
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 23 March 2022 at 10.00 am in
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Marion Chapman-Allen	Cllr Vera Dale
Cllr Tina Kiddell (Vice-Chairman in the Chair)	Cllr Susan Dowling
Cllr Tristan Ashby	Cllr Keith Martin
Cllr Claire Bowes	Cllr Linda Monument
Cllr Mike Brindle	

Also Present

Cllr Gordon Bambridge

In Attendance

Josie Hoven	- Licensing Team Leader
Sarah Wolstenholme-Smy	- Legal Services Manager (Deputy Monitoring Officer)
Julie Britton	- Democratic Services Officer

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Chairman

The Vice-Chairman, Councillor Kiddell chaired this meeting

10/22 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 12 January 2022 were confirmed as a correct record.

11/22 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Duffield, Kiddle-Morris and Morton.

12/22 URGENT BUSINESS (AGENDA ITEM 3)

None.

13/22 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None declared.

**14/22 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA
ITEM 5)**

Councillor Bambridge, the Portfolio Holder for Licensing was in attendance.

15/22 TAXI LICENCE FEES AND HACKNEY CARRIAGE FARES (AGENDA ITEM 6)

Josie Hoven, the Licensing Team Leader provided Members with a detailed overview of the report.

On 12 January 2022, the Licensing Committee agreed to go out to consultation on the proposed hackney carriage fares and taxi licensing fees as the last increase in both areas occurred in 2015.

The consultations on both the fees and fares had taken place and the Committee was now being asked to consider the responses and approve the final fees and fares and the date each should come into effect.

Hackney Carriage Fares - The Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 s.65 allowed local authorities to set and review hackney carriage fares. Breckland Council could only set a **maximum** fare level. The fare shown on the meter was the **maximum** that could be charged. If drivers wished to charge less than the maximum this would be an arrangement between themselves and the hirer.

Taxi Licensing Fees - Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allowed a District Council to charge such fees for the grant of vehicle and operator's licences as sufficient in the aggregate to cover in whole or in part the reasonable cost of carrying out inspections on private hire and hackney carriage vehicles for the determination of granting or renewing a licence, the reasonable costs of providing hackney carriage stands and any reasonable administrative costs with the grant, renewal, the control and supervision of hackney carriage and private hire vehicles.

For comparison the current hackney carriage fare chart had been attached at Appendix A and the proposed new tables of hackney carriage fares could be found on Appendix B of the report. The current taxi licence fees had been attached at Appendix C and the proposed taxi licence fees had been attached at Appendix D of the report.

The options available for Members to consider and the reasons for the recommendations were highlighted (see section 3 of the report).

The recommendations were read aloud.

The context of the additional information that contained a new table of fares and circulated prior to the start of the meeting and had also been included in the Agenda pack as a late paper was then explained (see page 10 of the agenda pack).

It was explained that a meeting had been held on Friday 18 March 2022 at the Council Offices with the taxi trade to discuss the current situation with Hackney Carriage Fares and Taxi Licence Fees. This had been submitted since the publication of the agenda and was due to the increases in fuel costs etc since the start of the Ukrainian war.

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Eight members of the licensed trade had attended the meeting. Discussion was had around the increase in fuel costs and the general cost of living since the report had been written as the trade had expressed concern for their livelihoods.

The majority of the trade present had agreed a new proposal for the Fare Tariff chart as attached at Appendix 1 to these late papers.

Those trade members present at the meeting on the 18 March 2022, had asked that the Licensing Committee consider this proposed Fare Tariff chart as part of their response to the consultation.

The Chairman thanked the Licensing Team Leader for facilitating the additional meeting with the drivers. Breckland Council had listened, and a solution had been proposed.

Prior to the recommendations being proposed, Councillor Monument asked if the Officers were quite satisfied with the new proposals put forward and if they were manageable.

The Licensing Team Leader stated that the Team was in agreement with the new, revised proposal, as it was considered to be fair and proportionate given recent events. It had also been anticipated that a further fare review would not take place for 3 years.

The Chairman assured Members that this increase was the **maximum** fare that could be charged, and individual drivers could remain competitive to attract fare paying customers.

For clarity, Councill Monument asked if Members were being asked to vote on this changed proposal alone or on the fees too.

It was clarified that the recommendations for the fees and the fares were separate and could be found on page 6 of the agenda pack.

The Licensing Team Leader advised that a further late response had been received from a taxi driver who had attended the recent meeting on 18 March who had asked for his comments to be read aloud. The Chairman agreed to this request.

"I will be totally honest about the meeting and feel that some were getting carried away with the unrealistic prices for the meter. The other point I had is that within Breckland there are only a few companies that were town based that were not subsidised by Norfolk County Council. At our company, we want to do what is best for the public that use us on a daily basis and if you were to take away the Norfolk County Council contract, how many of those companies would still exist keeping all their drivers and vehicles going based on town work. The answer is no, none of them could remain as they are. That is why I am recommending a £4.50 increase + 25p per mile to be reviewed every 2 years. That's where I stand with the increase".

Councillor Bowes felt that this was a reasonable request and if Members did agree to this proposal could a review take place sooner than 3 years.

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Members were informed that a Hackney Carriage review could be undertaken sooner but there were associated costs incurred for each review that would have a 'knock on affect' to the licence fees which would then have to be increased. A 3-year review was preferred.

Councillor Ashby asked if circumstances changed was there a facility in place to enable the 3-year review to be circumvented.

Members were informed that there was as such reviews were not set in stone, but a consultation always had to take place and had to be advertised whenever a review took place.

Councillor Ashby echoed Councillor Bowes' comments and bearing in mind the recent comments received from the trade he was comfortable with the proposed £5 fare for the first mile but was less comfortable with the 30p, for each additional 176 yards/48 seconds or part thereof as per the late submission on page 10 of the agenda pack. He felt that all the responses had reflected the fact that there had not been a proposed increase since 2015.

The Chairman advised that the cost of fuel was very expensive at the moment and the profit margin for any driver was minimal and these proposed fares covered such an increase but did not have to charge such a fare.

The Licensing Team leader agreed, this was the **maximum** fare that could be charged that would be shown on the meter, but any driver could charge less if they so wished – but passengers could not be charged any more than was on the meter. The geographics of Breckland had also been taken into account in respect of the towns and the parishes.

Councillor Dowling felt that a great deal of the documentation within the Agenda pack had been superceded by the aforementioned discussions and therefore felt that such matters should be monitored going forward.

To avoid confusion, the Chairman read aloud the option in respect of the Hackney Carriage fares:

- Make no changes to the proposed tables of fares and approve and set a date for the new hackney carriage fares to come into force.
- Make modification to the proposed table of fares and approve and set a date for the new hackney carriage fares to come into force.

Members were asked if they accepted the proposed increase in Hackney Carriage fares as requested by the trade on page 10 of the Agenda pack (the latest submission) or as originally proposed on page 11 of the Agenda pack or any alternative proposal that Members might have.

Councillor Ashby then put forward an alternative proposal of £5.00 for the first mile and 25p per mile thereafter which was seconded by Councillor Bowes.

The vote was not carried.

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Members were then asked to vote on the latest submission as requested by the trade which was £5.00 for the first mile and 30 per mile thereafter (page 10 of the Agenda pack) which was proposed and duly seconded.

Following 5 votes in favour and 2 votes against, the recommendation was carried and duly approved.

The Chairman reiterated that this was the **maximum** fare that could be charged, and drivers could still remain competitive but would cover any expedient costs.

Members were then asked to vote on a date when these new fares should come into force which must be after 1 April 2022 and within 2 months of this approval.

The Licensing Team Leader explained that the manufacturers needed at least 2 weeks to update the meters and proposed the following dates:

- 8 April, or
- 15 April

The 8 April was proposed and seconded and subject to one vote against, it was agreed that the new Hackney Carriage fares should come into effect on 8 April 2022.

The options for the Taxi Licence fees were read aloud:

- Make no changes to the proposed taxi licence fees and approve and set a date for the new fees to come into force.
- Make modification to the proposed taxi licence fees and approve and set a date for the new taxi licence fees to come into force.

Councillor Monument felt there were a number of discrepancies in the report as she could not tell how much the taxi licensing fees were going to cost altogether as the appendix had not included the cost of the DBS checks. She had also been surprised that the Taxi Driver grant and renewal were identical, but the Hackney Carriage Vehicle grant and renewal were cheaper and asked for this to be explained. She also asked what was included in the cost of the Private Hire Operator grant and renewal as what had been proposed had increased by over 200%.

Members were informed that the reason for the Taxi Driver grant and renewal being the same was because the same checks had to be carried out time and time again. In respect of the Hackney Carriage vehicles and the Private Hire vehicles, the mechanism was much faster on the renewal as all the information had already been entered and generally the vehicle would not have been changed. If this was the case; however, a new grant would have to be requested. The checks that were carried out on taxi drivers were much more thorough including HMRC checks to ensure that the drivers were registered for tax. There had been a slight decrease on the Hackney Carriage vehicles as side stickers were not issued on renewal and were being provided to them for free if they needed stickers to be replaced due to wear and tear. With the Private Hire renewal, again, it was less as the Licensing Team already had the necessary details.

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In response to the latter question, the Licensing Team Leader agreed that they were substantial increases on the Private Hire Operators but there were a number of factors that had to be taken into account. The issue that the Licensing Team was being faced with was that the fees should have been reviewed in 2015 to increase from a 3 year to a 5-year licence grant. When these fees were reviewed in July 2015 it was for a 3-year licence but in October/November 2015, the Government decided to make that a 5-year licence and ultimately became law. Consequently, 5-year licenses had been issued at a 3-year cost as the fee had never been reviewed since 2015. The comparison on the late paper that had been circulated, and had that been increased back in 2015, Operators would have been paying £240.75. Also, alongside the change from a 3-year licence to a 5-year licence with no fee increase there were also all of the other changes from the DfT standards that meant that regular checks had to be undertaken on Operator records of which there were many additional checks, and these along with the reasons and the policies that the Operators had to retain and abide by were highlighted. This equated to a great deal more work that had not been necessary previously, it was not the operators' fault or the current Licensing Team's fault either as explained to the trade at the meeting held on 18 March 2022 and had been based on cost recovery.

The Chairman pointed out that there were 38 individual Operators in Breckland so this increase would not affect all taxi drivers.

Councillor Brindle understood the justification for such increases and thanked the Licensing Team Leader for her explanation but asked if there was any evidence in respect of the kind of sums that were being discussed were going to put people off starting in this trade before they had earned their first fare.

The Licensing Team Leader said that such matters and concerns had already been discussed and it had been agreed that there could be a reduction in 'one-man bands' coming forward. However, a hackney carriage vehicle, once licensed, was able to take pre-bookings and therefore there was an option for those 'one-man bands' not to operate as a Private Hire Operator which would mean they would not need to retain records and they did not have to wait on taxi ranks the difference; however, was that they would not be able to go over the meter price, whereas Private Hire Operators were not capped.

Councillor Brindle pointed out that in Thetford the taxi ranks were not used and which implied that type of arrangement was less important and that customers were booking taxis. He also mentioned the lack of advertising at bus stations etc.

Members were informed that there had been a big shift in the way people booked taxis but generally this had been mainly due to retirement or Covid. Drivers provided a very valuable service and had to be a professional to take on such a career due to the checks and measures that had to be in place. The fee was quite high but when broken down over a 5-year period it did not equate to much in comparison with a street traders' licence which was currently £408 for a year. As far as advertising was concerned this would be up to the individual operators to advertise but most people used Google to find a taxi.

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Councillor Bambridge, the Portfolio Holder for Licensing said that he had been involved in the discussions in respect of the fees and fares with the Licensing Team and it was a huge increase, but Licensing Authorities had to operate on a non-profit making basis but when broken down they were actually quite reasonable.

Councillor Ashby referred to the cost per day which he felt was unreasonable as no-one knew how much was earned by drivers that could vary quite dramatically. He felt that a 50% and a 72% increase was far too much and asked if it was feasible to phase in these costs over a 3-year period.

In response, Councillor Bambridge explained that this had been considered but it had been agreed that this was the correct fee for a licence; however, this suggestion could be proposed.

Councillor Ashby said he would put that proposal forward as this was Breckland Council's mistake and was a quite a lot for such businesses to find and proposed that these costs be phased in over a 3-year period to tie in with the next review.

The Licensing Team Leader stated that it was the intention that these fees would be reviewed annually, and she hoped with the vast amount of changes that were being made in respect of the Licensing IT system, drivers themselves would be able to do more on-line in terms of web-forms and therefore she would anticipate that there would be a reduction in a proportion of that fee. Additionally, the associated costs could change. The converse reaction to Cllr Ashby's proposal was that phasing in had been looked at but the problem was with all the operators where would you start and where would you end as at some point someone would be penalised. For example, if an Operator renewed his licence this year and a 25% incremental increase was imposed but the following year it was a 50% increase, the person who renewed in the latter year would not class this as fair. There would never be a good time to have a phasing in option especially in respect of the costs of running this service.

Councillor Dale understood Councillor Ashby's concern but asked how the shortfall would be made up and what budget would that come out of

The Chairman said that it would cost the taxpayer and that was what this Council was trying to avoid.

Councillor Monument asked if it would be possible for drivers to pay by direct debit.

Members were informed that there had been a similar situation with the street traders who were allowed to pay monthly payments (not direct debits) and had not been easy to manage, the reasons were explained, and a passport scenario was provided.

The Chairman asked if it was possible for someone to ask for a one-year licence particularly for someone who was reaching retirement age.

The Licensing Team Leader said that this had already been included in the

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Policy but there had never been such a request.

Councillor Bambridge said whilst he was willing to take Councillor Ashby's proposal to his Cabinet colleagues for further consideration, he felt it was not viable as it was a licence to operate in an area where the public were involved and if standards were reduced, the quality of the applicants would be reduced too. These fees would be for new licences as they came along so those with current licences would not be affected as yet.

Councillor Ashby was aware that Breckland had seen approximately a 17% reduction in drivers, and such a profession provided a valuable service, and he was disappointed that this Council was not prepared to support them in these very difficult times.

The Chairman explained that this was the reason that this Council wanted to make sure that the fares and fees were adequate. It was unfortunate that there had been a reduction in drivers, but this had been mainly due to Covid and hopefully the trade would increase.

Councillor Brindle felt that paying for a licence 5 years in advance could put people off joining the trade as it was a long while to commit.

The Licensing team Leader referred to the passport analogy again. There were fees and associated costs involved in any business start-up particularly in respect of certain licences.

Councillor Bambridge pointed out again that this was all cost neutral to the Council, it did not make a profit and it was up to the individual if he/she wanted to commit to a 5-year licence.

The Licensing Team Leader and the Chairman then explained the difference between a private hire vehicles and hackney carriage vehicles.

Councillor Dowling had heard all opinions put forward and felt that the costs were justified but in this current climate she did not believe that it was the right time to increase the fees.

Councillor Monument was concerned about the small one-man bands and asked if such a person could operate as a hackney carriage driver and still gain school contracts. Members were informed that this would be a question for Norfolk County Council as a tendering exercise would have to take place.

Following further discussion, Councillor Ashby the proposed that the fees be phased in over a 3-year period.

Sarah Wolstenholme-Smy, the Legal Services Manager (Deputy Monitoring Officer) pointed out that Members needed to be clear in terms of the amounts per year as it could be very confusing and difficult to set up.

To be clear, the Licensing Team Leader asked if this was an incremental increase for every fee or just the Operators.

Councillor Ashby clarified his proposal as 33 and a 1/3% over a 3-year period.

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The Licensing Team Leader explained that fees were going to be reviewed on an annual basis. She understood Councillor Ashby's concerns but how would this Council justify this to all tax- payers in Breckland and also someone would still end up in year 3 or in year 5 with a significantly increased fee and such a proposal would not be of benefit to anyone.

The Chairman stated that if such a proposal was approved the fees could possibly end up costing more year on year.

Councillor Bambridge stressed that this was a fee for a licence which was linked to fares. All had been consulted on and the fares had already been approved earlier in the meeting. The whole question of fares and fees could be looked at again on an annual basis but overall, it should be cost neutral to this Council. Fees could go up or down and with this proposal that had been put forward it would be very difficult and long conversations would have to be had on how this could work.

Councillor Brindle still had concerns about the decrease in drivers across the District and asked if this matter could be kept under review for future meetings.

The recommendations were then read aloud:

That the Licensing Committee review the responses received on the proposed increase in taxi licensing fees and agree and approve the final taxi licence fees and the date to come into effect.

The recommendation was proposed and seconded and following 5 votes in favour and 2 votes against, the recommendation was carried and duly approved.

Members were then asked to vote on a date when these new fees should come into force, and it was agreed that the new taxi licence fees should come into effect on 8 April 2022.

RESOLVED that:

1. the hackney carriage fares be increased in line with the table of fares on page 10 of the agenda pack (late paper) as requested by the trade and that these fares come into effect on 8 April 2022; and
2. the licence fees be increased in line with Appendix D of the report (page 13 of the Agenda pack) and that these fees come into effect on 8 April 2022.

The meeting closed at 11.20 am

CHAIRMAN