



Committee: LICENSING COMMITTEE
Date: THURSDAY, 4 JANUARY 2024
Venue: MORECAMBE TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 16th November 2023 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

5. **Hackney Carriage Fare Review 2024** (Pages 3 - 9)

Report of the Licensing Manager

Published 2nd January 2024.

6. **Vehicle Licensing - Exemption Request** (Pages 10 - 13)

Report of the Licensing Manager

Published 2nd January 2024

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sally Maddocks (Chair), Margaret Pattison (Vice-Chair), Gerry Blaikie, Martin Bottoms, Phil Bradley, Claire Cozler, Andrew Gardiner, Erin Hall, Tim Hamilton-Cox and Shelagh McGregor

(ii) Queries regarding this Agenda

Please contact Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 20th December 2023.

Licensing Committee**Hackney Carriage Fare Review 2024****4 January 2024****Report of Licensing Manager****PURPOSE OF REPORT**

This report is to update members on proposals to introduce a new fare tariff in relation to licensed hackney carriages operating in the Lancaster district.

Members of the Licensing Committee are required to refer their findings for decision to the next Cabinet meeting.

This report is public

RECOMMENDATIONS

- (1) **It is recommended that members consider proposals in relation to a new fare tariff for hackney carriages operating in the Lancaster district, and;**
- (2) **Refer their findings to the next Cabinet meeting for approval.**

1.0 Introduction

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares within the district for time, distance and all other charges in connection with the hire of a hackney carriage. The table of fares is attached to the inside of a hackney carriage; this allows members of the public to view all charges when hiring a vehicle.
- 1.2 The current table of fares took effect on 19th April 2023 and is attached at **Appendix 1**.
- 1.3 The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee are required to refer any decision to Cabinet for approval.

2.0 Background

- 2.1 The current hackney carriage table of fares, the frequency of tariff reviews and method for fare setting in future years was approved by the Councils Cabinet on 12th April 2022. This was following a period of engagement and consultation with the licensed trade.
- 2.2 It was approved that, retail price index (RPI) would be applied annually across the tariff, including flag fall and rolling rate, rounding down to the nearest 5p. The statutory requirement for advertisement and consultation would then follow before an updated table of fares would be published, with an updated table of fares coming into effect on a specified date.

3.0 Current Position

- 3.1 The retail price index for November 2023 was 6.1%, this has been applied across the tariff as approved by Cabinet. The table of fares reflecting those updates is attached at **Appendix 2**.

If members are minded to amend the table of fares they may wish to consider soiling charges as applying RPI to this charge was not included in the approved methodology. The soiling charge is a maximum charge vehicle proprietors can charge members of the public should they soil the vehicle. It should represent to cost of cleaning the vehicle and/or loss of earnings for the take taken to ensure the vehicle is roadworthy.

It remained, as it has done for many years at £100 (maximum).

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options available to members are listed in the table, along with the advantages/disadvantages and risks associated with each option.

	Option 1: Maintain current table of fares implemented in April 2023.	Option 2: Apply retail price index (RPI) across the tariff. (6.1%)	Option 3: Deregulate fare setting	Option 4: In addition to option 1 or 2, apply an additional charge for fares taken after a set time. Eg 20.00, 21.00 or 22.00.
Advantages	Public are aware of expected fares when hiring a hackney carriage.	Drivers income is increased in line with rising cost of living The licensed profession may	Allows licensed trade to calculate their own fares, they may be best placed to	It would encourage more drivers to work in the evening when there are limited

		be perceived as a career option for local people.	calculate costs.	vehicles available. Regular daytime users of licensed vehicles will not be affected by the introduction of a the charge. The council is responding to local pubwatch and business improvement district requests for assistance with the recruitment and availability of licensed vehicles in the night time economy.
Disadvantages	The current table of fares may not represent current cost of living.	A further increase in quick succession is laborious procedurally and in terms of administration, as one update takes effect, it is time to calculate further change. Annual cost of calibration to drivers. *Members are asked to consider the frequency of fare reviews.	Licensing Authority has no control on charges passed to the public. May create confusion as fares could vary across the trade.	It may have a negative reaction, resulting in the public using licensed vehicles less.

Risks	<p>Not consistently applying the methodology approved by Cabinet.</p> <p>Drivers may decide to leave the trade, fares do not meet the demands of the rising costs of living.</p>	<p>Increase too much for service users. Drivers may see reduced income due to lack of public use.</p>	<p>Lack of public confidence in use of Hackney Carriages due to unknown charges.</p> <p>Varying charges between proprietors creating confusion</p>	<p>The public do not utilise the services of hackney carriages in the night time economy and take risks to get home. I.e, walking.</p>
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5.0 Officer preferred option

- 5.1 Option 2 and option 4, to apply retail price index (RPI) across the tariff, 6.1%, additionally introducing an additional charge of £4.00 for fares taken post 21.00, this would be in line with the booking fee (already in place) and would apply to those working for private hire operators as well as hackney carriages available at stands in the district.
- 5.2 The option to set an additional charge for fares taken post a certain time in the evening was a suggestion from the local Pubwatch and business improvement district manager (*BID*), this was in response to concerns raised by them in the availability (lack of) of licensed vehicles in the town centre, in the night-time economy. They believe it is having a negative impact on local businesses, that local people and visitors to the area are reluctant due to worries about getting home safely. It is thought that by introducing the charge, more drivers will be encouraged to work into the evening, assisting with the problem highlighted and maintain the public safety objective by ensuring people get home safely.

6.0 Conclusion

- 6.1 In 2022, following a period of consultation with the public and licensed trade, the Councils Cabinet, on recommendation of Licensing Committee agreed a methodology for fare reviews in relation to hackney carriages operating in the district. It seems appropriate that members look to review the frequency of the fare reviews, considering the annual cost of calibration to drivers, the additional administration required by the licensing service and the lengthy procedure required to implement changes to the table of fares.
- 6.2 Options for the coming year are set out above and include applying the approved methodology, deregulation fare setting and maintaining the current table of fares for a further 12 months,
- 6.3 As this is an Executive decision the Licensing Committee is not the decision-making body so must refer this to Cabinet for their approval.

6.4 Members are requested to provide detailed reasons for their decisions, particularly if departing from policy.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None.	
FINANCIAL IMPLICATIONS There are no direct financial implications to the Council as a result of this report	
SECTION 151 OFFICER'S COMMENTS Not applicable	
LEGAL IMPLICATIONS Pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the advertising requirements are as follows:- <ol style="list-style-type: none">1. Putting a notice in the local paper2. Notice must specify a date, not less than 14 days from the date that the notice is published to allow for objections and is the date, if no objections are made, that the revised fare will come into force.3. If objections are made, and not withdrawn the Council must consider those objections and the fares then will come into effect (modified or unmodified) within 2 months of the original date.	
MONITORING OFFICER'S COMMENTS Not applicable	
BACKGROUND PAPERS None.	Contact Officer: Jennifer Curtis Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: JC/Fares2024/25



HACKNEY CARRIAGE TABLE OF FARES

Applicable from Midday, Wednesday 19th April 2023

Tariff 1

For hirings commenced between 07:01hrs and 23:59hrs	
If the distance does not exceed 880 yards for the whole distance:	£3.20
For each of the subsequent 160 yards or uncompleted part thereof:	20p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	20p

Tariff 2

For hirings commenced between: midnight and 07:00hrs For hirings commenced between: 19:00hrs and midnight on the 24thDecember For hirings commenced between: 19:00hrs and midnight on the 31stDecember For hirings commencing on: Any Bank Holiday or Public Holiday	
If the distance does not exceed 880 yards for the whole distance:	£4.80
For each subsequent 160 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	30p

Tariff 3

For hirings commenced between: 00:01hrs 25th December and 07:00 27th December For hirings commenced between 00.01 1st January and 07.00 2nd January	
If the distance does not exceed 880 yards for the whole distance:	£6.40
For each subsequent 160 yards or uncompleted part thereof:	40p
Waiting time: For each period of 40 seconds or uncompleted part thereof	40p

Additional Charges

For each passenger in excess of one (for the purpose two children aged 11 or under to count as one passenger for the whole distance)	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
SOILING CHARGE: A charge may be requested if the passenger(s) soils the vehicle.	Maximum Charge: £100.00

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. The amount will be set against the metered fare. A receipt will be given.

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pickup point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing Service, Public Protection, Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF. Telephone [01524] 582033. Email licensing@lancaster.gov.uk



HACKNEY CARRIAGE TABLE OF FARES

Applicable from XXXX 2024

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 880 yards for the whole distance:	£3.40
For each of the subsequent 160 yards or uncompleted part thereof:	20p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	20p

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 880 yards for the whole distance:	£5.10
For each subsequent 160 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	30p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£6.80
For each subsequent 160 yards or uncompleted part thereof:	40p
Waiting time: For each period of 40 seconds or uncompleted part thereof	40p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £100.00	

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. The amount will be set against the metered fare. A receipt will be given.

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises to the pick-up point.

Any complaints regarding this vehicle and/or driver should be addressed to the Licensing Service, Public Protection, Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF
Telephone 01524 582033 or e-mail - licensing@lancaster.gov.uk

LICENSING COMMITTEE**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976****VEHICLE LICENSING – EXEMPTION REQUEST****Executive Hire Exemption Notice for Private Hire Vehicles
Section 75 (3) Local Government (Miscellaneous
Provisions) Act 1976****4th January 2024****Report of the Licensing Enforcement Officer****PURPOSE OF REPORT**

For members to consider a request from [REDACTED] to issue his private hire vehicle with a s75(3) exemption notice. The notice would exempt the vehicle from displaying licence plates.

Members should also consider the request to waiver the conditions relating to door signs and stickers.

The report is public

RECOMMENDATIONS

That members consider the request from [REDACTED] to issue his private hire vehicle with a s75(3) exemption notice. Consideration should also be given to waiver the vehicle licence conditions relating to door signs and stickers.

1.0 Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a district Council the discretion to grant a proprietor an exemption from displaying the licence plates on their licensed private hire vehicle.

1.2 A request has been received from [REDACTED] to exempt the requirement to display licence plates on his private hire vehicle, in addition [REDACTED] has requested that conditions relating to the display of door-signs and stickers are waived.

- 1.3 Historically, exemptions have not been granted as a matter of course. A clear case for the exemption has had to be made by the proprietor. The new hackney carriage/private hire policy states the following:

The Council will consider requests for exemption from private hire vehicles used exclusively for the purposes of executive hire. There is no legal definition of “executive hire” but the Council will generally consider the following when determining any requests for exemptions from displaying plates/ signage:

- The majority of the work should be for businesses which maintain an account with the private hire operator
- The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card payments. No payments are to be made to the driver in the vehicle
- The type of vehicle to which the application relates should reflect the executive hire status, i.e. a high value luxury vehicle
- The driver of an executive hire vehicle should wear a uniform befitting of the executive status

The vehicle cannot be used for any standard private hire work. If an exemption notice is granted it would apply to the duration of the licence. Failure to comply with the requirements above or the conditions attached to the grant of the private hire licence will result in the exemption being withdrawn and or the licence being revoked.

- 1.4 In determining an application, it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the exemption should be granted. The high quality of the vehicle being used will be supportive of an application but has not been the sole determining factor.

- 1.5 Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include for example Mercedes, BMW, Audi, Jaguar and Lexus models. Members may wish to provide a prescriptive list of acceptable vehicles but this may be subjective and will require frequent updates.

- 1.6 Examples of the type of work, which is considered to be executive vehicle hire, are as follows:

- Corporate bookings to transport employees and clients on business related journeys.
- Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.

- 1.7 [REDACTED] letter outlining his request and business model is attached at **Appendix No.1** for Members’ attention.

[REDACTED] business proposal suggests that the work carried out in the licensed vehicle will be used for escorting passengers for the Ministry of Defence (MOD). If the plates/signage remain on the vehicle, it is not permitted to enter the MOD base. [REDACTED] proposal is that the vehicle, a Volkswagen Caddy, will be utilised solely for this purpose and that all payments for services are made by way of invoice.

1.8 [REDACTED] has been invited to attend Licensing Committee on 4th January 2024 to provide supplementary information regarding his request and also to present the vehicle to which his request relates, for members' inspection.

2.0 Options

2.1 Options available to members are as follows:

- 1) To issue an s75 (3) exemption notice.
- 2) To refuse to issue the s75 (3) exemption notice; and
- 3) To approve or reject the request to waiver the vehicle licence conditions relating to door signs and stickers.

3.0 Conclusion

3.1 Officers are satisfied that [REDACTED] request for an exemption meets the requirements outlined within the private hire/hackney carriage policy.

3.2 Members are asked to consider each vehicle on a case-by-case, individual basis and decide whether they are satisfied to allow the exemption of display of licence plates and waiver of the standard vehicle licence requirement relating to door-signs and stickers.

3.3 Consideration should be given to the vehicle's suitability in terms of its executive status. Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted, as there are no financial implications.

LEGAL IMPLICATIONS

There is no right of appeal against the decision to refuse to grant an exemption under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. However, the requirement to display additional signage over the plate is a condition to which any person aggrieved has a right to appeal to the Magistrates Court within 21 days of the grant of the licence under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976.

BACKGROUND PAPERS

None.

Contact Officer: David Eglin

Telephone: 01524 582033

E-mail: deglin@lancaster.gov.uk

Ref: DWE

RECEIVED

09 NOV 2023

Licensing Lancaster City Council

I would like to request to operate my Private Hire Vehicle with no signage as I only work for one a car working for the M.O.D and some of the work is of a delicate nature, as my vehicle is wheelchair accessible it does create many problems purely because of the signage as many military bases do not allow

Taxis ect on

[REDACTED]

[REDACTED]

[REDACTED]

E-mail

[REDACTED]

[REDACTED]