



A G E N D A

LICENSING COMMITTEE

Monday 13 June 2022 at 6.00 pm
Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS

Members: Councillor Atkins (Chair), Councillors Hill (Vice-Chair), Allen, Atwood, Funnell, Lidstone, Hayward, Pope, Roberts, White, Wormington, Bailey, Barrass and Wakeman

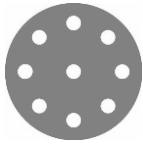
Quorum: 4 Members

- 1 Chairman's Introduction** (Pages 5 - 6)
Announcement on procedural matters.
- 2 Apologies for Absence** (Pages 7 - 8)
- 3 Declarations of Interest** (Pages 9 - 10)
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer.
- 4 Notification of Registered Persons wishing to speak (in accordance with Council Procedure Rule 18 or 19):** (Pages 11 - 12)
Members and the public should indicate which item(s) they wish to speak on and the nature of their concern/question/request for clarification.
- 5 Minutes of the Previous Meeting dated 05 April 2022** (Pages 13 - 14)
- 6 Objection to a request for a Hackney Carriage Fare Increase** (Pages 15 - 32)
- 7 Urgent Business** (Pages 33 - 34)
To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
- 8 Date of Next Meeting** (Pages 35 - 36)

Democratic Services Team

**Town Hall
ROYAL TUNBRIDGE WELLS
Kent TN1 1RS**

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Any member of the public may attend to watch/listen in person or online live via our website on the relevant committee's meeting page. A recording of the meeting will also be available shortly after the end of the meeting.

All meetings and agenda are open to the public except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

Speaking at Meetings

Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

Coming to the Town Hall

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Seating will be allocated on a first-come-first-serve basis. The Council may alter the number and location of available seats if necessary on safety or public health grounds.

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Further details are available on the website www.tunbridgewells.gov.uk/meetings or from Democratic Services

If you require this information in another format please contact us, call 01892 526121 or email committee@tunbridgewells.gov.uk

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Chairman's Introduction

For Licencing Committee on Monday 13 June 2022

Procedural Item

To receive any announcements on procedural matters.

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Apologies for Absence

For Licencing Committee on Monday 13 June 2022

Procedural Item

To receive any apologies for absence.

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Declarations of Interest

For Licencing Committee on Monday 13 June 2022

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.

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Notification of Persons Registered to Speak

For Licencing Committee on Monday 13 June 2022

Procedural Item

To note any Visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18 or 19, and which item(s) they wish to speak on.

Information for members of the public wishing to speak.

Members of the public are encouraged to participate and those wishing to comment on an agenda item will need to register with Democratic Services in advance. Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item and a maximum of 3 minutes is permitted per speaker. Places are allocated on a first come first serve basis.

Once registered, speakers will need to attend the meeting in person. Comments should be in the form of a statement giving your opinion on the matter. Members of the committee may not answer questions or get into a debate with you.

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TUNBRIDGE WELLS BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Tuesday, 5 April 2022

Present: Councillor Bob Backhouse (Chairman)
Councillors Allen, Ellis, Funnell, Hayward, Pope, White and Wormington

Officers in Attendance: Sharon Degiorgio (Senior Licensing Officer), Robin Harris (Team Leader (Contentious)), Gary Stevenson (Head of Housing, Health and Environment) and Louise Kellam (Democratic Services Officer)

CHAIRMAN'S INTRODUCTION

LC66/21 The Chairman opened the meeting, introduced Committee Members and Officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES FOR ABSENCE

LC67/21 Apologies were received from Councillors Atkins, Hill, Lidstone and Roberts.
Councillors Thomson and Atwood were not present at the meeting.

DECLARATIONS OF INTEREST

LC68/21 There were no declarations of interest made.

NOTIFICATION OF VISITING PERSONS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18 OR 19):

LC69/21 Mr Clayton Berry was registered to speak on Agenda Item 6 – Request for a Hackney Carriage Fare Increase.

MINUTES OF THE PREVIOUS MEETING DATED 08 MARCH 2022

LC70/21 No amendments were proposed to the Minutes.

RESOLVED – That the minutes of the previous meeting dated 8 March 2022 be approved as a correct record.

REQUEST FOR A HACKNEY CARRIAGE FARE INCREASE

LC71/21 Registered Speaker – Mr Clayton Berry

Sharon Degiorgio, Senior Licensing Officer, introduced the report as set out in the agenda.

Questions and discussion from Members included:

- Mr Berry had consulted with approximately 50-60% of other local members of the Taxi trade
- While exact figures were unknown as to the proportion of diesel (which was mentioned had increased in cost sharply due to recent

world events, putting pressure on drivers) taxis compared to petrol and hybrid, it was noted that petrol and electricity had also increased in cost and so increased costs were affecting all members of the taxi and Hackney Carriage trade.

- It was clarified with Mr Berry that the Weekend Surcharge would be removed in favour of the overall fare increase.

RESOLVED: That the Licensing Committee had considered and approved the proposed increase in the table of fares as set out in appendix D of the report for implementation on 27 April 2022, subject to public consultation.

URGENT BUSINESS

LC72/21 There was no urgent business for consideration.

DATE OF NEXT MEETING

LC73/21 The next meeting of the Licensing Committee was scheduled for 28 June 2022.

NOTE: The meeting concluded at 6.50pm.

Objection to a request for a Hackney Carriage Fare Increase

Licensing Committee on 13 June 2022

Summary

Lead Member: Councillor Luke Everitt - Cabinet Member for Environment, Sustainability and Carbon Reduction

Lead Director: Paul Taylor – Director for Change and Communities

Head of Service: Gary Stevenson – Head of Housing, Health & Environment

Report Author: Sharon Degiorgio – Senior Licensing Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Licensing Committee	13 June 2022 for consideration of unresolved written objections

Recommendations

1. **Consider** the objection received during the statutory consultation.
2. **Determine** any modifications to be made to the proposed table of fares considering the objection; or
3. **Determine** no modifications are to be made to the proposed table of fares having considered the objection; and
4. **Confirm** a date of no later than 27 June for the table of fares, with or without modification, to come into effect.

1. Introduction and Background

- 1.1 The purpose of this report is to feedback on the statutory consultation in relation to the recent request from a Hackney Carriage Proprietor to increase the maximum chargeable fares payable by the travelling public for hackney carriage journeys.
- 1.2 Members are requested to determine whether or not to modify the recently published Hackney Carriage fare tariff in light of the one objection received during the consultation period.
- 1.3 Any changes to the table of fares must be decided by the Licensing Committee and a notice must be published in accordance with s.65 setting out a period of not less than fourteen days to allow for objections to be made. In the event that any objections are received within the period specified, and not withdrawn, the Council must set a further date not later than two months after the first specified date (being the last date for objections) for the table of fares to come into effect with or without modifications as described by them.
- 1.4 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may fix the maximum rate of fares within the Borough and all other charges in connection with the hire of a hackney carriage vehicle; this is done by means of a table which is to be referred to as “the table of fares”. Private Hire vehicles can set their own fares and are therefore not the subject of this report.
- 1.5 The last rise in maximum fares took effect on 1st April 2019.
- 1.6 During the consultation period the Council received 3 responses in support of the proposal from existing drivers, supporting the proposed increase. See Appendices A, B and C and 1 objection to the proposed increase from an existing proprietor, see Appendix D.
- 1.7 As an objection to the proposed table of fares has been received (Appendix D) and not withdrawn, the matter must be considered further to decide whether or not to modify the proposed table of fares further before it comes into effect by 27th June 2022.

2. Options Considered

- 2.1 Is to agree the increased fares as proposed at the Licensing Committee on 5th April 2022; or
- 2.2 To agree the fees taking into consideration the objection received during the consultation period.

3. Preferred Option and Reason

- 2.3 Members approve the proposed revised table of fares at Appendix E as drafted, without modification.
- 2.4 Members consider the contents of the report and in light of the objection, modify the proposed revised table of fares in accordance with alternatives highlighted at Appendix F.
- 2.5 The setting of fares is a statutory power available to the Council and it is the Council's responsibility to strike a balance between setting a fare that is acceptable to the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 2.6 It is important that the Council through its licensing functions protects the public by ensuring that the fares charged by licensed Hackney Carriages are fair and justified and not excessive.
- 2.7 The last fare increase was 2019 however TWBC fares are already currently in the upper quartile nationally.

3. Consultation on Options

- 3.1 If the increase, as detailed in the report is approved, with or without modifications, the licensing team will update the website accordingly.
- 3.2 The trade has the ability to seek modifications in fares at any point therefore would not be prevented from seeking further considerations at a later point if required

4. Implementation

- 4.1 Once the fares have been agreed and set, the meter should be set to the agreed rate by an approved installer at a cost to the proprietor/driver.

5. Appendices and Background Documents

Appendices:

- Appendix A: Response in support of proposed increase
- Appendix B: Response in support of proposed increase
- Appendix C: Response in support of proposed increase
- Appendix D: Objection to proposed fare increase
- Appendix E: Initial proposed fare increase

Agenda Item 6

- Appendix F: Suggested variances raised by objector compared to the initial proposed fare increase request.

Background document:

- <https://democracy.tunbridgewells.gov.uk/documents/g5248/Public%20reports%20pack%20005th-Apr-2022%2018.30%20Licensing%20Committee.pdf?T=10>
- <https://tunbridgewells.gov.uk/licensing/taxis-and-private-hire/taxi-fares/hackney-carriage-fares>

6. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Local authorities have a discretionary power to determine Hackney Carriage fares, under s.65 of the Local Government (Miscellaneous Provisions) Act 1976.

When a district council make or vary a table of fares they shall publish, in at least one local newspaper circulating in the district, a Notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than 14 days from the date of the first publication of the Notice, within which objections to the table of fares or variation can be made.

If no objection to a table of fares or variation is duly made within the period specified in the Notice, or if all objections so made are withdrawn, the table of fares or variations shall come into operation on the date of the expiration of the period specified in the notice, or the date of withdrawn of the objection or, if more than one, of the last objection, whichever date is the later.

If any objection is duly made the Council shall set a further date, not later than two months after the first specified date on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

There is no right of appeal against the fares once set.

Helen Ward, Mid Kent Legal Services Lawyer (Contentious), 27.05.2022

B. Finance and Other Resources

No implications for the Council, however there may to passengers, proprietors and possibly drivers of Hackney Carriages

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

C. Staffing

The report does not propose any changes to staffing

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

D. Risk Management

No risks identified

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

E. Environment and Sustainability

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

F. Community Safety

No issues identified. The provision of licensed hackney carriages allows the public to travel in safety. This reduces both the opportunity for crime and the fear of crime

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

G. Equalities

It is important that the Council, through its licensing functions, protects the public by ensuring that the fares charged by the licensed hackney carriages are fair and justified and not excessive.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

H. Data Protection

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

I. Health and Safety

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

J. Health and Wellbeing

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

From: altin
Sent: 20 April 2022 10:35
To: Licensing (TWBC) <Licensing@TunbridgeWells.gov.uk>
Subject: Fair price increases

Altin Thana
Badge D5826
Reason
To cover the fuel price increase and other cost increase regarding Taxi Job.
Many thanks
Altin Thana

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From: Daniel Xhallari
Sent: 20 April 2022 10:30
To: Licensing (TWBC) <Licensing@TunbridgeWells.gov.uk>
Subject: Fair price increases

Daniel xhallari
Badge nr D160
Reason
To keep up with the fuel price increase but to the amount which protect also our costumers
Many thanks
Daniel xhallari

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Appendix C

From: sher sher
Sent: 20 April 2022 09:57
To: Licensing (TWBC) <Licensing@TunbridgeWells.gov.uk>
Subject: Tunbridge Wells taxi fare increase

Dear sir / Madam

My name is Sherzod Nosirov lam Hackney taxi driver in Tunbridge Wells . We have to increase fare Hackney taxi of Tunbridge Wells . Reason why , fuel price going up , life expenses going up . Many thanks

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Appendix D

From: Shujamumtaz52 Baraki
Sent: 27 April 2022 15:32
To: Licensing (TWBC) <Licensing@TunbridgeWells.gov.uk>
Subject: The proposed variation/increases

Thank you for your email. Increasing fares is a step in the right direction. However, the suggested increase is not enough to keep our businesses afloat. We are all well aware that recently the energy prices have risen sharply and affected us all in more ways than we could ever imagine.

Firstly, the fuel prices, energy prices, supermarket prices and general cost of living has increased and in some cases the soaring increase is up to 70%. It is also an increase in the cost of our licences, the MOT... While the prices are increasing in all aspects of our lives, our jobs still remain 30% lower than pre-pandemic highs. People are still afraid of covid and useless public transport. All of our drivers work an extra 2h per shift to make the difference and still have difficulty paying their bills.

Tunbridge Wells' hackney carriage association welcome and agrees that fare has to change in order to lower our pressure.

From the table of the proposed charge, an increase of 80p/run (from £4.00 to £4.80): Even though this 80p increase will not cover even our fuel costs, we are still happy and accept the increase as we cannot tell our customers of the sudden increase.

After the initial charges, there is no proposed change/variation for the weekend hire. However, we request to increase at least 20p/mile for all the days of the week. Due to same above reasons, so we cover our fixed costs.

In regard to additional passengers proposed charge/variation, I must say, I have been a taxi driver in Tunbridge Wells for many years, and I have never asked my customers to pay an extra 20p per person when there are more than 4 passengers. It is too embarrassing to ask. If you do a survey, beside a couple of drivers, the majority will say they can never ask for this extra 20 p per person.

Furthermore, regarding the larger taxis with disabled access, we all agree that their cost is double that of a smaller taxi and consumes double the fuel of a saloon car. For example, as a saloon car can take 4 passengers, one can buy it for up to £20,000 where as the larger taxi with disabled access (similar to mine and a few others), the price difference is double, and We can't afford to buy a newer car in this circumstance. Therefore, we were left with no choice but to drive the older taxi with higher fuel consumption.

Our suggestion is like other cities and towns, as we hear, to have a fixed price when there are more than 4 passengers. This is easily understandable for passengers too instead of calculating the increase per person. Our suggestion for this fixed price is £2 when there is an excess of 4 passengers. Keep in mind that our passengers come with their multiple large languages, and we do not charge any extra for those.

Hackney carriage prices are very reasonable compared to the private hire as they charge a fare and a half if there are more than five passengers.

I hope you consider our suggestion These suggestions are requested from all the hackney carriage drivers of the Tunbridge Wells.

Tunbridge wells Hackney carriage association.

Sincerely,

Shujaullah Baraki

The head of Tunbridge wells Hackney carriage association.

Appendix E

Initial fare increase request.

	Current charge	Proposed charge/variation
Initial Charge For the first 8/10 mile (1,408 yards) whilst in motion, the first 10 minutes whilst stationary or a combination of both.	Tariff 1 - 4.00	4.80
	Tariff 2 - 6.00	6.80
	Tariff 3 - 8.00	No change to current charge
Weekend Hiring For any hiring commencing at any time Saturday and any time Sunday or Monday before 06:00	£0.80	Surcharge to be removed
Additional passengers Per person in excess of 2 passengers, excluding children under 1 year of age	£0.20	In excess of 4 passengers and also an increase to £0.50
Maximum Spoilage Charge	£85.00	£100.00
Congestion charges, tolls and car parking incurred during hiring Any charges(s) detailed above, incurred as a result of a passenger's instruction may be added to the fare.	Congestion charges, tolls and car parking incurred during hiring	To include ULEZ

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Appendix F

Suggested variances raised by objector compared to the proposed fare increase request.

	Current charge	Proposed charge/variation	Objection with alternatives
Initial Charge For the first 8/10 mile (1,408 yards) whilst in motion, the first 10 minutes whilst stationary or a combination of both.	Tariff 1 - 4.00	4.80	Additional 20p on top of proposal to bring to £5.
	Tariff 2 - 6.00	6.80	Additional 20p on top of proposal to bring to £7.
	Tariff 3 - 8.00	No change to current charge	
Weekend Hiring For any hiring commencing at any time Saturday and any time Sunday or Monday before 06:00	£0.80	Surcharge to be removed	Weekend rate should not be removed and in fact it should be extended to cover Monday to Sunday and the fee should remain at 20p
Additional passengers Per person in excess of 2 passengers, excluding children under 1 year of age	£0.20	In excess of 4 passengers and also an increase to £0.50	For vehicles carrying over 4 passengers or more this should be a flat rate of £2, instead of 50p.
Maximum Spoilage Charge	£85.00	£100.00	
Congestion charges, tolls and car parking incurred during hiring Any charges(s) detailed above, incurred as a result of a passenger's instruction may be added to the fare.	Congestion charges, tolls and car parking incurred during hiring	To include ULEZ	

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Urgent Business

For Licencing Committee on Monday 13 June 2022

Procedural Item

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

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Date of the Next Meeting

For Licencing Committee on Monday 13 June 2022

Procedural Item

To note that the next scheduled meeting is Tuesday 28 June 2022.

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