter is being considered by the Licensing Committee for an increase in fees of either 7.5% or 10%.</p> <p>A mid-year review of fees and charges has been carried out and existing fees for driver licence fees, vehicle licence fees and operator licence fees may increase (subject to statutory advertisement/consultation and Licensing Committee decision) as a result. However, this must be balanced alongside the overriding Taxi and Private Hire Licensing Policy objective of protecting public safety. Case law judgments indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making. Fees and charges are set to ensure that the service operates at a cost neutral position at no cost to the taxpayer, as is the best practice approach and set down in statutory guidance.</p>	
Who is the intended audience or target group?	
Internal audience or group:	Staff within one specific team (please specify below)
External audience or group:	Local businesses

If other, please specify below and provide details how the audience or target group will benefit?
Taxi Licensing Team, Hackney Carriage and Private Hire Trade
Have you already consulted on / researched the activity?
The proposals are being considered by the Licensing Committee on 12/09/23, and if agreed, the matter will be advertised in accordance with legislative requirements and any representations arising from that will be duly considered and remitted back to the Licensing Committee if needed. If no representations are received, the new fees and charges will be adopted (rounded to the nearest 10p).

3. Assessing potential impact

Impact on people with a protected characteristic Is there a potential positive or negative impact based on the following?	
Age (older / younger people, children)	Neutral
Disability (people with physical / sensory impairment or mental disability)	Neutral
Gender reassignment (the process of transitioning from one gender to another.)	Neutral
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognised for same-sex couples)	Neutral
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	Neutral
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	Neutral
Religion & belief (religious faith or other group with a recognised belief system)	Neutral
Sex (male / female)	Neutral
Sexual orientation (heterosexual, gay, lesbian, or bisexual,)	Neutral
Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Neutral

What evidence has been used to assess the likely impacts?
Impact on the hackney carriage and private hire trade due to increased cost arising from the increased fees and charges. However, these costs are tax deductible.
What resource implications are there to deliver actions from this EIA?
Staffing costs

4. Outcome following initial assessment

Does the activity have a <u>positive</u> impact on any of the protected groups, or contribute to promoting equality, equal opportunities and improving relations within target groups?	Yes
Fees and charges set that ensure the service operates at a cost neutral position at no cost to the taxpayer, as is the best practice approach and set down in statutory guidance.	
Does the activity have a <u>negative</u> impact on any of the protected groups, i.e. disadvantage them in any way?	Yes
Impact on the hackney carriage and private hire trade due to increased cost arising from the increased fees and charges. However, these costs are tax deductible.	

5. Decision following the initial assessment

Continue with existing activity or introduce new / planned activity	No
Amend activity based on identified actions	Yes

Has the EIA identified any positive or negative impact on any of the protected groups which requires action?			
Impact identified	Action required	Lead Officer	Deadline

6. Monitoring & Review

How do you propose to monitor and review the impact of your proposal?
Feedback from the Hackney Carriage and Private Hire Licensing Trade, feedback via the statutory advertising process and resultant decision if remitted back to the Licensing Committee.

Date of last review or Impact Assessment:	15/08/23
Date of next 12-month review:	15/08/24
Date of next 3-year Impact Assessment (from the date of this EIA):	15/08/26
Date Sent to HR and Organisational Development Team:	N/A

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Crawley Borough Council

Report to Licensing Committee

12 September 2023

Hackney Carriage Fares 2023 - 2024

Report of the Head of Community Services - HCS/065

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

The Committee is requested to:

- 2.1 Approve 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 B, either:
- i. without amendment; or
 - ii. amended.
- 2.2 Authorise 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 ongoing negative impact of the Coronavirus pandemic on the industry and costs significantly increased.
- 3.2 Committee members are asked to note that the last increase implemented was 14th July 2022.
- 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) in the terms sought. This needs to be carried out bearing in mind those affected, namely the members of the hackney carriage trade and the travelling public.
- 3.4 Although the views of the Hackney Carriage Trade are important, the views and impact on the travelling public are key, alongside a safe accessible service.
- 3.5 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.

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- 3.6 Members of the Licensing Committee have previously requested that a simplified table of fares is prepared in consultation with the hackney carriage trade. Work will continue between Officers and the Trade to progress a future proposal that meets these objectives but to date this has proved challenging.

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 and licensed drivers can charge no more than the maximum metered fare as set by the Licensing Authority.
- 4.1. The last variation to the table of fares took effect on 14th July 2022, and prior to that, December 2019 and September 2017. A copy of the current table of fares is set out in Appendix A to this report.
- 4.2 Discussions have been ongoing with the Chairman and Secretary of the CHCA who 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 in June 2023 and is being placed before the first available meeting of the Licensing Committee.
- 4.3 The proposed increase is designed to provide licensed drivers with an improved 'hourly rate', to offset the additional monies incurred of running a taxi business due to escalating vehicle costs as well as a means to take account of the shift in trade as a result of the Coronavirus pandemic and its ongoing impact, alongside rising inflation and cost of living increases.
- 4.4 The Council is advised that the majority of CHCA members were in favour of the proposed variation, which they state is less than the inflation rate. The proposal is as follows:

TARRIFF 1

Start £4.50, first mile £5.10

After the first mile £2.80 per mile

Waiting time £24 per hour

TARIFF 2

Start £5.80 first mile £6.70

After first mile £3.60 per mile

Waiting time £30.00 per hour

TARIFF 3

100 % extra of Tarif 1

TARIFF 4

50 percent extra of Tarif 1

SOILING CHARGE

£120.

- 4.5 Given that there has not been an increase in the table of fares for 12 months, Officers are supportive of the increases proposed. There have been ongoing discussions as to the form and content of the new fare tariff, alongside implementation timescales. The proposed new fare card is included at Appendix B and can be directly compared with the current fare card, which is included at Appendix A. The format of the fare card has not changed.

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- 4.6 The proposed changes have also been shared with a meter supply company, Digitax, to test the functionality of such and to ensure that each change and charges correspond and work appropriately. This company is content that the proposals will be compatible with taxi meter capabilities.
- 4.7 However, if Committee members wish to make any revisions or deviate from the request put forward by the CHCA, the proposals and functionality of such will need to be tested with meter suppliers to ensure that the relevant distances and charges correspond.

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, feedback from three members of the hackney carriage trade had been received. Feedback includes the below, but for clarity, it does appear that Hackney Carriage fares are lower than Private Hire Operator fares in the Borough. The Council does not set the fares in respect of private hire vehicles, but simply set the maximum fare permitted to be charged in relation to hackney carriages.
- *"It's too much."*
 - *"I'm against this proposal and i hope it doesn't get through i thing it is way too much we're going to end up losing our customers to over and private uber thanks."*
 - *"My suggestion about new proposed tariff is that no increase in fares. Fares should remain same as before".*

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 further 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 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 Trade WhatsApp Groups regarding issues impacting the trade.

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- 6.5 The Council has not consulted or sought the views of Ward Councilors 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 other than the fact that the Service is self financing and activities should be cost neutral.
- 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.
- 7.5 An Equalities Impact Assessment has been carried out and is included at Appendix C
- 7.6 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](#)

[Agenda for Licensing Committee on Monday, 20th June, 2022, 7.00 pm - Crawley Borough Council](#)

Contact Officer:

Kareen Plympton, Team Leader, Health, Safety & Licensing

kareen.plympton@crawley.gov.uk

01293 438023

Crawley Hackney Carriage Fares 2022

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Appendix a

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

Valid from 14 July 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 1,426 meters (1,560 yards) or 435.7 seconds (7 minutes and 15.7 seconds) or un-completed part thereof	20p
For each subsequent 124.1 metres (135.7 yards) or 37.9 seconds or un-completed part thereof	20p
Tariff 2 – NIGHT RATE (a) AND OTHER DATES AND TIMES AS LISTED IN (b) to (d). 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 December) (d) hirings between 18:00 hours and 23:59 hours on New Year's Eve (31 December)	
Initial distance not exceeding 183 metres (200 yards) or 54 seconds or un-completed part thereof	£4.80
For the next 1,426 metres (1,560 yards) or 423 seconds (7 minutes 3 seconds) or un-completed part thereof	30p
For each subsequent 152 metres (166 yards) or 45 seconds or un-completed part thereof	30p
Tariff 3 – Applies in all hirings 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) (b) hirings between 00:00 and 06:30 hours on 1 January (c) hirings at any time where there are more than four passengers and Tariff 2 would otherwise apply	
Initial distance not exceeding 183 metres (200 yards) or 55.9 seconds or un-completed part thereof	£8.60
For the next 1,426 metres (1,560 yards) or 435.7 seconds (7 minutes 15.7 seconds) or un-completed part thereof	40p
For each subsequent 124.1 metres (135.7 yards) or 37.9 seconds or un-completed part thereof	40p
Tariff 4 – Applies to all hirings between 06:30 hours and 23:00 hours where there are more than four passengers in the vehicle, except on 25 and 26 December (when Tariff 3 will apply)	
Initial distance not exceeding 183 metres (200 yards) or 55.9 seconds or un-completed part thereof	£6.45
For the next 1,426 metres (1,560 yards) or 435.7 seconds (7 minutes 15.7 seconds) or un-completed part thereof	30p
For each subsequent 124.1 metres (135.7 yards) or 37.9 seconds or un-completed part thereof	30p

E&H2.0

Extra Charges

A soilage charge of £100 (maximum).

Any airport drop off charges and all tolls charges.

Notes: 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 authorised by the above table which may not be recorded on the face of such metre. The driver may charge any 'road charge or tolls' where applicable (this must be agreed with the customer before hire commences).



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Crawley Hackney Carriage Fares 2023

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

Valid from xx xxxx 2023

Tariff 1	
Applies to all hirings except those mentioned in Tariffs 2 and 3 and 4	
Initial distance not exceeding 200 yards or 47.7 seconds or un-completed part thereof	£4.50
For the next 1308.6 yards or 312.3 seconds or un-completed part thereof	£0.20
For each subsequent 125.7 yards or 30 seconds or un-completed part thereof	£0.20
Tariff 2 – NIGHT RATE (a) AND OTHER DATES AND TIMES AS LISTED IN (b) to (d)	
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)	
Initial distance not exceeding 200 yards or 49.1 seconds or un-completed part thereof	£5.80
For the next 1266.6 yards or 310.8 seconds or un-completed part thereof	£0.30
For each subsequent 146.7 yards or 36 seconds or un-completed part thereof	£0.30
Tariff 3	
Applies in all hirings 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 200 yards or 47.7 seconds or un-completed part thereof	£9.00
For the next 1308.6 yards or 312.3 seconds or un-completed part thereof	£0.40
For each subsequent 125.7 yards or 30 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 200 yards or 47.7 seconds or un-completed part thereof	£6.75
For the next 1308.6 yards or 312.3 seconds or un-completed part thereof	£0.30
For each subsequent 125.7 yards or 30 seconds or un-completed part thereof	£0.30
Extra Charges	
A soilage charge of £120 (Maximum)	
Any Airport drop off charges and all tolls charges	
Notes: 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).	

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Equality Impact Assessment

1. Introduction

Division:	Community Services
Name of activity:	The Council is reviewing taxi fares and tariffs following a request from the Crawley Hackney Carriage Association to increase hackney carriage fares and tariffs
Type of activity:	Increase in hackney carriage fares and tariff – Hackney Carriage Vehicles only
Completed by:	Kareen Plympton
Date completed:	15/08/23
Date approved by Head of Service	15/08/23

2. About the activity

What is the main purpose of the activity?	
The Council is reviewing taxi fares and tariffs following a request from the Crawley Hackney Carriage Association to increase hackney carriage fares and tariffs.	
Why is it being introduced / reviewed / changed?	
The fares and tariffs are being reviewed following a formal request from the Crawley Hackney Carriage Association. The request has been made since it is 12 months since the last fare and tariff increase, and the Trade seek an increase to cover the cost of providing a service, amid vehicle maintenance costs, inflationary increases and the cost of living crisis.	
Who is the intended audience or target group?	
Internal audience or group:	Users of Hackney Carriage Services
External audience or group:	Residents and visitors who use Hackney Carriage Services. Licensed drivers as providers of hackney carriage services
If other, please specify below and provide details how the audience or target group will benefit?	

Have you already consulted on / researched the activity?

There has been extensive consultation with Crawley Hackney Carriage Association who have 100 members, All members of the Hackney Carriage Trade have been written to with the proposed increases and views sought. It should be noted that the Council as Licensing Authority sets the maximum metered fare that can be charged by hackney carriages, It is the choice of the hackney carriage proprietor/driver if they wish to charge less than the metered fare,

If the increase is agreed by the Licensing Committee, then in accordance with statutory requirements, the matter will be advertised and representations (if received) considered and the matter referred back to the Licensing Committee for consideration of those representations and a final decision. Those with protected characteristics will be able to comment on the proposals at that stage.

3. Assessing potential impact

Impact on people with a protected characteristic Is there a potential positive or negative impact based on the following?	
Age (older / younger people, children)	Neutral
Disability (people with physical / sensory impairment or mental disability)	Neutral
Gender reassignment (the process of transitioning from one gender to another.)	Neutral
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognised for same-sex couples)	Neutral
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	Neutral
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	Neutral
Religion & belief (religious faith or other group with a recognised belief system)	Neutral
Sex (male / female)	Neutral
Sexual orientation (heterosexual, gay, lesbian, or bisexual,)	Neutral
Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Neutral

What evidence has been used to assess the likely impacts?
Review of the Councils Unmet Demand Survey and contents Consultation with the Hackney Carriage Trade
What resource implications are there to deliver actions from this EIA?
Staff time, meter testing and vehicle testing

4. Outcome following initial assessment

Does the activity have a <u>positive</u> impact on any of the protected groups, or contribute to promoting equality, equal opportunities and improving relations within target groups?	Yes
<ul style="list-style-type: none"> - Taxi fares and tariffs increases will mean Taxi drivers can cover their operating costs - The number of licensed taxi drivers or people applying to become a taxi driver will increase due to increased returns , and the availability of taxis will increase and wait times reduce - There will be increase in the number of taxis available for journeys to service the needs of people using taxis. - Taxi drivers can cover increased operating costs - The number of licensed taxi drivers or people applying to become a taxi driver will increase due to improved returns. - The availability of taxis will increase and wait times reduce 	

Does the activity have a <u>negative</u> impact on any of the protected groups, i.e. disadvantage them in any way?	Yes
<ul style="list-style-type: none"> - Taxi fares and tariffs will increase. Some of those with protected characteristics may rely more on taxis and may pay higher fares or will not be able to travel as often as they want to due to increased fees. - Disability: There is a potential for people who cannot drive due to disabilities to be significantly more dependent on the use of taxis, however there is not data available to quantify this need. This is supported by available data National Taxi Statistics 2020. - Age: Taxi use by older age groups could be proportionally higher than other age demographics however whether that use is confined to the use of immediate hire Hackney Carriage's (which are affected by this proposal) or advance booking private hire use is not supported by any available data sets. - There has been a decline in the number of taxi journeys and people using taxis reducing drivers' incomes as they cannot cover their operating costs. If the fare increases are not agreed, this could lead to a decline in the number of licensed taxi drivers or people applying to become a taxi driver, and the availability of taxis reducing or wait times increasing. - If Taxi fares and tariffs do not increase Taxi drivers cannot cover increased operating costs. This could lead to a decline in the number of licensed taxi drivers or people applying to become a taxi driver, and the availability of taxis reducing or wait times increasing - Fares to and from destinations will increase and users will pay higher fares when travelling to or from destination the airport o There is a decline in the number of people travelling to or from the airport by taxi, and drivers' incomes reduce. 	

5. Decision following the initial assessment

Increase taxi tariff and fares.	Yes Follow statutory, review taxi (Hackney Carriage) fares and tariffs and consult on options for these. The main stages of the work involve:- <ul style="list-style-type: none">- Advertising as per legislative requirements- Consideration of any representations arising from advertisement- Return to Licensing Committee if relevant representations- Revision of tariff in light of representations or implementation of original proposals		
Amend activity based on identified actions	No		
Has the EIA identified any positive or negative impact on any of the protected groups which requires action?			
Impact identified	Action required	Lead Officer	Deadline
Reduced use of Taxis due to cost	Monitor	Kareen Plympton	12/09/24

6. Monitoring & Review

How do you propose to monitor and review the impact of your proposal?
<p>Feedback from the Hackney Carriage Trade</p> <p>Feedback from users of taxi services</p>

Date of last review or Impact Assessment:	N/A
Date of next 12-month review:	12/09/24
Date of next 3-year Impact Assessment (from the date of this EIA):	12/09/26
Date Sent to HR and Organisational Development Team:	N/A

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