

Wednesday, 5 January 2022

LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

Thursday, 13 January 2022

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Ellery (Chairman)

Councillor Amil

Councillor Atiya-Alla

Councillor Barnby

Councillor Mandy Darling

Councillor Dart

Councillor Douglas-Dunbar

Councillor Foster

Councillor Kavanagh

Councillor Kennedy

Councillor Barbara Lewis (Vice-Chair)

Councillor Mills

Councillor Pentney

Councillor Sykes

Councillor John Thomas

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING COMMITTEE AGENDA

1. **Apologies**

To receive any apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 2 September 2021.

(Pages 4 - 5)

3. **Declarations of interest**

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent

5. **Hackney Carriage Tariff**

To consider an application to increase the Hackney Carriage Tariff.

(Pages 6 - 14)

Meeting Attendance

Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

Minutes of the Licensing Committee

2 September 2021

-: Present :-

Councillor Ellery (Chairman)

Councillors Barnby, Dart, Douglas-Dunbar, Foster, Kavanagh, Barbara Lewis (Vice-Chair), Sykes and John Thomas

86. Apologies

Apologies for absence were received from Councillors Amil, Atiya-Alla, Mandy Darling, Kennedy, Mills and Pentney.

87. Minutes

The Minutes of the meeting of the Licensing Committee held on 28 August 2020 and 11 March 2021 were confirmed as a correct record and signed by the Chairman.

88. Urgent items

The Chairman advised that the urgent item in respect of Peregrine Retail Limited, 119 Newton Road, Torquay would be considered by a Licensing Sub-Committee upon the rising the Licensing Committee.

89. Gambling Act 2003 - Draft Licensing Statement of Principles 2022 to 2025

Members considered the draft 'Gambling Act 2005, Statement of Principles 2022-25' which had been released for public consultation. The Environmental Health Manager (Commercial) informed Members that the Council was required to review and publish the Gambling Act 2005, Statement of Principles 2022 -25 every three years. Members were advised that the document forms part of the Council's Policy Framework with final ratification of the policy being a full Council function, the Licensing Committee in this instance was a consultee.

The Environmental Health Manager (Commercial) provided details of advice that had been received from Philip Kolvin QC, Cornerstone Barristers and the Gambling Commission which had resulted in changes being made to the policy. The Environmental Health Manager (Commercial) also responded to Members questions.

Resolved:

That the Licensing Committee recommends the approval of the Gambling Act 2003 – Draft Licensing Statement of Principles 2022 to 2025.

Chairman/woman

Public Agenda Item: **Yes**

Title: **Hackney Carriage Tariff Increase**

Wards
Affected: **All**

To: **Licensing Committee** On: **13 January 2022**

Contact Officer: **Steve Cox**

☎ Telephone: **01803 208025**

✉ E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 This report concerns a request from the newly formed Torbay United Licensed Drivers Association (TULDA) to increase the applicable fare tariff in respect of all Hackney Carriages in Torbay.

2. Recommendation(s) for decision

- 2.1 That the appropriate Public Notices are placed to advertise the requested increase in the Hackney Carriage Fare Scale, as set out in the letter from the Torbay United Licensed Drivers Association (TULDA), See Appendix 1, and reproduced in Appendix 3.
- 2.2 That any responses to the Public Notice be considered by the Licensing Sub-Committee.
- 2.3 In the event that no objections are received, the new tariff will take effect from the 15th February 2022.

3. Key points and reasons for recommendations

- 3.1 Under the terms of the Local Government (Miscellaneous Provisions) Act 1976, a Local Licensing Authority may determine the maximum level of charges to be levied by all Hackney Carriages operating under its control.
- 3.2 A letter has been received on the 16th November 2021 from the Torbay United Licensed Drivers Association (TULDA) requesting that an increase be considered. Although TULDA represents many in the Hackney Carriage trade, a significant number are not members of the Association, and many will be members of Torbay Licensed Taxi Association.
- 3.3 It will be necessary to advertise the proposals by way of Public Notice for 14 days and in the event that objections are received, these responses must be considered by the Licensing Sub-Committee before any increase can take effect. If no objections are received, the new fares tariff will commence from the 15th February 2022.

For more detailed information on this proposal please refer to the Supporting Information.

**Steve Cox
Environmental Health Manager (Commercial)**

Annex 1 - Supporting information

A1. Introduction and history

A1.1 Under the terms of the Local Government (Miscellaneous Provisions) Act 1976, a Local Licensing Authority may determine the maximum level of charges to be levied by all Hackney Carriages operating under its control. Fares have been so determined for many years, with regular reviews.

A1.2 A letter has been received on the 16th November 2021 from the Torbay United Licensed Drivers Association (TULDA) requesting that an increase be considered in the current year. Although TULDA represents many in the Hackney Carriage trade, a significant number are not members of the Association, and many will be members of Torbay Licensed Taxi Association.

A 1.3 The proposed request has two options. This report covers Option 2, as this is the preferred request. This is that Tariff 1 journeys will still be charged at £3.00, though the distance this applies to is reduced from the first 470 yards (430 metres) or part thereof to the first 450 yards (411 metres) or part thereof. That each subsequent 130 yards (119 metres) is still charged at 15p, though the distance is reduced from 135 yards (123 metres). Tariff 1 is applicable for all hiring's made between 7 am and 11 pm on any day except Sundays and Bank Holidays.

A1.4 Tariff 2 journeys to be charged at £3.60, an increase of 30p but also as in Tariff 1, the proposed charges apply to a shorter distance. The distance this applies to is reduced from the first 470 yards (430 metres) or part thereof, to the first 450 yards (411 metres) or part thereof. That each subsequent 130 yards (119 metres) is still charged at 20p, though the distance is reduced from 135 yards (123 metres). Tariff 2 relates to journeys at all other times, including night times, Sundays, Bank Holidays, Christmas Eve and New Year's Eve.

A1.5 The increase in Tariff 2 may help with the difficulties being experienced in recruiting enough drivers to work the night time economy shifts.

A1.6 The last increase in fares was agreed on the 16th May 2016 and came in to force on 1st July 2016. Details of the current charges are shown in Appendix 2 and the new proposed charges in Appendix 3.

A1.7 It will be necessary to advertise the proposals by way of Public Notice for 14 days and in the event that objections are received, these responses must be considered by the Licensing Sub-Committee before any increase can take effect. If no objections are received, the new fares tariff will commence from 15th February 2022.

A1.8 There is no right of appeal to the decision.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no significant risks.

A3. Options

A3.1 The other options are to refuse the proposed fare increase or to ask the Torbay United Licensed Drivers Association (TULDA) for additional information, to assist in making a determination.

A4. Summary of resource implications

A4.1 There are no resource implications for the Council

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities, environmental sustainability or crime and disorder issues.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation, to date, but one is required as part of the procedures before the fare increase can come into effect.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units.

Appendices

Appendix 1 Copy of the Tariff increase request letter received on the 16th November 2021 from Torbay United Licensed Drivers Association (TULDA)

Appendix 2 Summary of Current Charges from 1st Jul 2016

Appendix 3 Summary of Proposed Charges

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None



To Torbay Licensing Department

As Founding Director of Torbay United Licensed Drivers Association (TULDA) I have been approached many times to ask for my assistance to request a Hackney Tariff Rise. Some drivers even presented me with a proposal for a tariff that had been circulated and signed by a collection of drivers as all attempts to put this on the TLTA agenda were dismissed by the committee without discussion.

Some of the Private Hire Companies have already increased their prices an option not available to Hackney carriage drivers without first preparing a case and seeking permission from the Torbay Licensing Department. Therefore, I have looked at the Tariff and prepared a few calculations that seem to be appropriate to help reduce the difference between Hackney and Private Hire fares making operating on a Hackney tariff a little more financially viable. You will see the general consensus was for a reasonable increase as majority of seasoned drivers realise it's better to introduce a gradual rise more frequently rather than implementing a larger price rise in one go. We were trying to find an appropriate rate that would balance the needs of drivers and the public.

Nationally 18 other Local Authorities have already increased fares in 2021 many citing they hope higher fares will help to address the national licensed driver shortages by making it financially more attractive to remain or enter the trade. While the national living wage has recently been increased the hackney driver has seen his profits drop. At the same time working conditions have deteriorated as incidents of aggressive behaviour and assault are escalating nationally. As front-line key workers we continue to be at risk from COVID, as we are in close proximity in relatively enclosed spaces with a range of strangers many of whom do not wish to wear face masks as it's no longer mandatory. The public are becoming more complacent with the role out of the vaccine programme but this does not stop a person contracting, transmitting or becoming seriously ill. Drivers are putting themselves and loved ones at risk but being self-employed they receive very little financial support if forced to isolate due to COVID.

Just the escalating cost of fuel, garage bills spare parts and commercial insurances has had a monumental impact on a driver's financial viability consequently some have decided to seek alternative employment. In addition to increasing running costs drivers will also need to invest more capital when replacing their current vehicles over the next decade as diesel and petrol vehicles are phased out in order to achieve the government's ambition to achieve zero emission by 2030.

It is commonly believed the unprecedented shortage of licensed drivers especially at night is putting the public at risk. Nationally there are some suggesting Tariff 2 should be introduced earlier in the evening one suggestion was 22:00. However, drivers in Torbay have not sufficiently discussed this point in open forums for TULDA to be able to confidently put forward a collective response on behalf of the trade in our locality at this point. It takes time to actively listen, facilitate and gauge where necessary discussions on key issues in order to accurately reflect other people's opinions and wishes. We would be doing the trade a disservice if we just assumed everyone felt the same. At times if there is no clear majority TULDA may have to present 2 conflicting positions it is our role to represent not dictate.

There is a strong argument for offering a financial incentive to motivate drivers to structure their working shifts to include some of high demand hours as being self-employed they are profit driven. There is a much higher risk of aggression to drivers or damage and soiling of the vehicle late at night as far more passengers have probably consumed a degree of alcohol which can lead to reduced inhibitions and challenging behaviours. By the end of an evening drinking and socialising less people are respecting social distancing or other COVID precautions like using masks.

Some Drivers are still a little reluctant to put themselves in this situation again a financial incentive may be the thing to encourage them back out for the late shift. Exploring ways to generally promote driver and passenger safety could also make drivers feel a little safer on the road at the more challenging periods. Private hire drivers often have some remote supervision to alert someone to a driver in distress but hackneys are very much working independently.

We would recommend an annual tariff review be added to the Licensing Committee agenda In an attempt to ensure it keeps up with rising living costs and national wages etc.

We hope you will look favourably at the following options and put forward a rise on our behalf at the next meeting of the Licensing Committee. If you require further input or clarification on any of our points, please contact me by;

CONTACT DETAILS REMOVED

Yours faithfully Jacqui Nickels

Torbay United Licensed Drivers Association (For Private Hire, Hackney & Operators) Email: REMOVED Telephone: REMOVED





Proposed Tariff rise for Torbay Hackney vehicle carriage November 2021 on behalf of independent drivers.

Current Torbay Tariff

1st mile 4.80

2nd mile 6.75

3rd mile 8.70

4th mile 10.65

5th mile 12.60

This works out as £1.95.5 a mile thereafter

Option 1 Adding 30p on the face value plus 30p mile thereafter;

1st mile 5.10

2nd mile 7.35

3rd mile 9.60

4th mile 11.85

5th mile 14.10

This works out as £2.25.5 a mile thereafter

Option 2 preferred by TULDA members and others, gives Drivers a slightly better return per mile but still affordable for the general public.

No change to the face value but cutting the yards to 450 & 130 would mean thereafter;

1st mile 4.95

2nd mile 6.90

3rd mile 9.00

4th mile 10.95

5th mile 13.05

This works out as £2.03 a mile thereafter

Also a request for a Change to Tariff 2 Hackney carriage rate.

We also wish to request an increase to the Face value for the tariff 2 rate of 30p in addition to cutting the yards as in Option 2 above. This would make the face value for Tariff 2 a similar value to Teignbridge Hackneys and similar to rates set in many other authorities. It may help alleviate the unprecedented current issue covering unsociable hours.

Torbay United Licensed Drivers Association (For Private Hire, Hackney & Operators) Email: REMOVED Telephone: REMOVED



**Existing Maximum Hackney
Carriage Fare Scale as approved
with effect from 1st July 2016:**

Tariff 1 – initial charge of £3.00 for the first 470 yards (430 metres), or part thereof, then 15p for each subsequent 135 yards (123 metres), or part thereof, and waiting time to be charged at 15p for each 40 seconds;

Tariff 2 – Initial charge of £3.30 for the first 470 yards (430 metres), or part thereof, then 20p for each subsequent 135 yards (123 metres), or part thereof, and waiting time to be charged at 18p for each 40 seconds; and

Additional charges – 20p for each additional passenger, 50p call out charge and £50 for any fouling of the hackney carriage. No additional charges will be made for luggage, perambulators, pushchairs, wheeled trolleys or animals.

**Existing Maximum Hackney
Carriage Fare Scale as approved
with effect from 15th February 2022:**

Tariff 1 – initial charge of £3.00 for the first 450 yards (411 metres), or part thereof, then 15p for each subsequent 130 yards (119 metres), or part thereof, and waiting time to be charged at 15p for each 40 seconds;

Tariff 2 – Initial charge of £3.60 for the first 450 yards (411 metres), or part thereof, then 20p for each subsequent 130 yards (119 metres), or part thereof, and waiting time to be charged at 18p for each 40 seconds; and

Additional charges – 20p for each additional passenger, 50p call out charge and £50 for any fouling of the hackney carriage. No additional charges will be made for luggage, perambulators, pushchairs, wheeled trolleys or animals.