

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

Meeting, Thursday 21st July, 2016  
at 2.00 p.m. (Drawing Room)

**A G E N D A**

**PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. **Declarations of Interest.**

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable 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).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 30th June, 2016 (copy attached) and the Minutes of the Special meeting held on 5th, 6th and 7th July, 2016 (TO FOLLOW).

**FOR DECISION**

- (D) 7. Annual Review of the Hackney Carriage Tariff.

**NOTE (D) - Delegated  
(R) - For Referral to Council**

**Membership of Committee**

Councillors Callister (Chairman)  
Seward (Vice-Chairman)  
Biggins  
Cassells  
Derbyshire  
Gill  
Heath  
W. McClure  
Maddox  
Proffitt  
Wall  
One Vacancy

**For queries regarding this agenda, please contact:**

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Published: 13th July, 2016

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

Meeting: Thursday 30th June, 2016  
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman) (Minute Nos. 10-12 and 15 only), Seward (Vice-Chairman), Biggins, Cassells, Derbyshire, Maddox, Proffitt and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer).

Legal Representative:- Paul O'Donnell (Local Authority Retained Solicitor).

**10 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006**

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute Nos. 15 and 16) of Part One of Schedule 12A of the said Act.

**11 – Apologies for Absence/Attendance of Substitute Members**

An apology for absence was submitted from Councillor W. McClure.

**12 – Minutes**

The Minutes of the meeting held on 12th May, 2016 were taken as read and confirmed.

The Minute of the Licensing Sub-Committee held on 16th May, 2016 were noted.

**13 – Application for a Street Collection Permit – The Royal British Legion Poppy Appeal 2016**

The Principal Environmental Protection and Licensing Officer reported that an application had been made to the Licensing Authority for a Street Collection Permit on behalf of The Royal British Legion Poppy Appeal 2016. The dates requested were Saturday 5th - Saturday 12th November, 2016 (inclusive). This required Members to exercise their powers to hear applications to vary any limitation or term imposed on a consent, licence or permission, in accordance with Minute No. 1.3 (ii) of the current allocation Policy for street collections/flag days.

A copy of the application was attached as an appendix to the Officer's report.

The application outlined the organiser's intention to carry out street collections including the offerings of poppies from trays and collection of monies in sealed receptacles throughout the week, leading up to Remembrance Day.

The Police, Factories and (Miscellaneous Provisions) Act 1916 allowed local authorities to make regulations regarding street collections, where and conditions under which, persons may collect money or sell articles for the benefit of charity "or other purposes"

The current allocation policy for street collections/flag days was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993/94) of the Licensing Sub-Committee as follows:-

- a) That it be adopted as policy that once a particular date had been allocated to a charity, no further application from other charities for the same date would be permitted.
- b) No organisation would be granted more than one collection date in each calendar year.
- c) That preference would continue to be given to charities who use money collected locally.
- d) That no more than 50 street collection permits will be granted in a calendar year, such permits to be for collection days either on Fridays or Saturdays. No mid-week collections to be allowed.
- e) Organisations must comply with the Borough of Barrow-in-Furness Street Collection Regulations and submit a statement of accounts following their street collection in order for similar applications to be considered in future years.
- f) Minute No. 1.3 (ii) resolves to vary current general allocation policy to enable the Sub-Committee and/or the Panel to receive applications for additional collections in cases of special celebrations relevant to individual charities from time to time.

Additional information had been supplied by the applicant in support of their application which was attached as an appendix to the Officer's report.

The applicant had been invited to attend the Committee but had submitted the above information via email.

**RESOLVED:-** That the Street Collection for the Royal British Legion Poppy Appeal 2016 be granted for the selected dates; Saturday 5th - Saturday 12th November, 2016 (inclusive).

## **14 – The Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy**

The Principal Environmental Protection and Licensing Officer reported that Officers had completed a review of the current guidelines on the fitness of applicants for licensed drivers, and had developed a new draft policy for consultation. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013 (the Jay Report), and specifically in the context of the controls Councils could impose for the licensing of private hire and hackney carriage drivers.

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provided that a District Council shall not grant a Hackney Carriage or Private Hire Driver licence unless they were satisfied that the applicant was a fit and proper person to hold a licence. No definition of 'fit and proper' was offered and the Council's discretion was wide-ranging.

Currently, before an applicant could be granted a Hackney Carriage or Private Hire Vehicle Driver's Licence they were required to prove that they were a 'fit and proper person'. Therefore they had to undertake the following tests:-

- An Enhanced Disclosure and Barring Service Check (DBS) which highlights any history of criminality. Hackney Carriage and Private Hire drivers are exempt from the Rehabilitation of Offenders Act 1974 (as amended). Consequently, the Council is able to consider the applicant's full history and note any patterns of behaviour/concern. The Council's Guidelines on the relevance of convictions are then applied to any past criminality. This may prevent applicants from becoming licensed, if deemed appropriate by Members.
- A check with the Driver and Vehicle Licensing Agency (DVLA) to ensure that they are able to drive and what offences (if any) they may have.
- A DVLA Group Two Medical - this is the same level as that required to be a Heavy Goods Vehicle (HGV) Driver.
- Present a Certificate of Good Conduct from the Country where they have resided, if they have lived out of the UK for a period of six months or longer since the age of ten (the age of criminal responsibility) to prove their previous good character.

The Council had a duty to ensure that those licensed to drive hackney carriages and private hire vehicles were suitable persons to do so, and would wish to satisfy itself that applicants and licensed drivers were safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

The new draft Policy was attached as an appendix to the Officer's report and was an amalgamation of the current guidelines used by Officers and Members to determine an applicants fitness and covered the following areas:-

- Driving Entitlement;
- Character and Licensing History;
- Medical Suitability;
- Training Requirements;
- the Right to Work in the UK; and
- Criminal Convictions, Cautions and Reprimands.

The draft policy was the basis on which all applications were determined, however it was important to note that every application must be treated on its own merits, and where decisions may be made that departed from the Policy, that decision should be accompanied by full reasons.

All decisions to grant or refuse a licence, including any Officer using delegated powers, would do so in accordance with this policy. Every decision would be recorded stating the facts upon which the decision was made and full reasons for the decision. Those making the decision should be aware that departing without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.

The draft policy included a new training requirement. The Licensing Authority had identified that there was a need for appropriate training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness. Upon application or during the course of their licence, applicants or drivers would be required to undertake relevant training, as determined by the Licensing Authority.

Members' attention was drawn to this new paragraph in the report. Section 5 of the draft policy was detailed below:-

## **5. Training Requirements**

- 5.1 The Licensing Authority has identified that from time to time there will be a need for specific training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness.
- 5.2 Upon application or during the course of their licence, applicants / drivers will be required to undertake appropriate training, as determined by the Licensing Authority.
- 5.3 Failure to undertake the required training within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.4 Where outside bodies, charitable organisations or professional providers are employed by the Council to deliver bespoke training, any costs incurred will be recovered through licensing fees. All costs will be kept a minimum. The

Licensing Authority has adequate in-house facilities to enable cost-effective training.

- 5.5 The Council will have 'Safeguarding' policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a hackney carriage and private hire, drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.
- 5.6 From the date of adoption of this policy, all applicants ( new and renewal ) for hackney carriage and private hire drivers' licences will be required to attend a Safeguarding Awareness training session. Failure to attend within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.7 Safeguarding Awareness sessions will be free of charge, for the first 12 months, following the adoption of this policy. Subsequent sessions will incur a cost recoverable through licensing fees.
- 5.8 Applicants for hackney carriage and private hire drivers' licences will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. All new applicants will be required to pass a knowledge test as part of the application procedure.
- 5.9 Existing drivers, from the date of adoption of this policy, will be required to undertake the same knowledge test upon drivers licence renewal. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.10 All applicants will be given the necessary information needed to pass the knowledge test, prior to booking the test. Any individuals learning needs will be taken into consideration and adjustments made where necessary.
- 5.11 The test will encompass questions, the majority of which are multiple choice, which will access the drivers' knowledge in the following areas:

#### **Local Geography**

Applicants will be tested on their knowledge of Barrow Borough Council geography, recording the shortest routes between locations and identifying where local landmarks are.

#### **Highway Code**

Applicants will be asked to answer a number of questions as to driving skill, road information and etiquette as set out in the Highway Code.

## **Licensed driver responsibilities and Licence conditions**

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing, and a drivers responsibilities.

### **Numeracy**

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

### **Disability awareness**

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers.

### **General**

Questions covering vehicle maintenance, seat belts, smoking.

- 5.12 A maximum number of 3 attempts has been imposed for which applicants (for the grant of a new hackney carriage/private hire drivers licence) are able to undertake the Council's knowledge test (numeracy, highway code, local geography, driver responsibilities etc.), after which there will be a minimum period of six months before any new testing may take place.
- 5.13 Existing licensed drivers, who are required to take the knowledge test upon renewal, will again have a maximum number of 3 attempts to pass and must take this into consideration when applying to renew their licence. To facilitate this, existing drivers can take the knowledge test at any of the sessions before their renewal date. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.14 The knowledge test is conducted at the Council Offices, twice a month. A timetable of knowledge test dates is produced annually. Applicants will not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate 75% in the test.
- 5.15 The knowledge test is only required to be passed once. However, undertaking and passing the knowledge test may be used as an option that is available to Members, when considering whether or not a driver is a fit and proper person, following justified complaints of conduct or poor character.

When the Licensing Authority proposed to make significant changes which would affect licence holders, it was appropriate to undertake a public consultation. An initial consultation regarding safeguarding awareness and the knowledge test proposals took place between 10th March, 2016 and 7th April, 2016, via the Council's Website and directly via email with:-



- Current licence holders (where email details were held);
- Private Hire Operators;
- Furness Taxi Association;
- National Taxi Association;
- Cumbria Police; and
- Cumbria County Council (Safeguarding).

Copies of this initial consultation email and information were attached as an appendix to the report. Only one response had been received from a Taxi Driver, albeit a positive one. A copy of the response was detailed in the Officer's report.

Officers had considered that only one response may not be representative, however the introduction of this policy would ensure that Safeguarding Awareness and training could be adequately addressed.

The Environmental Protection and Licensing Officer therefore proposed to carry out a further public consultation on the draft Policy. Any amendments would be brought back to the Licensing Regulatory Committee with a recommendation to Council. Members would be kept informed of developments regarding the consultation and it would be necessary for this new policy to be approved by Council.

It was moved by Councillor Proffitt that the paragraph on pages 12 and 13 of the Draft Policy (Disability Awareness) be amended to read "All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers and any individual who has a protected characteristic under the Equality Act 2010 (or as amended)".

A vote was taken upon the amendment and it was unanimously carried; and

RESOLVED:- That

- (i) The amalgamation of current Council guidance on the inclusion of the training requirement within the Hackney Carriage and Private Hire Licensing regime through the introduction of the Fitness of Applicants for Hackney Carriage and Private Hire Drivers Licences Policy be approved;
- (ii) A public consultation of the New Draft Fitness of Applicants for Hackney Carriage and Private Hire Drivers Licensing Policy be approved;
- (iii) Following consultation the Licensing Regulatory Committee consider responses and amendments to the Draft Policy and then make recommendations to Council for approval; and
- (iv) An amendment be made to the Draft Policy and the paragraph regarding Disability Awareness on pages 12/13 which should read as follows:-  
 "All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers and any individual who has a protected characteristic under the Equality Act 2010 (or as amended)".

### **15 – Application for a New Hackney Carriage Vehicle Licence**

The Principal Environmental Protection and Licensing Officer reported on an application which had been received for a new Hackney Carriage Vehicle Licence.

He set out details concerning the application and the Committee's Policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

RESOLVED:- That the application be refused.

### **16 – Application for a New Hackney Carriage Vehicle Licence**

The Principal Environmental Protection and Licensing Officer reported on an application which had been received for a new Hackney Carriage Vehicle Licence.

He set out details concerning the application and the Committee's Policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

RESOLVED:- That the application be refused.

In accordance with Paragraph 15.4 of the Council's Constitution, Councillor Biggins requested his right to require his individual vote be recorded.

Councillor Biggins abstained from voting.

The meeting closed at 3.50 p.m.

<b>LICENSING REGULATORY COMMITTEE</b>	<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>7</b>
<b>Date of Meeting: 21st July, 2016</b>	
<b>Reporting Officer: Principal Environmental Protection &amp; Licensing Officer</b>	
<p><b>Title: Annual Review of the Hackney Carriage Tariff</b></p> <p><b>Report Summary:</b></p> <p>Officers have completed a review of the Hackney Carriage Tariff (Table of Fares). A new methodology has been used to determine any increase in fares and a direct comparison undertaken against the national average and local fares. The Hackney Carriage trade have been consulted on the findings.</p> <p>The report asks Members, to approve the methodology for future annual reviews and to approve no increase in tariff for 2016/17.</p>	

## 1. Introduction

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may fix the rates or fares within the district as well for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (a "table of fares") made or varied in accordance with the provisions of this section. This section applies only to Hackney Carriage vehicles.

## 2. Procedure

- 2.2 If the Council decides to vary the rates or fares, it must place a notice in a local newspaper. This must set out the table of fares and specify a period of at least 14 days in which objections to the table of fares or variation can be made. In addition, a copy must be made available for inspection at the Council's offices for the same period.
- 2.3 If no objections are made to the table of fares or variation within the period specified in the notice or if all objections are withdrawn, the table of fares comes into operation on the date specified in the notice or the date of withdrawal of the objection or, if more than one objection is received, the date of the last objection was withdrawn, whichever date is the later.

- 2.4 If objections are received and not withdrawn, the Council must consider those objections and specify a date, not later than two months after the date specified in the notice, on which the table of fares shall come into force, with or without modifications as decided by the Committee.
- 2.5 At its meeting of the, 21<sup>st</sup> June, 2012, the Licensing Committee, approved an increase in the Hackney Carriage Fare and resolved that these fares would be reviewed annually. Historically, this review has been instigated by the Hackney Carriage trade however, a review has not taken place since 2012.
- 2.6 At our last taxi liaison meeting the Reporting Officer assured the Hackney Carriage representatives that a review of the Hackney Carriage Fares (Tariff), would take place this financial year.

### 3. Methodology

- 3.1 Previous reviews have compared any proposed increase in our fares with the fares of neighbouring local authorities. The new methodology, used to determine any percentage increase, calculates the real costs of running a Hackney Carriage, and compares that to the national average.
- 3.2 The retail price index (RPI) in relation to transport costs and wages will be used to demonstrate 'how much' owning and running a vehicle has gone up / down (known as the variance), since the last review in 2012. The following cost areas will be reviewed individually, and used to calculate a % increase/decrease:

The costs of:

- Purchase of Vehicle
- Vehicle Maintenance
- Petrol & Oil
- Tax & Insurance
- Wages
- Licensing Fees Cost

- 3.3 The Hackney Carriage trade have been consulted on this method but more importantly, the "weighting" that is applied to each of the above costs: i.e. how important or significant, the trade think the costs in each of the areas affect them.
- 3.4 The consultation email is attached at **APPENDIX 1**. A summary of the responses is given below:

1. *I support this email to review the fare in town.*
  - Purchase of Vehicle 5%*
  - Maintenance 10%*
  - Petrol & Oil 20%*
  - Tax & Insurance 5%*
  - Wages 50%*
  - Licensing Cost 10%*

Officer Response: Noted

*2. Increase in the waiting time to 30p a minute.*

Officer Response: Noted

*3. I support the method used, criteria and weightings.*

*Purchase of Vehicle 5%*

*Maintenance 10%*

*Petrol & Oil 20%*

*Tax & Insurance 5%*

*Wages 50%*

*Licensing Cost 10%*

Officer Response: Noted

*4. a) Consideration could be given to a fuel surcharge in the event of significant fuel hikes*

*b) Maintenance costs are high due to mileage and vehicle age. Tax and Insurance needs more weighting. Wages take care of themselves*

*Purchase of Vehicle 5%*

*Maintenance 25%*

*Petrol & Oil 20%*

*Tax & Insurance 30%*

*Wages 10%*

*Licensing Cost 10%*

Officer Response:

*a) Surcharge difficult to implement, however annual review to take this into consideration.*

*b) Amended weightings.*

#### 5. Furness Taxi Trade Association

*a) Method is too complicated, a direct percentage rise would not be workable. It is best that the meter clicks up in ten or twenty pence increments to avoid copper change.*

*b) Start rate should remain the same, and the yardage reduced. (pence per 10<sup>th</sup> of mile increased)*

*c) Fares should reflect the national average and a comparison should be made with other nearby Local Authorities.*

Officer Response:

*a) A rounding would be used to eliminate small change. For clarification the percentage increase and weighting can robustly demonstrate the real 'Cost of running a Hackney'*

*b) Any increase to be applied to the rate per 10<sup>th</sup> of mile.*

*c) Barrow fares are below the National Average, but comparable with the average fares of our neighbouring districts. Our T1 flag rate is also below the National and*

*North Average. However our T2 tariff over 2 miles (midnight-7am) is £0.65 higher than the National average and £1.55 higher than the North average.*

<b>Fares as at January 2016</b>	<b>T1 @ 2 miles (£)</b>
South Lakes DC	6.40
National Average	5.68
Carlisle City	5.65
Eden DC	5.50
Local Area Average	5.46
Barrow BC	5.40
Lancaster City	5.40
North Average	5.23
Copeland DC	5.00
Allerdale DC	4.85

*6. I myself would like to see a drop in the start price to reduce the differential between the private hire and hackney start prices.*

3.5 As a result of the review, the Secretary of the Furness Taxi Trade Association has responded:

*Having spoken to a number of drivers over the weekend the feedback seems to be that fares should remain unchanged. It was pointed out that a ten pence increase on the start rate would not be justified because of the cost of adjusting the meter; some drivers would have to travel out of town depending on the type of meter.*

*Obviously there will be a review next year and perhaps things may have changed by then.*

*Hope this helps.*

3.6 The overall increase in costs, since the last review, associated with running a Hackney Carriage is 5.68%. Attached at **APPENDIX 2** is a table showing the individually calculated variances and percentage increase.

3.7 This small increase equates to approximately £0.10 on the starting price (Flag on the Normal Tariff) raising it to £2.50. This will automatically increase the starting price for:

T2 (hiring's begun between midnight and 7.00 a.m.) to £3.75 and

T3 (hiring's on all bank holidays, Christmas Eve and New Years Eve) to £5.00

#### **4. Comparison of Fares**

4.1 For Members information our current Table of Fares is given below:

<u>Normal Fare (7am until midnight)</u>	
If the distance does not exceed 805 metres (5/10 mile) for the whole distance	£2.40
If the distance exceeds 805 metres (5/10 mile) for each subsequent 161 metres (1/10 of a mile) or uncompleted part	£0.20
Waiting time – for each 30 seconds	£0.10
<u>For hirings begun between midnight and 7.00 a.m.</u>	
If the distance does not exceed 805 metres (5/10 mile) for the whole distance	£3.60
If the distance exceeds 805 metres (5/10 mile) for each subsequent 161 metres (1/10 of a mile) or uncompleted part	£0.30
Waiting time – for each 30 seconds	£0.15
<u>For hirings on all bank holidays, Christmas Eve and New Years Eve</u>	
If the distance does not exceed 805 metres (5/10 mile) for the whole distance	£4.80
If the distance exceeds 805 metres (5/10 mile) for each subsequent 161 metres (1/10 of a mile) or uncompleted part	£0.40
Waiting time for each 30 seconds	£0.20
Soiling charge - £10 outside/maximum £100 inside	
Payment of estimate may be required as deposit at start of journey	
Extra charge of £0.20 per person over two people.	

4.2 For direct comparison the following table below shows the fares for our neighbouring Councils and the National and Northern averages. Barrow Borough Council fares are comparable with the average of our neighbours and between the Northern and National Averages for a 2 mile journey during the day.

	National Average Fare	North Average Fare	Barrow BC	Allerdale	Copeland	Lancaster	Eden	Carlisle	South Lakeland
Flag at T1	£2.76	£2.46	£2.40						
Flag at T2	£3.63	£3.05	£3.60						
1 mile fare T1	£3.82	£3.52	£3.40						
1 mile fare T2	£5.02	£4.37	£5.10						
2 mile fare T1	£5.68	£5.23	£5.40	£4.85	£5.00	£5.40	£5.50	£5.65	£6.40
2 mile fare T2	£7.45	£6.55	£8.10						

Flag – the starting fare

T1 – Normal Tariff

T2 – Midnight to 7am Tariff

National & Northern averages were published in Private Hire & Taxi Monthly (January 2016).

4.3 Barrow Borough Council fares (2 mile fare at T1) are ranked between 230 and 253 (along with 23 other Local Authorities) out of 365, nationally.

4.4 Officers will continue to work with the Hackney Carriage trade to review the differential between the starting rates with those of the Private Hire trade and the rate per  $\frac{1}{10}$  of a mile.

4.5 For Members information, the previous increase in 2012, saw a rise of 21.4% on the 1 mile fare and 17.4% on the 2 mile fare.

## 5. Options

The options available to Members are;

- a) Approve the methodology used to determine any future increase in Hackney Carriage fares;
- b) Reject or amend the methodology used to determine any increase in the Hackney Carriage fares;
- c) Approve no increase in Table of Fares for 2016/17;
- d) Approve an increase of 5.68% to the Barrow Borough Council Table of Fares and instruct Officers to publish a NOTICE of variation in accordance with the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

## 6. Recommendation

I recommend that Members:-

- a) Approve the methodology used to determine any future increase in Hackney Carriage fares; and
- b) Approve NO increase in tariff for 2016/17.

## 7. Reasons for Recommendation

- a) The methodology uses robust statistics from the Office for National Statistics (ONS), to show the real cost to the Hackney Carriage trade of running and licensing a vehicle.
- b) The duty placed on the local authority to fix or vary the fares, is a permissive power.
- c) The cost to the Hackney Carriage trade in changing the tariffs on their meters, is disproportionate to the fare increase.
- d) There are likely to be objections to the fare increase from the Hackney Carriage trade, requiring a further review and consultation.



## 8. Considerations

### (i) Legal Implications

Local Government (Miscellaneous Provisions) Act 1976

Section 65 - Fixing of fares for hackney carriages.

- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.
- (2) (a) 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 fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.  
  
(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4) If objection is duly made as aforesaid and is not withdrawn, the district 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.
- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates

and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.

(7) Section 236(8) (except the words "when confirmed") and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section as they apply to byelaws made by a district council.

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

Any costs incurred from carrying out the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, are recharged directly to the Hackney Carriage Vehicle proprietors and drivers, through their licensing fees.

(iv) Key Priorities or Corporate Aims

Not applicable.

(v) Equality and Diversity

There are no issues relating to equality or diversity.

(vi) Other Human Rights

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect another's' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.

(vii) Health and Well-being Implications

None.

Background Papers

Minute No.11 Licensing Committee, 21<sup>st</sup> June, 2012.

Private Hire and Taxi Monthly. Pages 74/75 – National Fares Tables, available from:  
<http://edition.pagesuite-professional.co.uk//launch.aspx?eid=dea5848f-259f-4b18-b544-ead42d385685>

**From:** Commercial Services  
**To:** Env Health  
**Subject:** Hackney Carriage Fare Review 2016  
**Date:** 02 June 2016 17:20:23

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### Hackney Carriage Fare Review 2016

To all Hackney Carriage Proprietors / Drivers (Email Contacts) and the Furness Taxi Trade Association,

At our last taxi liaison meeting I assured the Hackney Carriage representatives that I would be reviewing the Hackney Carriage Fares (Tariff), in this financial year. The fares were last reviewed in 2012.

It is proposed that the retail price index (RPI) in relation to transport costs and wages will be used to demonstrate 'how much' owning and running a vehicle has gone up / down (known as the variance), since the last review in 2012. I will also be including the variance to demonstrate the increase in the licensing fees since 2012. The following cost areas will be reviewed individually, and used to calculate a % increase/decrease:

The costs of:

1. Purchase of Vehicle
2. Vehicle Maintenance
3. Petrol & Oil
4. Tax & Insurance
5. Wages
6. Licensing Fees Cost

More importantly, I'm contacting you as a hackney vehicle proprietor / driver and the trade association, as I would like to gauge your support of this method in principle and also agree the "weighting" that is applied to each of the above costs. i.e. how important or significant, you think the costs in each area affect you. The weighting is a percentage, example below:

Purchase of Vehicle	5%
Maintenance	10%
Petrol & Oil	20%
Tax & Insurance	5%
Wages	50%
Licensing Cost	10%

This percentage is then multiplied by the variance to calculate the overall increase.

I would be grateful, by return email to [commercial@barrowbc.gov.uk](mailto:commercial@barrowbc.gov.uk) **before 17<sup>th</sup> June 2016**, if you could indicate whether or not you support this method of review and also what weighting you would apply to each of the cost areas. I will review the responses in two weeks time (17<sup>th</sup> June 2016) and I will inform you of the results as soon as possible after the deadline. If you are aware of any drivers or proprietors that may not have access to emails, please share this information with them. Paper copies will also be available from the Licensing Office.

<b>Are you:</b>	<b>Hackney Vehicle Owner</b>	<b>Hackney Driver</b>
<b>Support method used</b>	<b>Yes</b>	<b>No</b>
<b>Cost Areas</b>	<b>Weighting</b>	
Purchase of Vehicle		
Vehicle Maintenance		
Petrol & Oil		
Tax & Insurance		
Wages		
Licensing Fees Cost		

I am not intending to change the existing criteria for time and a half and double time, but if you have any additional comments please include them in your reply. As you will be aware the process will also involve a public consultation on the Fares if they change and approval from the Licensing Regulatory Committee.

Graham Barker  
Principal Environmental Protection & Licensing Officer  
Environmental Health Dept  
Barrow Borough Council  
Town Hall, Duke Street,  
Barrow-in-Furness  
Cumbria. LA14 2LD

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[www.barrowbc.gov.uk](http://www.barrowbc.gov.uk)

**TAXI FARE REVIEW 2016**

	2012	2013	2014	2015	2016	Variance since last Review	Weighting agreed with Hackney Trade	Total
<b>Retail Prices Index:</b>								
<b>transport components: <sup>1</sup></b>								
Purchase of Vehicle	69.0	68.2	68.2	66.7	Data not available	-0.83	5	-4.15
Maintenance	203.9	208.9	214.4	218.4		5.49	15	82.35
Petrol & Oil	220.3	218.2	207.7	180.2		-15.97	20	-319.40
Tax & Insurance	270.8	273.4	280.3	293.2		8.68	13	112.84
<b>Annual Weekly Earnings <sup>2</sup></b>								
Wages	468	474	480	492	Data not available	8.87	37	328.19
<b>Licensing Cost</b>								
(Badge / Plate / Test (x2) / Unmet Demand Survey	231	289	306	306	344	36.81	10	368.10
							<b>Total %</b>	<b>5.68</b>

1. The RPI all motor index includes purchase of a vehicle, maintenance, petrol and oil and tax and insurance. Transport expenditure (Table TSGB1308):

<https://www.gov.uk/government/statistical-data-sets/transport-expenditure-tsgb13>

2. The level and growth rate of average weekly earnings

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/timeseries/kab9>