

Licensing Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be audio recorded.

Date: Wednesday, 04 March 2015

Time: 19:15

**Venue: Council Chamber , Braintree District Council, Causeway House,
Bocking End, Braintree, Essex, CM7 9HB**

Membership:

Councillor J S Allen
Councillor M J Banthorpe (Chairman)
Councillor J Baugh
Councillor T G Cunningham
Councillor J G J Elliott
Councillor J H G Finbow
Councillor M J Fincken
Councillor M E Galione

Councillor C Gibson
Councillor M Green
Councillor S A Howell
Councillor H D Johnson
Councillor J A Pell
Councillor L S Walters
Councillor S A Wilson
Councillor B Wright

Members are requested to attend this meeting, to transact the following business:-

PUBLIC SESSION

1 Apologies for Absence

2 Member Declarations

1. To declare the existence and nature of any interests relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
2. To declare the existence and nature of any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Committee or the application or threat to apply any sanction by the group in respect of that

Councillor should he/she speak or vote on any particular matter

3 Public Question Time

(See paragraph below)

4 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Licensing Committee held on 10th September 2014 (copy previously circulated).

5 Review of Hackney Carriage Fares

4 - 8

6 Hackney Carriage Proprietors' Licences - Allocation

9 - 14

7 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

8 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this agenda there were none.

9 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PRIVATE SESSION

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk

Public Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment.....

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Contact Details:

REVIEW OF HACKNEY CARRIAGE FARES		Agenda No:
<p>Corporate Priority: Building a prosperous District – Boost employment skills and support businesses, promoting and improving our town centres, securing appropriate infrastructure and housing growth.</p> <p>Report presented by: John Meddings</p> <p>Report prepared by: John Meddings</p>		
<p>Background Papers:</p> <ol style="list-style-type: none"> Hackney Carriage Association Fare Increase Request (Appendix 1) Copy of current fare card (Appendix 2) 		Public Report
<p>Options:</p> <ol style="list-style-type: none"> To reduce the subsequent distance section for Mileage Tariff 1 from 101.49 metres to 97.43 metres. To make no changes to the current fare structure. To award a smaller fares increase. 		Key Decision: No
<p>Executive Summary:</p> <p>To consider a formal request from the Braintree District Taxi Association for a fare increase.</p>		
<p>Decision: To approve one of the following options:-</p> <ol style="list-style-type: none"> To reduce the subsequent distance section for Mileage Tariff 1 from 101.49 metres to 97.43 metres. To make no changes to the current fare structure. To award a smaller fares increase. 		
<p>Purpose of Decision:</p> <p>To determine the request from the Braintree District Taxi Association for an amendment to the current hackney carriage fare card.</p>		

Corporate Implications	
Financial:	None arising from this report
Legal:	The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
Safeguarding:	None arising out of this report
Equalities/Diversity:	None arising out of this report
Customer Impact:	Unknown until consultation
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	Consultation is required. It is proposed to advertise the fare increase in the Braintree & Witham Times, Witham & Braintree Times and Halstead Gazette for no less than 2 weeks and if, as a result of consultation, objections are received, the matter would be referred back to the Committee.
Risks:	None arising out of this report.
Officer Contact:	John Meddings
Designation:	Licensing Officer
Ext. No.	2213
E-mail:	john.meddings@braintree.gov.uk

1. Background

- 1.1 Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may fix the rates or fares within a District for time as well as distance and all other charges in connection with the hire of a vehicle or arrangement of the vehicle, to be paid in accordance with the fare card.
- 1.2 In 1997 it was agreed between Members of the Council's then Licensing Sub-Committee and the Hackney Carriage trade that a review of the fares charged for travelling in licensed Hackney Carriages should take place annually by the trade. Should they wish for an increase, this would then be submitted for consideration by the then Licensing Sub-Committee. It was made clear to the trade by the Sub-Committee that this new annual review was to avoid a request for a high increase after several years, but no guarantee of an annual increase was to be taken by agreement to such a review.

2. Requested Amendments

- 2.1 The latest request was submitted by the Braintree District Taxi Association on 25th November 2014 for a fare increase on behalf of the Hackney Carriage trade, the details of which are outlined in the attached letter (Appendix 1).
- 2.2 The proposed requested increase is as follows:

Tariff 1

To reduce the subsequent distance section for Mileage Tariff 1 from 101.49 metres to 97.43 metres.

2.3 No other increases have been requested.

3. Implications

- 3.1 Should Members approve the proposed new fare structure, it must be stated that the implementation date is not able to be determined at this time. Under the Local Government (Miscellaneous Provisions) Act 1976, the proposals must be advertised in at least one local newspaper for two weeks and it is not until the consultation period expires that the new fare cards can be prepared and issued to the trade with an implementation date and instructions for replacing meter chips. If, as a result of the consultation objections are received, the matter would be referred back to Members.
- 3.2 There are financial implications in the preparation of the fare card and Officer time, but this would be absorbed by the fees charged to administer the service.

Mr D Meleney
Licencing team
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

Braintree Taxi Association
Chairman: T Rogers 01376 749748
Vice Chairman: B Stubbs 07976 892832
Secretary: L Mutimer 01376 331026
Treasurer: A Holden 01376 327180

6 Wimsey Court
Witham
Essex
CM8 2LS

21st September 2013

Fair increase

Dear Sirs

The taxi association had a meeting on the 25th November and voted on a pay increase for next year and wishes to apply for a 2.8% increase to the distant rate only leaving all other rates as before to keep up with the cost of living and fuel costs ,fuel costs alone have gone up 80 percent over the last six years and during this time we have tried to keep the cost to the customers down but we feel that this increase is necessary for our members to claw back some of the expenses lost during these very hard times also to help with increases to the license costs for hackney badges. We would ask that the distance rate be altered from 101.49 meters to 95.4006 meters reducing it by 6% giving a 2.8% increase in fare price as my chart shows see attached

Yours faithfully

Terry Rogers Chairman
pp Braintree District Taxi Association

Braintree District Council

Fares for Distance

(1) MILEAGE TARIFF 1

If the distance does not exceed 643.7metres (704 yards or 0.4 mile) for whole distance	£3.20
If the distance exceeds 643.7 metres, for the first 643.7 metres (704 yards or 0.4 mile)	£3.20
For each subsequent 101.49 metres (111 yards) or uncompleted part thereof	£0.10

(2) **WAITING TIME** For each period of 1 minute or uncompleted part thereof £0.30

(3) EXTRA CHARGES

- (a) **MILEAGE TARIFF 2** for hiring's between the hours of 11.00pm and 6am or for any journey commenced on a Sunday or a Public Holiday (excluding those stated at (b) below) a charge equivalent of 50% extra (i.e. one and a half times) the tariff 1 fare will be charged.
- (b) **MILEAGE TARIFF 2** (i) for hiring's between 6pm and 11pm on CHRISTMAS EVE (24th December) and NEW YEARS EVE (31st December)
- (c) **MILEAGE TARIFF 3** (ii) for hiring's between 11pm on CHRISTMAS EVE & NEW YEARS EVE and 6am on the day succeeding BOXING DAY (27th December) & NEW YEARS DAY (2nd January) - a charge equivalent to 100% extra (i.e. double) of the tariff 1 charged.
- (d) **SOILING FEE** £30 per occasion vehicle is soiled and is required to be withdrawn from service for valeting.
- (e) **CARRIAGE OF 5 PERSONS OR MORE** - Vehicles licensed to carry 5 or more passengers may charge Tariff 2 for journeys only when 5 or more persons are travelling and Tariff 3 for journeys **only** when 5 or more persons are travelling between the hours of 11.00pm and 6am or for any journey commenced on a Sunday or a Public Holiday. Tariff 1 applies when 4 or less passengers travel

NOTE: **These are the maximum fares allowed.** Passengers may negotiate a lesser fare at the discretion of the owner/driver. Hiring covering two tariff periods may be charged proportionately according to time or Distance in each tariff period.

Passenger complaints with respect to this Hackney Carriage and/or its Driver should be made, in writing, to the Licensing Team, Braintree District Council, Causeway House, Bocking End, Braintree, Essex CM7 9HB quoting the Licence number displayed in the front window or on the rear and sides of the vehicle.

HACKNEY CARRIAGE PROPRIETORS' LICENCES ALLOCATION		Agenda No:
Corporate Priority:	Building a prosperous District – Boost employment skills and support businesses, promoting and improving our town centres, securing appropriate infrastructure and housing growth.	
Report presented by:	John Meddings	
Report prepared by:	John Meddings	
Background Papers:	Public Report	
Hackney Carriage Proprietors' Licences - Allocation Policy (Appendix 1)		
Options:	Key Decision: No	
To allocate three Hackney Carriage Proprietors' Licences in accordance with the Allocation Policy.		
Executive Summary:		
This report provides details for the allocation of Hackney Carriage Proprietors' Licences currently held by Braintree District Council.		
Decision:		
To issue three Hackney Carriage Proprietors' Licences in accordance with the Allocation Policy.		
Purpose of Decision:		
To issue three Hackney Carriage Proprietors' Licences by random ballot.		
Corporate Implications		
Financial:	None arising from this report	
Legal:	The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 places on Braintree District Council as the Licensing Authority the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.	

Safeguarding:	None arising out of this report
Equalities/Diversity:	<p>The Equality Act 2010 consists of a general duty for the Authority, as both employer and service provider, to have due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. • Advance equality of opportunity between people who share a protected characteristic and people who do not share it. • Foster good relations between people who share a protected characteristic and people who do not share it.
Customer Impact:	Proprietors and prospective applicants of Hackney Carriage Vehicles could both be affected by this decision. The general public may also be affected by the reduced number of Hackney Carriages operating within the District.
Environment and Climate Change:	None arising out of this report.
Consultation/Community Engagement:	The local Taxi Association has been consulted and the Council conducts an Unmet Demand Survey every three years, which involves consultation and community engagement.
Risks:	None arising out of this report.
Officer Contact:	John Meddings
Designation:	Licensing Officer
Ext. No.	2213
E-mail:	john.meddings@braintree.gov.uk

1. Background

- 1.1 The Council has responsibility for the licensing of Hackney Carriages and Private Hire Vehicles, Drivers and Private Hire Operators within the district of Braintree.
- 1.2 The Council currently limits the number of Hackney Carriage Proprietors' Licences issued under Section 37 of the Town Police Clauses Act 1847 (as amended by Section 16 of the Transport Act 1985).
- 1.3 The Council currently limits the number of Licences issued to 84.
- 1.4 The Policy for the allocation of Hackney Carriage Proprietors' Licences was approved by the Council in June 2014.
- 1.5 Since the introduction of the Policy, no plates have been allocated. However, due to differing circumstances, the Council has received a number of plates that now need to be allocated.
- 1.6 A Hackney Carriage Proprietor's Licence is returned to the Local Authority for allocation for various reasons, for example on the death of the holder, or if a holder fails to renew.

- 1.7 The last Hackney Carriage Unmet Demand Survey revealed **no unmet demand**. This decision was obtained with 82 Hackney Carriage Proprietors' Licences in circulation and two held by Braintree District Council.

2. Consultation

- 2.1 The results of the consultation were presented to the Licensing Committee on the 23rd July 2014.

- 2.2 The Licensing Committee determined:

That three Hackney Carriage Vehicles Proprietors' Licences be issued in accordance with the Council's Allocation Policy. That the allocation of the remaining four Licences be withheld pending the submission of a report to the Licensing Committee reviewing the demand for, effect and impact of the initial allocation.

3. Allocation

- 3.1 The Hackney Carriage Proprietors' Licences will be issued by random ballot.
- 3.2 Lots will be drawn to cover the three available Hackney Carriage Proprietors' Licences. Then three reserves will be drawn to allow for potential unsuccessful applications.

Example: If two Licences are required to be allocated, then the random ballot will take place as soon as practicable. Four lots will be drawn; Lot 1 and Lot 2 will have the opportunity to apply for the available Proprietor's Licence and complete the applications within 28 days. If either of the first two lots is unsuccessful with their application then Lot 3 will have the opportunity to apply. Then if any of the previous three lots drawn are unsuccessful with their applications then Lot 4 will have an opportunity to apply.

4. Registration of Interest

- 4.1 All current Braintree District Council Private Hire and/or Hackney Carriage Drivers were notified by writing that three Hackney Carriage Proprietors' Licences were available. A Notice was also placed on the Braintree District Council website.
- 4.2 Potential applicants then had a month to express an interest in the available Hackney Carriage Proprietors' Licences.
- 4.3 During the expression of interest period the Council received 51 expressions of interest. Six of these expressions of interest were deemed invalid due to them not meeting the criteria set down by the Hackney Carriage Proprietors' Licences Allocation Policy.
- 4.4 The remaining 45 expressions of interest are deemed valid and they have been entered into the ballot for the three Hackney Carriage Proprietors' Licences.

5. Successful Applicants

- 5.1 The successful candidates will need to licence a wheelchair accessible vehicle within 28 days of the ballot.
- 5.2 The vehicle will also need to meet the current Braintree District Council vehicle criteria.
- 5.3 The applicant will be required to complete a declaration that the Licence will not be sold or transferred for a period of five years.

Should the successful applicant already be an existing Hackney Carriage Proprietor, they will also be required to complete a declaration not to sell or transfer any existing Licence.

Policy for the allocation of Hackney Carriage Proprietors licences

1. Introduction

- 1.1 This report provides information in relation to the allocation of Hackney Carriage proprietors' licences in Braintree District. There may be other options that the licensing committee wishes to consider.

2. Background

- 2.1 In 2013 Braintree District Council conducted a review of its policy in relation the allocation of hackney carriage proprietors licences.
- 2.2 Part of this review involved a 3 month consultation (October 2013 to January 2014) involving a wide range of people, e.g. Hackney Carriage and Private Hire trade, local businesses and the public.
- 2.3 The overall objective for this policy is to enable Braintree District Council to reallocate hackney carriage proprietors licenses in a fair and open manner.
- 2.4 There is currently no policy in place regarding the issuing of new hackney carriage licences.

3. Proposal

3.1 Eligibility

- Must hold a current Hackney Carriage, Private Hire or Dual drivers licence issued by Braintree District Council.
- Not currently hold more than one hackney carriage proprietor's licence (including, for the avoidance of doubt, those proprietors who obtained their current licence via transfer).
- Not have had any proprietor's licence (including both Hackney Carriage and Private Hire) revoked during the 5 year period immediately prior to the closing date for registrations of interest to be entered into the lottery
- Not be a person who has previously held a hackney carriage proprietor's licence issued to that individual by the Council (i.e. a free plate).

Vehicle specification

- Must be wheelchair accessible.
- Must meet the Council's current guidelines in terms of age and specification.

Allocation

- The method of allocation will be by random ballot.
- The ballot will take place at a Licensing committee or subcommittee as soon as possible once the applications have been scrutinised.
- Lots will be drawn to cover the number of available licences. Then a number of reserves will be drawn to allow for unsuccessful applications.

Example: If two licences are required to be allocated, then the random ballot will take place as soon as practicable. Four lots will be drawn; Lot 1 & Lot 2 will have the opportunity to apply for the available proprietors licence and complete the applications within 28 days. If either of the first two lots are unsuccessful with their applications then Lot 3 will have the opportunity to apply. Then if any of the previous three lots drawn are unsuccessful with their applications then Lot 4 will have an opportunity to apply.

Timescales

- Once the authority has received notification that a Hackney Carriage proprietor's licence will be returned to the authority, the licensing team will endeavour to notify all licensed drivers and operators. An advert will also be placed on the Council website.
- The register of interest will then close one month after it opens. All applications to join the register of interest must be received within a period of one month.
- The vehicle will need to be licensed within 28 days of the ballot.

Conditions

- No new Hackney Carriage proprietors licence may be sold or transferred for a period of five years from issue.
- Should the successful applicant already be an existing Hackney Carriage proprietor licence holder, and then they will be required to undertake not to sell or transfer any existing licences for a period of five years.

Declaration

- Any person wishing to register an interest in the random selection draw will be required to complete a statutory declaration confirming they meet the above requirements.