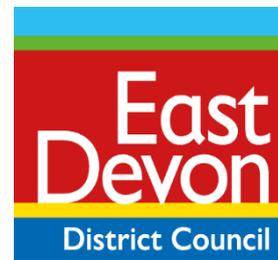


**Agenda for consultative meeting of the
Licensing and Enforcement Committee
Wednesday, 23rd February, 2022, 11.00 am**



Members of Licensing and Enforcement Committee

Councillors J Whibley (Chair), K Bloxham (Vice-Chair),
M Chapman, I Chubb, A Dent, S Gazzard,
M Hartnell, P Jarvis, D Manley, C Pepper,
G Pratt, B Taylor, T Woodward, T Wright and
P Millar

East Devon District Council
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Venue: Online via the Zoom app

Contact: Sarah Jenkins 01395 517406; email
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(or group number 01395 517546)
Tuesday, 15 February 2022

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LV4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-public-meetings/#article-content>

Between 8th December 2021 to 11th May 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 Public Speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 6)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 Quarterly Licensing Committee Report (Pages 7 - 12)

8 Report on NR3 Database (Pages 13 - 16)

9 Report on Taxi Fares (Pages 17 - 27)

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the consultative meeting of Licensing and Enforcement Committee held Online via the Zoom app on 17 November 2021****Attendance list at end of document**

The meeting started at 11.00 am and ended at 12.25 pm

10 Public Speaking

There were no members of the public registered to speak.

11 Minutes of the previous meeting held on 21 July 2021

The minutes of the meeting held on 21 July 2021 were recommended for approval by Senior Officers.

12 Declarations of interest

There were no declarations of interest.

13 Matters of urgency

There were no matters of urgency.

14 Confidential/exempt item(s)

There was one item which Officers recommended should be dealt with in this way.

15 Quarterly Update Report

A report from the Licensing Manager provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi Legislation and General Licensing including Street Trading and Pavement Licences. The report, which covered the period from July to November 2021, informed the Committee of work undertaken and covered strategic or national updates for each area of work that the Licensing Team oversees.

The Licensing Manager highlighted the following points from the report:

- Regarding taxi vehicle and driver licences, it was noted that numbers have fallen nationally, largely due to the Covid-19 pandemic, however, East Devon is one of the few areas which has seen a slight upturn.
- It was noted that legislation requiring tax checks as a condition applying to all licence applications for taxi and private hire drivers will come into effect in April 2022
- Licensing Officers and Members had attended a webinar regarding an update on the new Statutory Standards which should be incorporated within existing taxi policies
- A key area of work for EDDC, as for all other Devon licensing authorities, will be signing up to the national taxi refusal database, NR3, which will become a legal requirement. This will allow secure information sharing on revoked or refused

licences. The recent consolidation of staffing levels in the Licensing Team will support the additional work load due to this requirement.

- Regarding mandatory training for Members, further dates are expected to be available next year which should assist with increasing the pool of trained Councillors able to sit on hearings.

In response to the report, the following points were discussed:

- The increase in Licensing Act applications, together with the pressure on staffing levels, had not resulted in work not being undertaken, however, it had impacted on the pro-activity of the Licensing Team.
- Premises notifying the licensing authority of gaming machines are checked and it is hoped that inspections can increase next year due to the consolidation of staffing levels.
- It was noted that StreetScene undertakes its own consultations for events on EDDC land and that these may be less detailed than licensing consultations. The Licensing Manager would raise this point with StreetScene.

The Committee wished to record its thanks for the high performance of the Licensing Team in very difficult circumstances recently.

The Licensing Manager's update report was accepted and noted by the Committee.

16 **Gambling Policy Report**

The Licensing Manager presented his report regarding the tri-annual review of the Council's Gambling Policy and policy adoption. It was noted that it is a legal requirement of the Gambling Act 2005 for the Council to determine a Gambling Policy in order to carry out its statutory functions under the Act. The Committee and Officers must have regard to the Gambling Licensing Policy when deciding upon licence applications and the Policy must be reviewed at least every three years. As the Policy was last reviewed in 2019, an amended Policy must be adopted by the Council by 31 January 2022.

The Licensing Manager highlighted the following points:

- The consultation timeline was set out at 1.6 in the report and it was noted that the response had been low.
- Development of a Local Area Profile had started and work is on-going.
- Under the Gambling Act 2005 the Council can adopt a 'No Casinos' resolution.

Discussion by Members highlighted the benefits of adopting a 'No Casinos' policy which included protecting children and disadvantaged groups most likely to suffer from the effects of gambling. A 'No Casinos' policy would also link with the Council's adopted Anti-poverty Strategy.

The Committee noted the results of the public consultation undertaken on the Council's draft Policy relating to the Gambling Act 2005.

RECOMMENDATIONS TO FULL COUNCIL

1. That, at its meeting on 8 December 2021, Council adopts for the period 31 January 2022 to 31 January 2025 the East Devon Gambling Act Licensing Policy
2. That Council resolves to adopt a 'No Casino' policy as part of its Gambling Act 2005 statutory policy.

17 **Taxi Fare Tariff Report**

The Licensing Manager presented his report which asked that the Committee considers a request from East Devon Hackney Carriage Licensees to increase the current Taxi Fare Tariff and to adopt a new Hackney Carriage fare table. The current tariff and information setting out the background to the request was contained in the appendices to the report.

The report recommended that a period of three months be allowed for Officers to provide more detailed information and with a revised table of fares before the Committee considers whether to proceed with or decline the request for an increase.

Having considered the report and noted the request to increase the current Hackney Carriage Table of Fares, the Committee agreed that Licensing Officers scope the work within the next 3 – 4 months.

18 **Confidential / exempt item**

There is one item to follow which Officers recommend should be dealt with after the public and press have been excluded, in accordance with local government legislation.

The Chair thanked those who had been watched the meeting online.

Accordingly, the public part of this meeting ended and the live stream to YouTube was switched off

19 **Report Regarding Suspension of Licensed Drivers**

The Licensing Manager presented a report updating the Committee with regard to the suspension of licensed drivers.

The report was noted and it was agreed that the Licensing Manager draft a letter to the Police and Crime Commissioner and the Chief Officer (Devon and Cornwall Police) requesting improved recording keeping and a more expeditious exchange of information which impacts on the work of the licensing authority.

Attendance List

Councillors present:

J Whibley (Chair)
K Bloxham (Vice-Chair)
M Chapman
P Jarvis
P Millar
G Pratt
B Taylor
T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Sarah Helman, Democratic Services Officer
page 5

Sarah Jenkins, Democratic Services Officer
Lucy Maxwell, Licensing Officer
Giles Salter, Solicitor
Stephen Saunders, Licensing Manager

Councillor apologies:

A Dent
S Gazzard
M Hartnell
T Woodward

Chair

Date:

Report to: Licensing and Enforcement Committee

Date of Meeting 23 February 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing

Report summary:

The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licences

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the report be noted

Reason for recommendation:

To keep the Council's statutory committee up to date with current arrangements relating to the Licensing Service

Officer: Steve Saunders, Licensing Manager (Governance and Licensing)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Licensing Act 2003

1.1 Applications Received, Licences Issued and Notices Given

- 1.1.1 This report informs the Committee with regard to any strategic or national updates for each area of licensing work covering the period from November 2021 to February 2022. Applications continue to be received as businesses emerge from the pandemic with further increases in the number of premises licences issued when compared to the same period of 2020/21.
- 1.1.2 Previously, the early months of each year historically saw lower numbers of applications received with volume increasing as each year progressed. However at the time of preparing this report, 14 premises applications were under consultation, 8 being new licences, including 3 festival events and the variation of a licence for a festival planned this year. Communication with event organisers indicates that a number of applications are still anticipated for new festivals being planned across the district this year.

1.2 Hearings

- 1.2.1 Licensing officers arrange mediation if appropriate when representations are received for applications and there were two contested applications over the previous period.
- 1.2.2 Licensing sub-committee hearings have occurred on:
 - 24th November for a new premises licence for an off-licence business in Exmouth,
 - 9th February for a time limited premises licences for an outdoor festival planned at Westpoint, Clyst St Mary in June.

2 Gambling Act 2005

2.1 Applications Received, Licences Issued and Notices Given

- 2.1.1 The Licensing Authority adopted and published its updated Gambling Act Licensing Policy from 31 January 2022. The Gambling Commission also published its helpful information with [Guidance for Councillors](#) about the statutory requirement to review statements of policy on gambling. These policies need to be reviewed every 3 years.
- 2.1.2 The Gambling Commission circulates a regular bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The latest bulletin can be viewed online at [December LA Bulletin \(campaign-archive.com\)](#)
- 2.1.3 Government proposals to reform the Gambling Act 2005 (the Act) are reportedly unlikely to be published until May. The Dept for Digital, Culture, Media & Sport (DCMS) launched a review of the Act in 2020 with DCMS still due to publish its conclusions, including any proposals for change. A White Paper was due last year, the contents are yet to be revealed, with specific measures like the completion of affordability checks or the introduction of limits on losses, stakes, and deposits being considered. Any new primary legislation is unlikely to come into force before 2023 at the earliest on potential reforms, the Act being the basis for regulating all forms of gambling in the UK.

3 Taxis

3.1 Applications Received and Licences Issued

3.1.1 Officers continue working effectively by issuing licences upon receipt of fees and all relevant documentation. The small but continued growth in licences received and granted continues and contradicts national statistics for England and Wales. The latest figures show some increase in taxi and private hire licences for this licensing authority going in to year 2022:

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
2016	206	170	22	18	15
2017	195	165	26	20	13
2018	179	161	30	24	16
2019	162	148	37	31	20
2020	155	126	40	32	18
2021	156	129	41	37	19
2022 (Feb)	156	134	47	37	19

3.1.2 In 2020, officers completed mapping of the five taxi and private hire application processes as a starting point to introduce online application processes. Business Change Requests (BCRs) were subsequently submitted to Strata for the programming work which is anticipated to start imminently. Benefits for officers and applicants when the online platform is implemented will be through online submission of applications, documents and fees using Firmstep. Until then, applicants continue to apply by post or email. The online process was previously requested by larger operators to assist with their renewals for numerous drivers and licences.

3.1.3 Processes and checks to assess applications against the 'fit and proper' test are due to increase from April with mandatory checks being introduced by HMRC and the DoT. New checks will shortly be required for officers to check tax codes and by checking the National Revocation (NR3) register from April. The changes have required work by officers to implement them and further details are provided today.

3.2 Enforcement

3.2.1 The licensing team records and investigates complaints received from the public which is recognised as an effective procedure by the DoT. One complaint was received over the previous period regarding matters relating to failing to display an external taxi plate which has been addressed through words of advice. Officers always follow up with contact and review on these occasions and any repeated course of behaviour can lead to enforcement.

3.3 Hearings

3.3.1 It has not been necessary to convene a Licensing sub-committee hearing for taxi or private hire related matters over the previous period.

3.4 Implementation of Tax Conditionality and Tax Checks

3.4.1 Officers have circulated details to existing licensees in the district following announcement of the new requirement for tax checks to be completed when renewing driver licences from April. The government legislated in the Finance Act 2021 to apply tax conditionality to licence

applications for taxi and private hire drivers, private hire vehicle operators and scrap metal dealers with effect from 4 April 2022.

- 3.4.2 The importance of licensees understanding the need to provide a tax code is clear as licensees who do not provide the necessary tax code cannot have their licence renewal progressed. Officers intend to prepare and circulate further reminders in the weeks ahead referring licensees to the [Tax Check Factsheet](#) to understand what is required. Information will also be provided on the licensing web pages.

3.5 National Revocation database (NR3).

- 3.5.1 Officers have previously reported on the work necessary for this authority to sign up to the National Revocation licensing database (NR3) and Council Leaders were contacted last year with an expectation for all authorities to sign up. That approach is now being mandated under The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill currently progressing through the House of Lords.

- 3.5.2 A further report today is provided to inform the progress over the previous period to implement the NR3 database.

3.6 Taxi Tariffs Fares

- 3.6.1 A further report today refers to the progress and options following the recent request from taxi proprietors seeking an increase to the fares tariff.

3.7 Coronavirus Regulations for Face Coverings

- 3.7.1 Coronavirus regulations changed from 27 January when relaxation of Plan B rules came into effect with face coverings and Covid passes being no longer legally required in England. The guidance urging people to wear a face covering in crowded and enclosed spaces still remains however, with updates provided for [taxis and private hire operators Coronavirus \(COVID-19\)](#)

- 3.7.2 In December officers organised delivery of face masks for licensees across the district following an announcement from the Government of an excess supply nationally. The licensing team organised deliveries through key contacts who volunteered to receive and distribute them. Officers are thankful to the following companies that agreed to take the stock allowing drivers to collect free face masks when needed; Peak Travel Services, Sparky's Taxis, Millstream Taxis, Stamps Coaches, Axminster Taxis, AJs Taxis, and Exmouth Taxi Drivers Association.

3.8 Taxi and Private Hire Vehicle Policy

- 3.8.1 The last full revision of this Council's Taxi and Private Hire policy occurred in 2017 with the next full review being necessary this year. The policy raised standards, brought consistency and guides applicants and decision makers. Officers continue with the ongoing work to revise the policy for Members to fully consider at a future meeting of this Committee. The expectation on licensing authorities to implement measures outlined in the Statutory Taxi and Private Hire Vehicle Standards has previously been reported and progress made to date has included increasing the frequency of DBS vetting checks along with implementation of the NR3 register which is subject of a further report today.

4. General Licensing – Street Trading Consents

4.1 Applications Received Street Trading Consents Issued

- 4.1.1. This council adopted policy in 2018 for the current street trading regime whereby most of the district is designated to allow street trading upon prior application and with consent. Currently there are 25 Street Trading Consents in being across the district on public areas with a further 10 applications under consultation.
- 4.1.2 The interest for street trading across the district continues with new mobile businesses being a growth area along with a number of festivals seeking consent for new and existing outdoor events taking place this year.
- 4.1.3 Sidmouth Town Council engaged with officers over the previous period regarding future options concerning the Street Trading prohibition that still exists in certain locations of the town. When this Committee designated the majority of streets in East Devon in 2017 as 'Consent Street's, the previously prohibited location of The Ham Recreation Field was designated as a Consent location for trading at the request of the Town Council. Otherwise, all previously prohibited locations in the town have remained at the request of the Town Council and the Chamber of Commerce. The Ham Recreation field has since hosted popular food and music events now falling within street trading requirements and the Town Council has commenced a review regarding the suitability of retaining the prohibited streets.
- 4.1.4 Should the Town Council confirm the desire to change the current designation, this Committee would need to approve the necessary consultation and then consider any responses prior to its consideration for changing the designation.

5. Temporary Pavement Licences

- 5.1. Take up by businesses applying to place tables and chair on highways has remained very low since the Business and Planning Act provided procedures for District Councils to receive applications for Pavement Licences. The temporary arrangements operate alongside the procedures that the County Council has held the responsibility for many years by issuing [Current Pavement Licences - Roads and transport \(devon.gov.uk\)](https://www.devon.gov.uk)
- 5.1. The licensing authority received and granted one temporary Pavement Licence over the previous period for a business in Exmouth.
- 5.1. The temporary process is currently in place until September 2022 although DLUHC are now working up policy proposals for that to become a permanent regime and feedback was provided by officers under a short consultation that closed on 11th February. The Government has committed through the [Build Back Better High Streets Strategy](#) to make the temporary measures permanent, subject to Parliamentary approval.
- 5.1. The temporary regime has a streamlined consultation process aimed at supporting the hospitality sector with the period of consultation managed by District Councils being 5 working days. This short period places regulatory consultees and Town Councils under pressure when considering responses, whereas the County Council consultation period lasts for 28 days. The temporary regime has an application fee of £100 whilst the County Council process requires an initial application fee of £212 with subsequent annual renewals costing £90.10. Until the findings of the consultation and review are published, it is not known how the temporary arrangement will develop and if it does become permanent, how it will co-exist with the procedures that are already established and operated by the County Council.
- 5.1. It is not procedurally possible to grant a temporary licence contrary to a refusal by the highways authority. Permission to place tables and chairs on land owned by EDDC does not fall within this process and is managed by other Services under Sitting Out Consents or Lease agreements.

6. Councillor Training

- 6.1. Initial training was provided for Licensing and Enforcement Committee Members in 2019 delivered by leading expert, Phillip Kolvin QC who attended locations in the South West.
- 6.2. Training is mandatory to provide sufficient understanding for Members to determine contested applications at licensing sub-committee hearings and to withstand any challenges upon appeal.
- 6.3. Training opportunities have been offered by the Institute of Licensing for Councillors over the previous year with a further event planned on 16th March 2022 being delivered virtually through Zoom. Attendance benefits the pool of trained Councillors that can sit on hearings through a greater understanding of;
 - Taxis and private hire vehicles - a basic overview
 - Licensing Act 2003 - a basic overview
 - General Principles concerning Councillor conduct
 - Hearings for Licensing Act 2003, Taxis and Private Hire
 - Decision making, Appeals and Conditions
- 6.4. The [Licensing Act 2003 Councillor's handbook \(England and Wales\)](#) is also an informative briefing that was updated last year. The LGA recently announced that it is also expecting to offer training opportunities for Licensing Councillors later this year.

Financial implications:

There are no finance implications

Legal implications:

There are no legal implications requiring comment

Report to: Licensing and Enforcement Committee



Date of Meeting 23 February 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Committee Update - Taxis & Private Hire Licensing

Report summary:

The Licensing and Enforcement Committee is asked to consider proposed introduction and use of a national register introduced by the LGA and the Department of Transport (DofT).

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee consider the contents of this report and approves the implementation and use of the Taxi and Private Hire National Revocation Register (NR3) by East Devon District Council.

Reason for recommendation:

To enable the licensing authority to share details of individuals who have had a licence revoked or an application refused, NR3 being a nationally available means for councils to record and securely share details of revocations and refusals of these licences where the need is appropriate.

Officer: Steve Saunders, Licensing Manager (Governance and Licensing)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Background

- 1.1 The National Register of Taxi Licence Refusals and Revocations (NR3) aims to prevent drivers who have had a Taxi or Private Hire licence revoked or an application refused, from applying to another authority to dishonestly obtain a licence by failing to disclose their previous licensing history. NR3 enables authorities to share details of individuals who have had a licence revoked or an application refused and is currently the only available means for councils to record revocations and refusals of these licences. This development provides a valuable, secure source of information to check new applicants when applying in this district.
- 1.2 All licensing authorities are being urged to sign up to NR3 so that when officers deal with an application or renewal for drivers, a check of the database can be completed for any previous refusal or revoked licence in other areas. Licensing authorities will also check the register when they undertake licence renewals to confirm any historic information that may have been added in respect of their licensees who may have been revoked in another area. Once signed up to the register, licensing authorities need to check the register at an early stage for each application received so that the authority can process them with the knowledge of any previous history, if the applicant has one.
- 1.3 The LGA commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside council, which supports public authorities to tackle fraud and share intelligence. NAFN worked with the LGA and a user group comprised of licensing officers from a number of local authorities to develop the NR3 register. This council is signed up a member of NAFN with the necessary protocols in place, being a requirement to be able to access and share information on the NR3 register.

2 Accessing the NR3 Register

- 2.1 A named officer has been granted access to the NR3 element of NAFN as a single point of contact (SPOC). Other user accounts to submit data or to search the register can be added in due course. Should an applicant's details be flagged on NR3 during a search this will be followed up and licensing authorities will still be required to consider each application on its own merits. The introduction of NR3 will help ensure that they are able to do so on the basis of all relevant information being obtained to allow a fully considered decision.
- 2.2 The objective is to ensure that authorities are able to take properly informed decisions on whether each applicant is fit and proper which will be achieved by being able to check whether an individual has had a licence refused or revoked. That does not mean that an applicant who has been refused a licence on one occasion will always be refused and it will be necessary to consider a previous refusal or revocation, and the reasons for that decision. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.
- 2.3 Where an applicant fails to volunteer information that has been clearly requested or provides a false declaration which is subsequently identified through NR3, this may in itself raise questions about the applicant's integrity and status as a fit and proper person. Suspensions of licences will not be recorded on NR3. This is because suspension should be used to

address a short-term situation, often concerning driving or medical related issues that are of such immediate importance that suspension is necessary to ensure public protection.

- 2.4 Applicants must be informed of the existence of the NR3 register and that it will be checked when they apply for a licence. They must also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused. The only additional Personal Data that will be collected to that already required from Taxi and Private Hire licensees will be the applicant's National Insurance number.

3 Historic Data

- 3.1 In addition to this authority signing up and commencing checks of NR3, officers will commence the work to populate the register with the historic data of previous licence revocations and refusals in this district. This will help inform other authorities that conduct searches and before any historic data is added, authorities must notify those individuals in writing. Historic information on refusals and revocations of licences will be added to the register in accordance with data protection and will be held on NR3 for 25 years.
- 3.2 Transferring details of the relevant data that is to be held on the database will be in line with the council's current retention policy to hold such data. Applicants that have been refused or licence holders that have seen their licence revoked in the last 6 years will be notified in writing about our use of the register. Those persons refused or revoked within the past 6 years will have limited personal data published on the NR3 register and that information will not be published on NR3 until after all available appeal routes have expired.

4 Impact on Licensing Service

- 4.1. There will be additional workload to Licensing Officers from use of this register to check applicants. Officers have been engaged in the necessary work to deliver the implementation for accessing and checking the register which has required changes to applications forms, to the licensing database, revising privacy notices and updating web pages. Work will be necessary by notifying applicants and existing licensees that the authority has signed up to the register and that if their licence is subsequently revoked, that details will be recorded on the system.
- 4.2 The introduction and use of this register is considered as being in the public interest to protect the public. The DoT has written to licensing authorities and Council leaders emphasising the requirement to sign up and detailing that by not sharing relevant information risks facilitating the few dishonest individuals who fail to disclose any previous licensing history. The DoT has urged authorities that have not signed up to use NR3 to do so as soon as possible because the effectiveness of the database depends on all licensing authorities using it.
- 4.3 That approach is now being mandated under a private members bill currently in the late stages as the [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Bill](#) progressing through the House of Lords.
- 4.4 The introduction of the NR3 register will further increase consistency when considering standards for the fit and proper test. Officers continue with the separate, ongoing work to revise the Councils Taxi and Private Hire Vehicle Policy for Members to fully consider at a future meeting of this Committee this year. The policy has raised standards, brought consistency and guides applicants and decision makers.
- 4.5 There are no financial costs for implementing sign-on other than the officer time in preparing readiness, and by conducting the checks of all applicants and by notifying those concerned.

5 Recommendation

- 5.1 Members are asked to consider this report and to approve signing up to, and the use of the NR3 register through the National Anti-Fraud Network (NAFN). Implementation and use of NR3 for completing checks is proposed to commence from April.
-

Financial implications:

Potential sanctions from Government if the licensing authority does not comply the duties as set out within the Taxi and Private Hire Vehicles Bill.

Legal implications:

The legislative framework is set out within the report. There are potential sanctions from Government if this Council does not sign-up to the NR3 Register.

Report to: Licensing and Enforcement Committee



Date of Meeting 23 February 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Committee Update on Proposed Hackney Carriage (Taxi) Fare Tariff Changes

Report summary:

To provide an update to the Licensing and Enforcement Committee regarding a proposed increase to the Hackney Carriage (Taxi) Fare Tariff.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee;

- 1. Considers the request from Hackney Carriage (Vehicle) licence holders to increase the current Hackney Carriage Table of Fares, and**
- 2. If agreed, to set a timescale through the statutory procedure as required.**

Reason for recommendation:

To enable the taxi trade within the District to continue to operate economically whilst still maintaining an efficient, safe and cost effective service for those residents of and visitors to East Devon who need to use the services of a Hackney Carriage

Officer: Steve Saunders, Licensing Manager (Governance and Licensing)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information Local Government (Miscellaneous Provisions) Act 1976
Report to Licensing & Enforcement Committee November 2021

[Link to Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Background Information

- 1.1 This report should be considered in conjunction with the previous report on the subject and provides members with an update since it was considered at its last meeting in 2021. The taxi trade have requested an increase on the current Hackney Carriage Fare Tariff and members resolved that the taxi trade should be consulted with regard to more specific information that can be considered. A short consultation has taken place over the previous period that has identified the preference of the majority who responded for an increase to the taxi fares tariff set by the Council
- 1.2 Section 65 of the of the Local Government (Miscellaneous Provisions) Act 1976 permits District Councils to set the fares tariff for taxis licensed in the district. The tariff sets the maximum fares that taxis can charge the public when using their vehicles. This Council, in common with most other Councils, have used this power for many years and the last tariff increase was agreed by this Committee in 2020.
- 1.3 All changes to the taxi fare tariff table in use in East Devon must be approved by the Licensing and Enforcement Committee. The legislation requires that before any alteration to the tariff table can take effect, a public notice explaining the changes must be placed in a local newspaper. The public must be provided with a period of at least 14 days to make comment on the proposals. If no adverse comment/objection is received the approved changes must take effect. Alternatively if adverse comment/objection is received then the matter must be returned to allow the Committee to consider the representation(s).
- 1.4 In the past the taxi trade's opinion was generally divided on the subject of fare increases although over the previous year, the economic situation has changed with cost of living and fuel prices increasing causing some licensees to raise need for a fare increase to be considered.

2. Request for a Fare Increase

- 2.1. Following receiving a verbal request for a fare increase, officers contacted all licensees in October seeking their views on the need for a fare increase which allowed the last update provided at the meeting of this Committee in November. 19 written responses were received, being less than a third of all contacted (28%). 14 proprietors responded at that stage for the fare tariff to be increased while 2 proprietors stated that it shouldn't rise. 3 responses were indifferent or unclear in their responses.
- 2.2. At that stage licensees had not put forward any specific details for an increase or by how much and so officers have subsequently circulated three options to licensees seeking further responses which can now be reported. Licensees were also informed of the opportunity to submit any alternative proposals for an increase outside of the options circulated.
- 2.3. On 12th January, officers sent to all Hackney Carriage Licensees the details of three options with responses required by 1st February 2022. The full details that were sent circulated are provided at **Appendix A** with a summary of each options as follows:

- i) **Option 1 - No Change** to the current taxi fare tariff at all.
- ii) **Option 2 - Increase Tariff 1** the minimum first half mile fare increasing by **5.7%** to £3.70.
- iii) **Option 3 - Increase Tariffs 1 and 2** the minimum fare for the first half mile across both Tariffs 1 and 2 by **5.7%**. Tariff 3 with no changes at all

2.4 Three fare tariffs operate in this district over differing days and times and no proposals were suggested changing Tariff 3, although that as an alternative option could have been requested. A reminder of the times and days of all three fare tariffs are as follows:

Tariff 1: The daytime tariff operative between 7 am and 7 pm on all weekdays with the exception of the days covered by Tariff 3.

Tariff 2: This is an evening/night and Sunday tariff operated between 7 pm and 7 am on all weekdays with the exception of the days covered by Tariff 3. It is also operative all day on Sundays with the exception to the days covered by Tariff 3.

Tariff 3: This is a Bank Holiday, Christmas and New Year tariff operative on all Bank Holidays (24 hours) and from 7 pm on Christmas Eve until 7 am on 27 December and from 7 pm on New Year's Eve until 7 am on 2 January.

2.5 17 written responses were subsequently received to the latest request, with 16 in favour of a fare increase and 14 of those expressing their wish for Option 3. There was 1 response expressed for Option 2. There was also 1 response received which expressed an alternative proposal by seeking an increase to all the three Tariffs.

2.6 1 response was received being against a fare rise of any kind under Option 1.

2.7 A number of responses have again outlined increasing fuel costs as the main reason for seeking an increase to the fare tariff. Statistics provided at the last meeting of this Committee by the Dept of Business Energy and Industrial Strategy (BEIS) outlined rising average UK retail 'pump' prices on a weekly basis last year. Latest figures provided by BEIS on 7 February 2022 confirm a comparative cost being maintained over the previous three months with the average price per litre of unleaded petrol at £146.33 and the average price per litre of diesel at £150.33. The full comments from all responses received is provided at **Appendix B**.

2.8 The Office for National Statistics (ONS) also confirmed that the Consumer Prices Index for inflation rose by **5.4%** in the 12 months to December 2021. The largest upward contributions were reported from increasing housing and transport costs, principally motor fuels and second-hand cars, both of those being costs that are incurred by the taxi trade. The figures provided by BEIS and the ONS are available at **Appendix C**.

2.9 Both option that were recently circulated to consider increases (Options 2 and 3) corresponded closely with the rise in inflation for the year to December 2021. This Committee resolved at its last meeting that specific options were necessary to allow further consideration when it next meets.

3 Comparison of Current Fare Tariffs

3.1 Officers have produced a comparison table of current fares set by this and the other Devon authorities at **Appendix D**. The comparison takes into account the position of highest to lowest fares set by all 358 licensing authorities providing a tariff of fares in England and Wales. This is based upon costs of the first two mile journey which is prepared by the national Private Hire and Taxi Monthly magazine. The current East Devon Tariff 1 cost for a two mile journey is £6.80 which is not the highest of Devon authorities and still would not be, should a further increase be approved. The comparison should be considered as being relative at any one time and as each authority sets new fares, the positions will change accordingly.

4 Fare Tariff Pricing Proposals

- 4.1 The majority of responses received under **Appendix B** were for an increase to both Tariff 1 and Tariff 2 by increasing the 'flag' fare by 5.7%. That increase amounts to an additional 20 pence on Tariff 1 meaning a £3.70 initial 'flag' charge from the current £3.50. Historically the taxi trade referred to the "flag" as the point when the 'for hire' flag would have been dropped on the original manual style meters as the first half mile travelled (approximately 880 yards).
- 4.2 An increase by 5.7% on Tariff 2 amounting to an additional 23 pence would mean a £4.23 initial 'flag' charge from the current £4.00. Taxi tariff tables are complex and need to be set by external calibration engineers enabling them to work correctly and evenly in the meters fitted to taxis. The work by the meter engineers to recalibrate the change to Tariff 2 would be supported by rounding up the proposed initial flag charge increase, if approved to be £4.25.
- 4.3 The proposed increases against Tariffs 1 and 2 and whilst maintaining no change to Tariff 3 is shown at **Appendix E**. The tariff set should be regarded as the maximum fares that can be charged although taxi proprietors are not tied to charging the maximum fare and they can charge lower. They are not permitted however to charge more than the maximum tariff set.
- 4.4 There is no proposal to increase any other extras charges relating to baggage, additional passengers or the current permitted booking fee which would remain at £12. The £12 booking fee is a discretionary charge that may be imposed by the operators and only becomes payable when a customer books a taxi and is told at the time of the booking, what the fee will be. This enables the customer to still go elsewhere (to another company) if not wanting to pay the booking fee. Taxi proprietors are unable to charge for the journey taken to collect a passenger. In an urban town/city area, the distances between pickups are usually not great distances and operators are able to absorb these extra costs. The difficulty comes in the more rural areas when 'dead' journeys to collect a booking can be much longer. Without the ability to make a booking fee, a taxi operator may feel they would make a loss over the total journey and therefore could also decline to transport the customer too.

5 Recommendations

- 5.1 The purpose of this report is to allow Members to consider the request from hackney carriage licensees in the district seeking an increase to the current East Devon Taxi Fare Tariff this year. If approved, the next stage of this process requires that before any alteration to the tariff table can take effect, that a public notice explaining the changes must be placed in a local newspaper. The public then have 14 days to make comment on the proposals (under Sec. 65 of the Local Government (Miscellaneous Provisions) Act 1976).
- 5.2 Should approval be provided for an increase, the public notice will be prepared and published in local newspapers explaining the changes and inviting observations.
- 5.3 Should no adverse comment or objection be subsequently received in response to the newspaper notice, the approved changes can take effect. Alternatively if adverse comments or objections were to be received, then the matter must be returned to allow this Committee to consider the representation(s).
- 5.4 If the approval is given to continue to the next stage of the statutory procedure, it will be necessary that a specific timescale be set for all licensees to adopt the new tariff in vehicle taxi meters. This is important for the public using the service of taxis in the district and it would not be acceptable for the public to use different taxis with differing fare tariffs in being. Officers propose that the expectation of this licensing authority would be for all licence holders to address the changes to their taxi meters by 1st September 2022, if approved.
- 5.5 The option to leave the existing fare tariff unchanged for this year also exists.

Financial implications:

There are minimal costs mentioned in the report as a public notice in the local newspaper will be required before any alteration to charges. Also if there are any objections this will need to be referred to Committee which would incur minimal officer time.

Legal implications:

The legislative framework is set out within the report.

Review of Taxi Fares Tariffs 2022

Sent on 12-01-22

We are contacting you as the holder of a hackney carriage vehicle licence about the fare tariff that taxis can charge passengers. We have been asked to review the fares in view of increasing fuel costs and as we move in to 2022, we are considering changes because operating costs have increased. The coronavirus pandemic has brought uncertainties for the taxi industry and for taxi users too.

We are interested in your views on the taxi fare tariffs to ensure that drivers and operators can cover their costs and to ensure taxi fares remain value for money for users by getting fair and affordable fares. The process to increase the fare tariff can be lengthy and so we are interested in your views on three possible options that includes having no increase this year, as this was expressed by some licence holders.

Three options are provided as the basis to review the fares and responses are needed by the end of this month. If you consider other changes are required, then you can let us know. We would like you to have your say by letting us know about the following options.

Options:

Option 1 - No Change to the current taxi fare tariff at all. The minimum fare for the first half mile to remain at £3.50 with Tariffs 1, 2, 3 frozen for the year of 2022.

Option 2 - Increasing Tariff 1 with the minimum fare for the first half mile increasing by 5.7% to £3.70.

Option 3 - Increasing Tariffs 1 and 2. Increasing the minimum fare for the first half mile across Tariffs 1 and 2 by 5.7%. Tariff 3 with no changes at all

Here is a reminder on the 3 Tariffs

Tariff 1 = Daytime Rate (7am to 7pm)

Tariff 2 = Evening and Night Rate (from 7pm)

Tariff 3 = Bank Holidays, Christmas/New Year Rate

What's next?

Once the consultation ends, we will spend time considering all the responses received. This will inform recommendations for any changes to the taxi tariffs that will be considered in February by the Licensing Committee. It's important that if you do, or if you don't want a change, that you have your say.

Responses should be in writing and should be received before Tuesday, 1st February 2022 by emailing licensing@eastdevon.gov.uk or in writing to the Council offices.

Yours sincerely,

East Devon Licensing
East Devon District Council

Responses Received - Taxi Fare Options (January 2022)

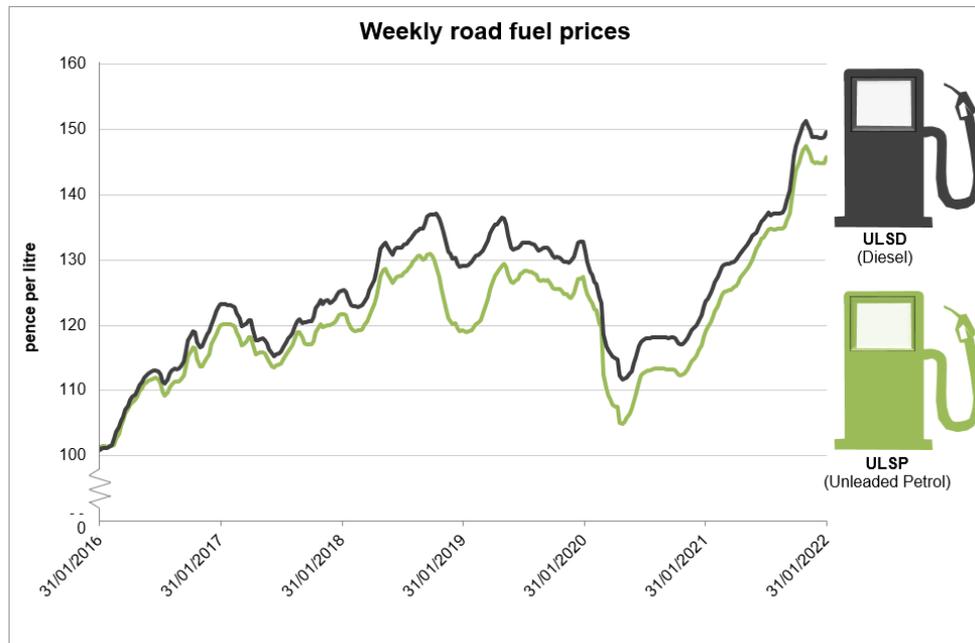
	Fare Option Preference	Responses received with Comments
1	Option 3 Increase Tariffs 1 and 2. Increasing the minimum fare for the first half mile across Tariffs 1 and 2 by 5.7%.	Having read the options available and having time to digest and have a think about the options I would like to see option 3 implemented, as with the current financial climate as it is, I see this as the best option available. I think it is a reasonable increase on tariffs 1 and 2 without any changes to tariff 3. Without being too high an increase being passed on to the customer. As you will be fully aware of the rising costs that we all face as both taxi drivers and for the customers that we pick up. I think option 3 is a fair rise for both taxi driver and customer. Thank you for your email and giving me an opportunity to have my say on the matter.
2	Option 3	Our preferred option is option 3. As prices of fuel and other motoring cost and insurance are increasing.
3	Option 3	I think you should increase the Basic Taxi Fare from £3.50 to £3.70 and pro rata the same for after 7pm and Bank holiday rates.
4	Option 3	Costs to maintain and fuel a car have increased over the last year. I would support option 3 and an increase of 5.7% on tariff 1 and 2.
5	Option 3	Option 3 would be my preferred choice of change to tariffs
6	Option 3	We would like to see Option 3, with the fuel increase etc. this seems fair.
7	Option 3	my option and opinion would be option number 3,with a tariff 1 and 2 increase
8	Option 3	Due to the ever increasing costs of everyday life, it is time for an increase to help us survive and prosper. I personally would like to see Option 3 implemented as we do not know when costs are going to stop rising or as to when the next tariff increase could be i, e, years from now
9	Option 3	As per email on the subject of the fare increases I would like to see option 3 as mentioned put forward as we are all facing so many hard times and the cost of living and fuel and heating bills doubling so I think if we have a decent increase it will help us through all the rises many thanks
10	Option 3	I would like to vote Option 3.
11	Option 3	I'll vote for option 3
12	Option 3	Thank you Option 3 is my preference
13	Option 3	Option 3 please

APPENDIX B

14	Option 3	Option 3 please.
1	Option 2 Increasing Tariff 1 with the minimum fare for the first half mile increasing by 5.7% to £3.70.	I would agree to go along with option 2 on the fare increase
1	Option 1 No Change to the current taxi fare tariff at all.	Thank you for your request. I am happy to continue on the tariff that we have at the moment, so I will opt for option one. I feel that the increase in fares mainly benefits the large operator to discount fares and giving an unfair advantage over the owner driver.
1	Alternative proposal Increase All three Tariffs	I'd be up for increasing the minimum fares for Tariffs 1,2 3 to £4.00, £5.00 & £6.00 and adding 5 pence onto the rolling charges across all three - rest can stay the same.

Average UK Pump Prices

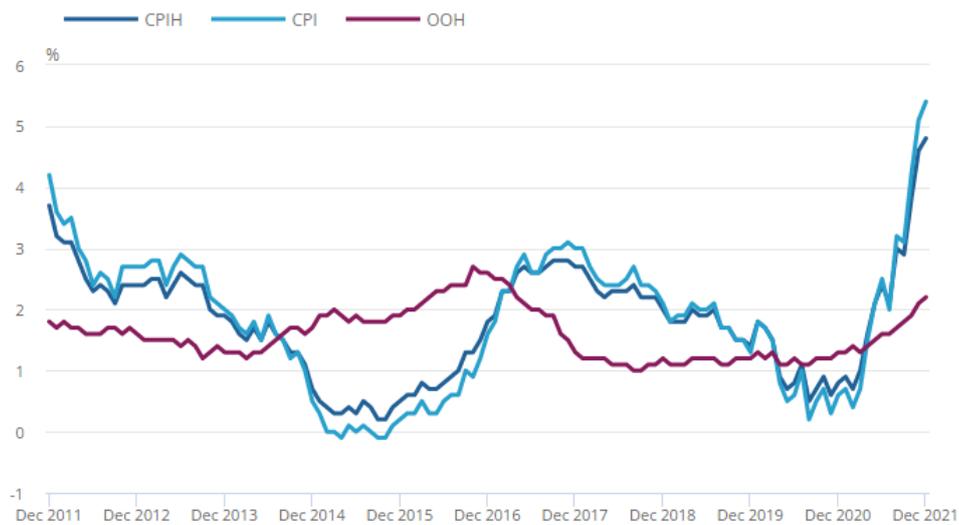
Dept of BEIS (31 January 2022)



The Office for National Statistics (ONS)

Figure 1: Annual CPIH inflation rate highest since September 2008

CPIH, OOH component and CPI 12-month inflation rates for the last 10 years, UK, December 2011 to December 2021



APPENDIX D**Comparison of Current Devon Hackney Carriage (Taxi) Fares
February 2022**

POSITION 1 to 358 Councils	COUNCIL	FIRST 2 MILE FARE COST	LAST FARE INCREASE
20	TORRIDGE	£7.20	2020
43 – 57 (14 Councils)	EAST DEVON	£6.80	2020
59	TORBAY	£6.75	2019
68 - 87 (19 Councils)	EXETER	£6.60	2013
68 - 87 (19 Councils)	TEIGNBRIDGE	£6.60	2020
68 - 87 (19 Councils)	PLYMOUTH	£6.60	2022
88	NORTH DEVON	£6.55	2016
192	SOUTH HAMS	£6.00	2017
253	MID DEVON	£5.70	2010

Figures obtained from Private Hire & Taxi Monthly (PHTM) February 2022

DRAFT		 www.eastdevon.gov.uk	
FARES FOR HACKNEY CARRIAGES			
Effective from [Date to be Fixed] 2022			
FARES FOR DISTANCE OR TIME	TARIFF 1	TARIFF 2	TARIFF 3
	Daytime Rate	Evening & Night Rate	Bank Holiday, Christmas and New Year Rate
	Applies on weekdays between 7 am and 7 pm	Applies on weekdays between 7 pm and 7 am and on Sundays	All Bank Holidays (12mn to 12mn) and from 7 pm on 24 December to 7 am on 27 December; and from 7 pm on 31 December to 7 am on 2 January
TO HIRE THIS TAXI FOR THE FIRST HALF OF A MILE	£3.70 from £3.50	£4.25 from £4.00	£5.20
FOR THE FIRST WHOLE MILE	£4.90 from £4.70	£5.50 from £5.25	£6.80
FOR EACH MILE THEREAFTER	£2.10	£2.50	£2.80
WAITING TIME	£0.30 for 37.50 seconds	£0.25 for 31.25 seconds	£0.40 for 50 seconds
PRICE GUIDE			
1 mile	£4.90 from £4.70	£5.50 from £5.25	£6.80
2 miles	£7.00 from £6.80	£8.00 from £7.75	£9.60
3 miles	£9.10 from £8.90	£10.50 from £10.25	£12.40
5 miles	£13.30 from £13.10	£15.50 from £15.25	£18.00
10 miles	£23.80 from £23.60	£28. from £27.75	£32.00
EXTRAS			
Soiling Charge	£80.00	£80.00	£80.00
* Must inform customer at time of booking	Maximum Booking Fee *		£12.00
	Baggage Fee per Bag		20 pence
	Each Additional Passenger after the first		20 pence
	Carriage of Dogs		20 pence
	Assistance Dogs and Wheelchairs		Free of charge
	Toll, ferry & car park fees incurred with journey		Actual Fee