

**Agenda for consultative meeting of the
Licensing and Enforcement Committee
Wednesday, 20th July, 2022, 10.00 am**



Members of Licensing and Enforcement Committee

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

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Venue: Online via the Zoom app

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(or group number 01395 517546)
Monday, 11 July 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>

Until 31st October 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 is one item which officers recommend should be dealt with in this way.

7 Quarterly update report (Pages 7 - 18)

8 Report on hackney carriage fares (Pages 19 - 34)

Part B

9 Suspension of hackney carriage driver licence (Pages 35 - 38)

[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 13 April 2022****Attendance list at end of document**

The meeting started at 10.03 am and ended at 11.03 am

28 Public Speaking

There were no members of the public registered to speak.

29 Minutes of the previous meeting held on 23 February 2022

The minutes of the consultative meeting held on 23 February 2022 were received and accepted.

30 Declarations of interest

There were no declarations of interest.

31 Matters of urgency

There were no matters of urgency.

32 Confidential/exempt item(s)

There were no confidential / exempt items.

33 Question and Answer session with invited guest (Mr Norsworthy - Police Licensing)

The Chair welcomed Mr Mike Norsworthy to the meeting.

Mr Norsworthy outlined his role within the Police Licensing team. Police Licensing considers all applications as a Responsible Authority and, where appropriate, mediates with applicants to come to an agreed position. Police Licensing is also responsible for enforcement, either through administration or prosecution, and works closely with local Licensing Authorities.

In response to questions from Members of the Committee, Mr Norsworthy advised the following:

- Correctly completed licensing applications are sent by the Licensing Authority to the various Responsible Authorities of which there are fifteen. Live applications have a 28 day period during which representations may be submitted. Police Licensing considers the application and conditions against the 4 licensing objectives and, where necessary, contacts the applicant to undertake a mediation process. Police Licensing informs the Licensing Authority where an agreed position has been reached and evidences that the applicant agrees with the position.
- With regard to the licensing of festivals and applications for time limited premises licences, events are often planned well in advance and details of the management of the event may not be available at the time of the application. Where this is the case, an event management plan is then taken to a Safety Advisory Group (SAG) meeting for

discussion and agreement by the applicant and Responsible Authorities. A condition of the licence is that any such event is run in accordance with the event management plan. It was acknowledged that this process can cause concerns for local residents and Members of a Licensing & Enforcement Sub Committee hearing as not all of the event management details may be available at the time of the application. However, the Police have powers to close down an event if an agreed event management plan is not in place. If issues have arisen during an event, a full licence application could be required the following year.

- The Police Licensing team is very happy to receive complaints in order to build evidence of issues. Police Licensing adopts a stepped approach and will contact the Designated Premises Supervisor (DPS) and the Premises Licence Holder in the first instance. Where issues cannot be resolved, a review may be undertaken.
- Where complaints regarding noise have been received, it can be difficult to ascertain whether the issue is noise emanating from inside a premises or noise from anti-social behaviour outside a premises. There is no legal definition as to how far from a premises noise can still be attributed to the premises. Police Licensing works with Environmental Health to resolve issues together. A diary of noise incidences provides useful information for Police Licensing and Environmental Health will assist residents with keeping a diary or monitoring noise issues.
- A process exists whereby Police Officers attending incidents at pubs notify the Police Licensing team using form L10. In addition, administration staff monitor Police logs on a daily basis to highlight any potential issues at premises of interest. The Police Licensing team regularly reminds Officers to keep them informed as issues arise.
- Good communication between Police Licensing and the EDDC Licensing Officers is key to effective working.
- Regarding event organisers advertising events before a licence has been granted, Police Licensing advice is that it is unwise for organisers to do this and that EDDC should not grant a licence if it is not happy to do so. The Licensing & Enforcement Sub Committee should not feel pressurised to grant a licence where a timescale is short before the holding of an event.
- It was noted that the Government had been lobbied several years ago to make public health a fifth Licensing Objective, however, the Government had not agreed to this proposal. Regarding public health, large hospitals record information using the ARID database system which enables information to be shared with partner agencies in order to highlight consistent problem areas of alcohol related incidents.

The Chair thanked Mr Norsworthy for attending and for his very helpful contribution to the meeting.

Mr Norsworthy noted that, in his experience of working with Local Authority licensing teams across Devon, the EDDC Licensing Officers ranked in the top 2 due to their pragmatic approach and way of working. The Licensing and Enforcement Committee should be reassured that Officers working behind the scenes are providing excellent support.

The Chair thanked Mr Norsworthy for his comments and asked the Licensing Manager to pass this on to staff.

Mr Norsworthy left the meeting.

34 **Quarterly Licensing Report**

The 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 covered the quarter to the end of March 2022.

The Licensing Manager noted that the period before the end of the financial year is busy due to requirements to supply data to various external agencies such as the Gambling Commission and The Home Office. The outcome of the surveys should be available for the next meeting of the Committee.

Regarding mandatory training for currently untrained Committee members, and new members appointed at the Annual Council meeting, further dates are available in June and July.

The Committee noted that no Environmental Health Officers were available to attend this meeting due to the recruitment underway in the EH team. When available, EH Officers would attend to update the Committee on animal health matters and this could be extended to include noise issues.

It was further noted that the Licensing Manager would be overseeing the Council's Safety Advisory Group responsibilities until a new EH Manager is in post.

The Quarterly Licensing Report was noted.

35 **Taxi Fares Report**

The Licensing Manager provided an update regarding the public consultation to increase the Hackney Carriage (Taxi) Fare Tariff and to set a date on the new table of fares. This would 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.

It was noted that no representations had been received during the public consultation and that the report proposed retaining the option of a further review later in the year should additional support be needed due to increasing costs.

The Committee noted the results of the public consultation undertaken on the increase to the Hackney Carriage Table of Fares.

The Committee would consider any further request for an increase within the next 12 months only upon an exceptional basis.

RECOMMENDATION TO COUNCIL

That at its meeting on 20 April 2022 the fare increase be adopted from that date.

Attendance List

Councillors present:

J Whibley (Chair)

K Bloxham (Vice-Chair)

A Dent

P Jarvis

B Taylor

T Wright

P Millar

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Rebecca Heal, Solicitor
Sarah Jenkins, Democratic Services Officer
Lucy Maxwell, Licensing Officer
Giles Salter, Solicitor
Stephen Saunders, Licensing Manager
Alethea Thompson, Democratic Services Officer

Councillor apologies:

M Chapman
S Gazzard
G Pratt

Chair

Date:

Report to: Licensing and Enforcement Committee

Date of Meeting 20 July 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release



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 legislative, strategic or national updates for each area of licensing work covering the period to the end of June. Applications received over the previous period include those for newly licensed businesses, from businesses varying existing licences and still those for outdoor festival events arranged this year.
- 1.1.2 A sharp upturn in applications was largely due to an increase of temporary event notices to celebrate the Queens Jubilee at the start of June. The number of weddings being arranged with licensable activities also contributed to higher submissions, with 222 temporary event notices issued over the previous period. This exceeds figures for the same pre-pandemic period in 2019 showing how the events industry has bounced-back.
- 1.1.3 This work was timed with a national chain of licensed stores submitting applications to transfer their licences to a competitor when being upon the brink of liquidation. When the holder of a premises licence experiences bankruptcy, there is only a short opportunity to transfer the licence otherwise it will lapse under the Act.
- 1.1.4 The mandatory return provided by officers to the Home Office (DCMS) for licensing statistics has confirmed the increase in alcohol and late night licences. The requirement paused during the two years of the pandemic and DCMS received the return for year 2021/22 confirming the following licences administered in East Devon:
- **657** Premises Licences (compared to 621 in 2016/17, 642 in 2017/18, 643 in 2019/20),
 - **48** Club Licences (remains unchanged since 2017/18). The number of private members clubs has decreased as they continue to adopt new premises licences that allow non-members and the general public to use the services.
 - **2648** Personal Alcohol Licences (2197 in 2016/17, 2310 in 2017/18, 2416 in 2019/20), being the licence individuals must hold to act as Designated Premises Supervisor.
 - **510** Temporary Event Notices issued (compared to 837 in 2016/17, 856 2017/18, 849 2019/20). It is expected that the number for the current year will be the highest yet given the increase over the last 3 months (see 1.1.2).

1.2 Hearings

- 1.2.1 Licensing hearings are convened when a sub-committee is required to consider a contested application, within timescales set out in regulations. Officers will arrange mediation, if appropriate, when representations are received for applications.
- 1.2.2 Licensing sub-committee hearings have occurred on:
- 27th April for a new premises licence in Budleigh Salterton, and
 - 15th June for the variation of a licensed premises in Lympstone

1.3 Changes to Legislation

- 1.3.1 Regulations that have applied to England and Wales since 2020 temporarily allow the sales of alcohol for consumption off the premises for licensed premises that do not have that

permission under a licence. This provision has been provided up to 30 September 2022 under the Business and Planning Act 2020 and in addition to providing the temporary Pavement Licence regime, the Act temporarily modified the Licensing Act 2003. It provides an automatic extension to the terms of premises licences which only permit the sale of alcohol for consumption 'on the premises' to allow the sale of alcohol for consumption 'off the premises' too. Over the last two years this relaxation was used by some licensed venues across the district by having the benefit of 'off-sales' in contradiction of their current licence, or in contradiction of licence conditions. With the relaxation set to end, those businesses may need to vary their licences to formally add the option or to amend existing conditions.

- 1.3.2 The 'Levelling Up & Regeneration Bill' is currently passing through Parliament and proposes many missions about local democracy, planning and other changes including the provision for making the temporary Pavement Licence regime permanent. However the current modification to the Licensing Act 2003 (1.3.1) for alcohol sales off the premises, given under the Business and Planning Act 2020, is not specified or included in the new Bill.
- 1.3.3 Licensed businesses that use the provision will be required to revert to current licence conditions, or otherwise apply to vary those licences. Officers will monitor the situation as it will be relevant to a number of businesses across the District requiring a change to their operation. The nature of each application to be made, whether by a minor or full variation requires that each case be considered on its merits, being a proviso within our Licensing Act policy. The Home Office announced in May that it will be seeking the views of the licensing industry and the authorities as there currently sees no legal basis for using the relaxations that are due to end on 30th September.
- 1.3.4 Officers have started engaging with premises supervisors and licensees to ensure that they are informed and aware of the changes to allow them to consider whether applications may be necessary for those taking advantage of the easements. With the next meeting of this Committee occurring after the end of the changes, officers will keep you posted as to developments with the onus will be on licence holders to address their own licence issues.

1.4 Application Procedures

- 1.4.1 It was reported at the last meeting that licensing authorities must be able to accept electronic application forms to comply with the EU Provision of Services Regulations 1990 which has been provided by the GOV.UK Licensing Service for over ten years. The likelihood of this online service ending next year is still being reviewed to consider other alternative processes.
- 1.4.2 Officers will keep this Committee informed and there is a potential solution for the three Strata councils (EDDC, TDC, ECC) to collaborate and adopt similar web based applications to those of GOV.UK, or by using the 'Firmstep' solution. That option would require significant programming (Strata) and testing processes (officers) before GOV.UK forms cease next year.

2 Gambling Act 2005

2.1 Applications Received, Licences Issued and Notices Given

- 2.1.1 The Gambling Commission is the regulatory authority nationally and it provides Guidance to Local Authorities ('the GLA') that have responsibility to oversee gaming and betting premises in each district. The Commission oversees national operators, all online betting and other functions.
- 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 [June LA Bulletin \(mailchi.mp\)](mailto:June LA Bulletin)

- 2.1.3 On 14 June officers engaged with the Gambling Commission and other authorities in a virtual meeting that the commission arranges annually. The updates provided were largely those listed in the bulletin at 2.1.2.
- 2.1.4 Government proposals to reform the Gambling Act 2005 are still due to be published along with a White Paper due last year. The Commission awaits publication and whenever the contents are revealed, the details will be reported to this Committee.
- 2.1.5 Officers engaged with an event organiser seeking to operate Bingo activities under a time limited premises licence granted for an event due to occur in the autumn. Following contact with the Gambling Commission and through legal advice, it was confirmed the Bingo proposal is a licensable activity that could not operate legally as proposed. The Commission publishes details of [How to run bingo legally \(GC\)](#) and the proposals did not fall under any of the exemptions, the organiser is not a licensed Bingo operator and there isn't a gambling licence the event can rely on. With the event being a paid entry for a specific purpose, Bingo could not be operated under an exemption of 'pub bingo' where players enter freely and access Bingo with lower prizes for which no amount can be deducted from stakes or prizes, along with participation fees being relevant. Bingo is a licensable gambling activity, being a subject that the Commission monitors closely with regard to unregulated activities.

2.2 Surveys and Consultations

- 2.2.1 As reported, officers provided the return to the Gambling Commission regarding licences administered and details of enforcement work over the period April 2021 to 31 March 2022. The data required by the Commission was more streamlined than in previous years.
- 2.2.2 The statistics obtained in April 2022 reveal that this licensing authority administers 1 Bingo Premises Licence, 4 Adult Gaming Centre Premises Licences, 11 Family Entertainment Centre Gaming Machine Permits, 7 Betting Premises Licences, 12 Club Machine Permits, 1 Prize Gaming Permit, 9 Alcohol Licensed Premises Gaming Machine Permits and 145 Small Society Lotteries over the last year. In addition, 105 alcohol licensed premises gave notification of having gaming machines in public house licensed premises.
- 2.2.3 The numbers shown in 2.2.2 were generally down in comparison with the year 2019, except for Bingo and Adult Gaming Centre Premises Licences which remained constant. The only small increase was by 3 new Family Entertainment Centre Gaming Machine Permits. The decrease in Club Machine Permits is attributed to fewer Private Members Club licences (see also 1.1.4). The decrease in licensed betting offices was reported as being due to the reduction in prizes now possible for Fixed Odds Betting Terminal gaming machines (FOBT's).

3 Taxis

3.1 Applications Received and Licences Issued

- 3.1.1 New applications for drivers, vehicles and operators continue to be received in and processed along with licence renewals. Latest figures for the end of June confirm the ongoing growth in taxi and private hire licences in East Devon. The statistics that follow, indicate returning towards the number of licenses issued in 2019 prior to the pandemic, the only notable difference being for taxi vehicle licences, some of which have been licensed to become Private Hire vehicles as vehicles cannot hold both forms of licence.

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 (To July)	161	136	48	39	20

3.1.2 Officers continue work reported previously for testing and implementing online taxi application processes using 'Firmstep'. The online processes will allow applicants to upload and submit their licences and renewals on a 24/7 basis which the trade has previously requested given their working hours.

3.1.3 The mandatory HMRC tax codes checks continue to be suitably arranged by those renewing their licences. Use of the National Revocation (NR3) register continues with the necessary officer training only being available last month that allowed officers to use the database.

3.2 Enforcement

3.2.1 The licensing team records and investigates complaints that are received from the public which is recognised as an effective procedure by the DoT. There were no complaints received over the previous period.

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 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

3.4.1 The Department for Transport has circulated information of commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which took effect on 28 June. It amends the Equality Act 2010 to support and ensure that disabled people can continue to access transport services, free from the fear of discriminatory treatment or being faced with additional charges. The Act reinforces the requirement under the 2010 Act, which this authorities meets, for all licensing authorities to publish a list of their licensed [Wheelchair Access Vehicles \(WAV's - East Devon\)](#).

3.4.2 The DoT acknowledged in June shortly before the circulation that short notice and timescales were provided and a review of the Act has been conducted. Officers will contact all licensed drivers and operators to ensure that they are aware of the new legislation which builds upon accepting and providing transport for any disabled person. A broad summary of the changes circulated by the DoT is provided at **Appendix A**.

3.5 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

3.5.1 The [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#) received assent and places formal obligations on all authorities to record and report concerns or allegations to another authority where a driver is licensed. This legislation is already part of the managing and recording complaints procedure outlined under **3.2** and places emphasis on sharing reports with the original licensing authorities.

3.6 East Devon Taxi and Private Hire Policy

3.6.1 Members of this Committee will be aware that various new regulations, in addition to those under 3.4 and 3.5, have been implemented by the government and DoT since 2019, with some increasing officer work through checking, processing and returning information (Air Quality Regulations 2019, HMRC Tax check, NR3 suitability checks and others). Updates have been included to the Councils Tax and PH policy when necessary and the policy is due for full review following its introduction in 2017.

3.6.2 It is proposed to address all such changes and those still expected this year, by including all developments within a revised, taxi policy to be circulated for this Committee to consider. It will be necessary to fully consult the existing licensed trade in conjunction with other authorities and the general public.

3.7 Meeting between Councillors, Taxi Proprietors and Officers

3.7.1 Previous meetings with members of the taxi trade and the Licensing and Enforcement Committee were held each year with officers and Councillors attending. The Licensing Chair and Vice Chair attended which became an annual meeting and Licensing Councillors were welcome. The last meeting took place in November 2019 at the council offices and although the forum provided a means of communication with the taxi trade on key subjects, the time and day to meet was a challenge to the trade due to the need to be working at key times. Towards the end in 2018/19, attendance had dropped considerably.

3.7.2 Officers also take the opportunity to attend meetings, upon invitation that are arranged by the Exmouth Taxi Association whenever possible and were informed that membership has recently increased to welcome drivers and proprietors from across East Devon, now being renamed as the East Devon Taxi Association.

3.7.3 The forthcoming work by officers to prepare amendments to the East Devon Tax and PH Policy may be suitable for further communication with the trade at one forum, although the Licensing Manager is mindful of the increasing number of Council meetings and Committees already taking place and that attending two taxi forums provides duplication. Members are asked to consider whether maintaining an annual attendance in late 2022 or early next year through just one forum may be helpful, officers will continue to attend the association meetings and to report back to this Committee.

3.8 Taxi Tariffs Fares

3.8.1 A further report today refers to a new request from taxi proprietors seeking an increase to the East Devon taxi fares tariff.

4. General Licensing – Street Trading Consents

4.1 Applications Received Street Trading Consents Issued

4.1.1. Currently there are 28 Street Trading Consents granted across the district on public areas with a further new and renewal applications under consultation.

4.1.2 Interest for street trading across the district continues with new and existing mobile businesses continuing to seek consent to trade in public places.

4.1.3 Collaboration with Sidmouth Town Council continued regarding suitability of prohibited streets for Street Trading in the town. The Town Council has expressed a desire to remove that designation which was previously requested by the town when implementing the policy in 2017. The Street Trading policy is due for review later this year when it is proposed to provide a report at the next meeting of this Committee with a timeline and proposals that will require a public consultation.

5.1 Temporary Pavement Licences (Business & Planning Act 2020)

- 5.1.1 Take up by businesses applying to the Licensing Authority to place tables and chairs on public highways has remained low since 2020 when the new, temporary powers were passed to District Councils. There are two regimes that businesses can apply for, being the temporary 'fast track' arrangements that District Councils administer since 2020, alongside the continuing regime for pavement licences the County Council has held the responsibility for many years.
- 5.1.2 Devon County Council has granted 26 pavement licences, many being on annual renewal. EDDC licensing authority has granted 3 pavement licences, for businesses all located in Exmouth. The temporary regime offered by District Councils requires an application fee of £100, with the County Council service charging an application fee of £212, subsequent renewals annually costing £90.10. Devon County Council licences can be viewed at [Current Pavement Licences - Roads and transport \(devon.gov.uk\)](https://www.devon.gov.uk)
- 5.1.3 The temporary regime administered by District Councils remains in place until 30 September 2022 despite the Government outlining its commitment to make the measures permanent. As legislation has not yet extended power for District Councils to grant pavement licences beyond September, it means if a licence is deemed granted it will not be valid beyond that date.
- 5.1.4. Key points to consider still for the temporary regime are that it is not procedurally possible for the Licensing Authority to grant a pavement licence:
- a) Contrary to any refusal submitted by the Highways authority when consulted,
 - b) For any location that does not fall under the definition of being a highway or,
 - c) On land owned by EDDC or on any other privately owned land.
- 5.1.5 Over the previous period, the licensing team received 3 applications from businesses seeking a temporary pavement licence, with 1 licence granted and 2 refused upon receipt of objections submitted by DCC Highways.
- 5.1.6 Permission to place tables and chairs on land owned by EDDC does not fall within this licensing process, instead being managed by other Services under 'Sitting Out Consents' or through contract lease agreements.

5.2 Proposed Pavement Licence Regime (Levelling-up and Regeneration Bill)

- 5.2.1 The Government have tabled the Levelling-up and Regeneration Bill (The 'Bill') which is currently in draft being scrutinised by Parliament before becoming law. It proposes to make the regime for Pavement Licences issued under the Business and Planning Act permanent, being the regime that District Councils adopted in 2020.
- 5.2.2 The 3 Pavement Licences issued by EDDC under the Business and Planning Act cannot be extended beyond the date set by the Act for 30th September 2022 and new applications cannot be granted after this date until the Bill becomes law.
- 5.2.3 The Bill proposes to make some amendments to the current provisions of the Act, which are summarised broadly as:
- a) To amend the fee councils can charge applicants by increasing from £100.
 - b) Extend the consultation period and determination period.
 - c) Extend the maximum duration of pavement licences from 1 year to 2 years at the discretion of the local authority.
 - d) Pavement Licences can be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
 - e) Prohibit a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a pavement permit is capable of being granted under this Bill

- f) Insert a new Enforcement schedule providing powers to the local authority to remove furniture if a premise is not abiding by its pavement licence conditions and hours.

- 5.2.4 One of the intended benefits of the temporary pavement licence regime was that once a pavement licence is granted by the local authority, the premises benefits from deemed planning permission for the furniture for the duration of the pavement licence and there is no proposal to change this under the Bill. However, the low take up of the temporary pavement licences has been due to uncertainty of any extension beyond September 2022. Some businesses that have applied to EDDC have also subsequently received objections submitted by DCC Highways that have ended the application process.
- 5.2.5 Unless the new Bill is progressed swiftly and prior to the expiry of the 3 pavement licences granted by EDDC, the alternative is for those holders of a temporary pavement licence to apply to DCC for a new licence beyond September.
- 5.2.6 The licensing manager has requested a meeting with managers from DCC in view of two regimes being likely to overlap and is yet to receive a response. Until the Bill proceeds with more specific details, the procedures under 5.2.3 (a-f) cannot be confirmed. Delivering a permanent pavement licensing regime will require a review of licensing staffing to meet extra demand, the delegated powers necessary for enforcement, a review of the fees and drafting policy for this Committee to consider.
- 5.2.7 The Bill is currently a draft piece of legislation, is subject to change and applies to England and Wales only.

6.1 Safety Advisory Group (SAG)

- 6.1 Officers attend meetings of this council's Safety Advisory Group (SAG) that allows authorities to consider and support advanced planning for outdoor events. The SAG operates as a multi-agency, non-statutory group to provide guidance to event organisers. EDDC meetings are arranged quarterly and core members from each responsible authority attend to support safely organised events.
- 6.2 Administering and chairing this council's SAG has been the responsibility of the Service Lead for Environmental Health, in conjunction with the Principal Environmental Health and Safety Officer since implementation. That service manages council Health and Safety responsibilities and with both posts vacant over recent months pending recruitment, the June SAG meeting was chaired by the Licensing Manager, with administrative support kindly provided by Democratic Services. The importance of this group is evident nationally and in this District to allow the authorities to support safely organised events. The handover of temporary responsibility back to both senior Environmental Health managers will occur upon recruitment.

6. Councillor Training

- 6.1. Initial training was provided for Licensing and Enforcement Committee Councillors in 2019 and through subsequent virtual training events.
- 6.2 Training is mandatory to provide sufficient understanding when determining contested applications at licensing sub-committee hearings.
- 6.3 Councillors who have received training were provided with a link for refresher training following the last meeting using the tools offered by Cornerstone Barristers. It will be appropriate to complete the refresher training this year and to inform Democratic Services upon completion of the refresher training.
- 6.4 Further training opportunities were offered by the Institute of Licensing via Zoom on 8th June and 14th July 2022 and were circulated to Councillors to consider attending.

Financial implications:

There are no finance implications

Legal implications:

There are no legal implications requiring comment



27 May 2022

Dear Local Licensing Authority officers,

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022: Actions required of local authorities ahead of coming into force on 28 June

On 28 June, the [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#) (“The 2022 Act”) will take effect in England, Scotland, and Wales¹. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

We will shortly publish a revised version of our 2017 guidance, [Access for Wheelchair Users to Taxis and Private Hire Vehicles](#), for licensing authorities. This will set out our advice and recommendations on implementing the duties under the taxi and PHV section of the Equality Act. However, given the tight timescales, I wanted to write to you now to highlight the key actions you will need to take in advance of the new requirements applying on 28 June.

Lists of Wheelchair Accessible Vehicles (WAVs)

From 28 June, **all** licensing authorities must maintain and publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for this.

For those authorities which don't already maintain **and** publish such a list, we recommend you start preparing as soon as possible to comply by:

¹ The Act received Royal Assent on 28 April.

- Collating details of the WAVs in the taxi and PHV fleets you regulate, ensuring that respective drivers and operators are aware of their vehicles' inclusion, and the practical implications of this; and
- Once ready, publish the list or lists on your website, ensuring that content is accessible to disabled users and is easily discoverable.

When considering which vehicles to include on your list, you should pay regard to the [2017 guidance](#).

Exemptions

Currently, drivers of designated WAVs may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all of the duties at section 165.

As a result of the new Act, from 28 June:

- All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
- Both existing and new exemption notices, when displayed correctly, will exempt a driver **only** from the **mobility assistance** duties at sections 164a and 165 – meaning, for example, that a driver's medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

We recommend you prepare by:

- Ensuring you have an appropriate and transparent policy in place for inviting applications and then issuing exemption certificates and notices, where you are satisfied that it is appropriate to do so on medical or physical grounds. We recommend that drivers provide evidence to support their application, preferably from an independent medical professional.
- Informing all of the drivers you license that they will shortly be subject to the new duties introduced by the 2022 Act, and that any who consider themselves medically or physically unfit to perform the mobility assistance duties and who do not already hold an exemption should contact the authority to seek an exemption as a matter of urgency.
- Informing drivers who currently hold an exemption notice that the notice will continue to remain valid until replaced or withdrawn by the authority, and that, regardless of the notice wording, from 28 June it will exempt drivers **only** from the **mobility assistance** duties at new sections 164a and 165.

New requirements for drivers and operators

The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, **all** taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act. The main changes are set out below.

Taxi and PHV drivers will be required to:

- Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.

Further information on these duties can be found in the 2022 Act's [Explanatory Notes](#).

We recommend you prepare by:

- Communicating with operators and drivers to ensure that they understand the new requirements, and the enforcement action the authority will take in response to any non-compliance.
- Updating any internal guidance you may use to support both reactive and proactive enforcement of the Equality Act provisions.

Disabled people should be able to travel by taxis and PHVs free from any fear of discriminatory treatment. The changes introduced through the 2022 Act will provide disabled passengers with the reassurance that they will receive appropriate assistance, wherever they travel, without being charged extra, and I am grateful to you for taking prompt action to ensure these duties are implemented effectively.

Yours sincerely,



Ruth Harper
Deputy Director, Accessible and Inclusive Travel

Report to: Licensing and Enforcement Committee

Date of Meeting 20 July 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release



Report on Hackney Carriage Fares

Report summary:

Report No. 1 Hackney Carriage Fares – To Consider a Request from Hackney Carriage Proprietors to increase the Taxi Fare Tariff and to adopt a New Fare Table

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee;

1. **Considers a further request from Hackney Carriage (Vehicle) licence holders to increase the Hackney Carriage Table of Fares, and**
2. **As an interim measure, to consider temporary approval for using the higher evening taxi fare tariff for daytime fares, and**
3. **If agreed under 1, to set a timescale through the statutory procedure as required.**

Reason for recommendation:

The Licensing and Enforcement Committee is asked to consider a further request from East Devon Hackney Carriage Licensees to increase the current Hackney Carriage Fare Table

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 Information

- 1.1 The information to provide content for this report was received shortly before timescales to prepare and publish it. Further details will be provided by officers for the Committee to receive after publication and prior to meeting.
- 1.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits District Councils to set the fares tariff for Hackney Carriages licensed in the District and this Council, in common with most other Councils, have used this power for many years. The setting of fares for hackney carriages is a function for this Council's Licensing and Enforcement Committee.
- 1.3 East Devon District Council set the maximum chargeable fare when it adopted the current taxi fare tariff that appears at **Appendix A** in April 2022. The public consultation exercise was completed in line with statutory requirements with no objections being received.
- 1.4 This increase followed a request from the Exmouth Taxi Trade Association (now the East Devon Taxi Association) with the last increase prior to this year approved in 2020. On that occasion the association had sought an increase of 50 pence on the initial 'flag' charge (or half mile journey) that resulted in change from £3 to £3.50 for daytime fares. The trade had not sought a change to evening and weekend/bank holiday fares which were left unchanged.
- 1.5 The taxi fare tariff sets the maximum fares that can be charged under three tariffs for the daytime (Tariff One), evenings and night time (Tariff Two) and for Bank Holidays (Tariff Three).
- 1.6 All licensees were contacted by officers on a number of occasions to seek their proposals in 2020 and 2022, although overall feedback on both occasions was received from Exmouth Taxi Trade Association. The 2022 increase approved in April gave a further increase on the initial 'flag' charge by 10% increasing from £3.50 to £3.85 for daytime fares and with evening fares increasing from £4.00 to £4.40. Tariff Three remained unchanged this year.
- 1.7 In addition to the public consultation occurred and contact with all licensees, officers had attended a meeting of Exmouth Taxi Trade Association Prior in the spring prior to circulating the public notice in local newspapers explaining the changes under **Appendix B**. The notice was a full summary of all charges under all three tariffs and is now displayed on the EDDC web pages as the current [East Devon Tariff Detail for Meter Engineers](#) who amend the vehicle taxi meters and for the public.

2 Fare Tariff Increase April 2022

- 2.1. The timeline to remind the Committee of the current tariff began in October 2021 after Exmouth Taxi Trade Association verbally requested an increase to officers. A comprehensive report outlining the subsequent contact with all licensees was provided to this Committee in November 2021 through the [Taxi Fare Tariff Report](#) when it was resolved to increase the fares tariff after further scoping work.
- 2.2. On 12th January 2022, officers sent to all hackney carriage licensees the details of three increase options at that time based above the Inflation Rate provided at **Appendix C**.
- a) Option 1 - No Change to the current taxi fare tariff at all.
 - b) Option 2 - Increase Tariff 1 the minimum first half mile fare increasing by 5.7% to £3.70.
 - c) 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
- 2.3. Officers updated this Committee in February outlining the inflation challenges in conjunction with the responses that had been received in the [Taxi Fares report](#). The Committee unanimously approved a 10% increase to adopt the new fare table after the necessary public notice were placed in newspapers circulating in the District. The period for objections passed on 1 April 2022 and the current table of fares was adopted.
- 2.4. Officers have informed all East Devon hackney carriage licensees of the new fare table by email and by posting out new laminated tariff cards with a covering letter. Licensees were reminded to make their arrangements with suitably appointed meter engineers to have their vehicle meters calibrated with the new tariff by 1st September 2022 and a number have already done so.

3 New Request for a Fare Increase

- 3.1 The confirmation of a new increase has been forthcoming between May and July and on 23 May 2022, officers received contact from the Chair of the East Devon Taxi Association putting forward a request for a 10% increase in all costs listed under Appendix B, the current [East Devon Tariff Detail for Meter Engineers](#). Officers sought clarification verbally and by email.
- 3.2 In June further follow up was provided by the association referring to higher increases adopted in other Districts outlining that a further increase of 15% is necessary. It is acknowledged that fuel costs have continued to rise with ongoing challenges to the taxi trade, specifically from fuel, garage service costs and insurance. On 27 June the Exmouth Taxi Association held a meeting which officers were unable to attend following which an update on the new increase was provided provided.
- 3.3 On 2 July, details of the East Devon Taxi Association meeting were shared with officers and amongst other taxi related matters, the fare rise of 15% was confirmed. Officers responded to seek clarification on whether the 15% increase is sought against the former fare tariff (pre April 2022 fares) or for the new and existing fare tariff adopted on 20 April. An email response was provided by the association on 7 July confirmed the former, being required against the pre-April '22 fares tariff and specified, *"Taking the original tariff before April 2022 the requested changes are relating to that. So we would request 15% on each fare in tariff 1 and tariff 2. Tariff 3 to remain as it is."*
- 3.5 On 8 July, officers received further contact from the Chair of the association passing on email comments of one licensees asking if EDDC could speed up this process to help eliminate the pressure many firms/drivers are feeling with continually increasing costs. The licensee also asked that as an interim measure whether the taxi trade could be granted approval to

temporarily use the higher Tariff 2 evening costs for daytime work (instead of Tariff 1) and Tariff 3 for night time and Sunday plus bank holidays.

4 Summary

- 4.1 The fare tariff set by each Council effectively caps the salary of taxi drivers and sets the maximum fares that taxis can charge the public although it is possible to charge lower if a driver wishes to. Taking into account the very recent nature of the request for a further increase of 15% against the pre-April fare, members will need more information to consider a decision.
- 4.2 Taking into account that two fare increases have been adopted in the last two years and with this latest request being received within recent weeks, officers recognise the need to provide more detailed information regarding the recommendation to members before considering to proceed or decline the request.
- 4.3 As explained earlier in this report, Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 outlines legal procedures to move forward requiring a public notice for which it would be necessary to prepare a new table of fares to be considered at that point. However the current Tariff 2 fares have passed through that procedure and if, as a temporary measure, using the higher evening Tariff 2 on daytime fares is to be considered, the increase to the public by paying those fares in the daytime will need to be understood.
- 4.4 This challenge is currently faced by Councils and the taxi trade nationally. Other District Councils have also reset their taxi fares this year in differing levels, with some increasing by 30% although the baseline of what an increase of that nature was originally set against will be provided along with comparison of Councils fares for this meeting.
- 4.5 With the following meeting of this Committee planned in November, the interim option to approve the use of the higher fares tariff already in place for evenings, against daytime fares may require consideration. The late receipt of this request has not allowed for wider dialogue or consultation with all East Devon licensees although more are now attending the former Exmouth taxi association.
- 4.6 Officers will shortly provide a further update report with appendices prior to the meeting on 20 July to support the Committee to allow clearer understanding of the need for increasing the fares and if approved, by how much.

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.

Date of Meeting 20 July 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Report on Hackney Carriage Fares

Report summary:

Report No. 2 Hackney Carriage Fares – To Consider a Request from Hackney Carriage Proprietors to increase the Taxi Fare Tariff and to adopt a New Fare Table

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee;

1. Considers a further request from Hackney Carriage (Vehicle) licence holders to increase the Hackney Carriage Table of Fares, and
2. As an interim measure, to consider temporary approval for using the higher evening taxi fare tariff for daytime fares, and
3. If agreed under 1, to set a timescale through the statutory procedure as required.

Reason for recommendation:

The Licensing and Enforcement Committee is asked to consider a further request from East Devon Hackney Carriage Licensees to increase the current Hackney Carriage Fare Table

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 Updated Information to Report 1

- 1.1 This report is in addition to that already submitted for the Committee to consider today. The procedures and reasons for this Council adopting the new 2022 taxi fares tariff are set out in the first [Taxi Fare Tariff Report](#) with further information now provided.
- 1.2 To recap, after this Council adopted the current taxi fares tariff in April, the East Devon Taxi Association has requested a further increase to the tariff in place **before April 2022**, now seeking 15% for all costs on Tariff 1 and Tariff 2, with Tariff 3 to remain unchanged.
- 1.3 As an interim measure one licensee has also asked whether the taxi trade could be granted approval to temporarily use the current higher Tariff 2 evening costs for their daytime work (instead of Tariff 1) and Tariff 3 for night time and Sunday plus bank holidays.
- 1.4 The more detailed current tariff at **Appendix B** followed statutory consultation processes for the 10% increase on the initial 'flag' charge from £3.50 to £3.85 (daytime) and increased from £4.00 to £4.40 (evening fares). The changes made are highlighted in red font in **Appendix D**. The figures remaining in black font were not increased and they represent fare costs on subsequent distances that are in addition to the first half mile.
- 1.5 East Devon Taxi Association has approved circulation of the redacted minutes of its meeting on 27 June under **Appendix E**. Attendance at the meeting was reported as being 16 licence holders and 2 invited guests. Reference to other taxi related matters discussed at the meeting will be considered later this year under the review of the Taxi and Private Hire policy.
- 1.6 This council currently has 80 hackney (taxi) vehicle licence holders across the District, being individuals or companies with 137 licensed taxis. Previous procedures to change the taxi fares involved contacting all licence holders to gain all views and feedback on prior occasions. The majority of licence holders did not attend the association meeting, with 64 companies or individuals not present.
- 1.7 Officers have communicated with other Devon licensing authorities that report the same situation and engagement with their taxi licensees about challenges of increasing fuel and transport costs. It is a situation for all authorities and taxi trades nationwide.
- 1.8 The previous detailed fares tariff that was in being from 2020 to 2022 (before the 10% increase was adopted) is at **Appendix F**. The full tariff is prepared for meter engineers to calibrate meter fares that the association have expressed the wish to increase by 15%.
- 1.9 The Committee meets today exactly three months to the day since the current 10% fares were adopted.

2 Local and National Fares Comparison

- 2.1. The Private Hire and Taxi Monthly (PHTM) publishes all council tariffs changing monthly as councils reset fares across the country. Officers have prepared a comparison table of national fares including the currently adopted tariff of this council. It gives the standing for this council as 51st position of 355 councils at **Appendix G**. The figures for comparison are based solely on the cost of the first two mile fare for each tariff nationally.
- 2.2. The table includes the current fares of authorities in Devon, Dorset and Somerset based on the cost of the first two mile fare of each.
- 2.3. Council procedures differ, not all provide three tariffs (daytime, evening/weekend, bank holidays) as this council does, which is regarded as good practice, some having fewer or more tariffs for various times or days. It is for this reason that the PHTM compares fares against the benchmark of the first 2 mile journey fare cost.
- 2.4. Officers have updated the table to show where the position of this council
 - (a) Currently sits following the 10% increase (red font),
 - (b) Where it is considered it could sit should a 15% increase be adopted
- 2.5. Officers have not had sufficient time to prepare a provisional update of the 2020 fare tariff showing the requested increase by 15% as the timescales have not allowed the calculations to be fully verified and confirmed as being fully accurate.
- 2.6. The comparison with local and national fares is not a sole factor for changing adopted taxi fares as it offers the comparison for this month. The currently adopted fares for this council (first half mile) sit third in Devon in the table behind North Devon and Torridge which have both changed this year and above others that have also changed in 2022. It is understood that other Devon authorities are in the process of fare changes currently.
- 2.7. East Devon Taxi Association reported the need to increase the present fares in line with other councils, along with continually increasing costs and to attract new drivers. Doing so because of higher fares in neighbouring, nearby Districts could cause frequent requests for an increase given all councils are updating their fares and positions in the table change monthly.

3 Options

- 3.1 Officers have not consulted or notified all East Devon hackney carriage licensees of the new request for an increase as 64 licensees did not attend the taxi association meeting last month. Since adopting the current fares three months ago, a number of licence holders have already completed the calibration of their taxi vehicle meters to the newly adopted tariff, being at their own cost. Should a further increase be considered, those who have acted to change their meters as requested by the council, will incur a further cost to change the taxi meter again.
- 3.2 The date of 1st September has been provided for all licence holders to arrange their meter change to the current fare tariff which requires consideration. The Committee may wish to consider extending that date and to still require those licensees that have not yet complied, to do so to provide a level approach before any new fares tariff. It may be appropriate to consider extending the date for all licensees to change to the present fare tariff with a date of 1st November before the next meeting of this Committee.
- 3.3 With regard to considering an interim measure for temporary approval to use evening fares for daytime work, the current Tariff 1 and Tariff 2 costs are shown at **Appendix A**. These costs have been advertised in accordance with the requirements although with specific fares

for respective times of each day or night. The fare paying public would pay an increase to the first half mile journey if changing the current T1 to T2 costs, rising from £3.85 to £4.40.

- 3.4 The timing of the new fare request shortly prior to this meeting did not provide sufficient time to confirm the full meter calculations to prepare the draft public notices which are necessary.
- 3.5 The national and local fares comparison table will be provided for the meeting of this Committee in November when it is anticipated other Devon Councils will have reset fares. This situation is reported as a critical period by the East Devon Taxi Association which is fully acknowledged. The current economic and cost of living crisis is a challenge to the county as a whole and any change in the fares will impact on the public paying taxi fares.

4 Recommendations

- 4.1 The option exists to approve an increase by 15% in principle to the former taxi fare tariff in being from 2020 to April 2022, to replace the currently adopted tariff. That will require calculation of the full meter tariff costs, the formal consultation notices being prepared and approved at a further meeting of this Committee to begin the statutory public consultation.
- 4.2 The option exists that before proceeding under 4.1, to seek feedback and views of all licence holders over the requirement for a further increase, allowing those who have already changed their taxi meters to the adopted fares, to respond in conjunction to those seeking an increase.
- 4.3 The option exists to leave the fare tariff adopted in April unchanged and to further review the situation at the next meeting of this Committee.
- 4.4 Officers will provide a full update at the next meeting of this Committee in November for all matters relating to inflation, fuel costs and national fares comparison.
- 4.5 It is recommended that the Committee acknowledge the latest request for an increase by the East Devon Taxi Associations in writing and outlining the decision taken today.
- 4.6 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 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 then have 14 days to make comment on the proposals. If no adverse comment/objection is received the approved changes can take effect and it is planned that they should come into use in early December.
- 4.7 Alternatively if adverse comment/objection is received then the matter must be returned to allow this Committee to consider the representation(s).

Financial implications:

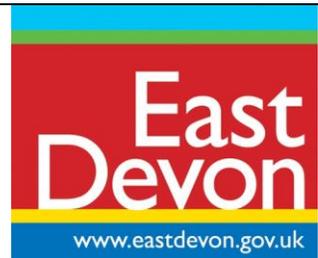
There are minimal costs mentioned in the report as a public notice in the local newspaper will be required before any alteration to charges. Also if there are any objections this will need to be referred to Committee which would incur minimal officer time.

Legal implications:

The legislative framework is set out within the report.

APPENDIX A

FARES FOR HACKNEY CARRIAGES



Effective from April 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	£3.85	£4.40	£5.20
FOR THE FIRST WHOLE MILE	£5.05	£5.65	£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	£5.05	£5.65	£6.80
2 miles	£7.15	£8.15	£9.60
3 miles	£9.25	£10.65	£12.40
5 miles	£13.45	£15.65	£18.00
10 miles	£23.95	£28.15	£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

APPENDIX B

EAST DEVON DISTRICT COUNCIL			
Fares for Hackney Carriages			
<p>NOTIFICATION IS HEREBY GIVEN that the East Devon District Council intend to vary the table of fares for hackney carriages with the effect that the following revised maximum fares will become payable:</p>			
	TARIFF 1 For hirings begun between 0700 hrs and 1900 hrs Monday to Saturday inclusive other than those subject to tariff 2 or 3	TARIFF 2 For hirings begun on any day between 1900 hrs and 0700 hrs and all day Sunday other than those subject to tariff 3	TARIFF 3 For hirings between 1900 hrs 24 December to 0700 hrs 27 December and 1900 hrs 31 December to 0700 hrs 2 January and all Bank Holidays between 12 midnight & 12 Midnight
For the first 880 yards (½ mile) or uncompleted part thereof For each subsequent 251.43 yards (1/7 of a mile) or uncompleted part thereof	£3.85 (from £3.50) £0.30		
For the first 880 yards (½ mile) or uncompleted part thereof For each subsequent 176 yards (1/10 of a mile) or uncompleted part thereof		£4.40 (from £4.00) £0.25	
For the first 880 yards (½ mile) or uncompleted part thereof For each subsequent 251.43 yards (1/7 of a mile) or uncompleted part thereof			£5.20 £0.40
Extra Charges For each passenger after the first For each item of baggage For each dog (not including assistance dogs) Toll, ferry & car park fees incurred with journey	£0.20 £0.20 £0.20 Actual Fee	£0.20 £0.20 £0.20 Actual Fee	£0.20 £0.20 £0.20 Actual Fee
Waiting Time	£0.30 for 37.50 secs.	£0.25 for 31.25 secs.	£0.40 for 50 secs.
Solling Charge	£80.00	£80.00	£80.00
Booking Charge At the discretion of the operator for each booking made by telephone and which requires the driver to drive to the hirer's designated pick up point, the hirer must have been informed of the charge at the time of making the booking.	Maximum £12.00		
<p>Any objections to this variation, together with the grounds on which they are made, must be in writing and received by the Chief Executive at the address below by not later than midday on Friday, 1 April 2022.</p> <p>The table of fares will come into force on 20 April 2022 subject to no objection being received or such other time as may be determined in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Dated: 15 March 2022 M R WILLIAMS Chief Executive, East Devon District Council, Blackdown House, Honiton, EX14 1EJ</p>			

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

EAST DEVON DISTRICT COUNCIL

Fares for Hackney Carriages

Effective from 20 April 2022

	<u>TARIFF 1</u> For hirings begun between 0700 hrs and 1900 hrs Monday to Saturday inclusive other than those subject to tariff 2 or 3	<u>TARIFF 2</u> For hirings begun on any day between 1900 hrs and 0700 hrs and all day Sunday other than those subject to tariff 3	<u>TARIFF 3</u> For hirings between 1900 hrs 24 December to 0700 hrs 27 December and 1900 hrs 31 December to 0700 hrs 2 January and all Bank Holidays between 12 midnight & 12 Midnight
For the first 880 yards (½ mile) or uncompleted part thereof For each subsequent 251.43 yards (1/7 of a mile) or uncompleted part thereof	£3.85 £0.30		
For the first 880 yards (½ mile) or uncompleted part thereof For each subsequent 176 yards (1/10 of a mile) or uncompleted part thereof		£4.40 £0.25	
For the first 880 yards (½ mile) or uncompleted part thereof For each subsequent 251.43 yards (1/7 of a mile) or uncompleted part thereof			£5.20 £0.40
<u>Extra Charges</u> For each passenger after the first For each item of baggage For each dog (not including assistance dogs) Toll, ferry & car park fees incurred with journey	£0.20 £0.20 £0.20 Actual Fee	£0.20 £0.20 £0.20 Actual Fee	£0.20 £0.20 £0.20 Actual Fee
<u>Waiting Time</u>	£0.30 for 37.50 secs.	£0.25 for 31.25 secs.	£0.40 for 50 secs.
<u>Soiling Charge</u>	£80.00	£80.00	£80.00
<u>Booking Charge</u> At the discretion of the operator for each booking made by telephone and which requires the driver to drive to the hirer's designated pick up point, the hirer must have been informed of the charge at the time of making the booking.	Maximum £12.00		

MINUTES OF THE EAST DEVON TAXI ASSOCIATION MEETING HELD ON
TUESDAY 28 JUNE 2022

PRESENT 16 members

Name Redacted (Chair)

Name Redacted (Secretary)

2 Names Redacted (Exmouth Town Council)

(Chair) welcomed all to the meeting and asked each to introduce themselves to the group.

It was noted that (Name Redacted) was not able to be with us as his wife is unwell. It was agreed that the Association would send her flowers to wish her well.

At the next meeting there will be a pro-forma for members to complete their details so that records can be brought up to date. (name, company, phone, email)

The minutes from the last meeting were discussed, particularly tariff's. Initially (Chair) wrote to (East Devon Licensing) asking for a 10% increase. Our intention was for 10% increase for each fare but this was misunderstood by the council due to the phrase "across the board"

(Chair) has followed this up by asking for a 15% increase per fare.

(Name redacted) read out some statistics relating to fares across the country. It is a mixed picture but it is clear that we need to improve our position to encourage new drivers, cope with the fuel increases and all round increased costs.

(Name redacted) proposed and it was carried unanimously that a 15% increase should be approved with the earliest implementation with further annual index linked increases. This proposal will be sent to (East Devon Licensing).

(Name redacted) suggested that the main Exmouth rank needs a sign and barrier to help organisation at busy times. Unfortunately (Chair) explained there is no funding in the licensing budget for this at present. He also pointed out that with a shortage of taxis, drivers, and more County work being undertaken, more people are pre-ordering their taxis as opposed to waiting for taxis on the rank.

CCTV was discussed and (Name redacted) said she would look into this.

(Name redacted) proposed and the meeting agreed that taxis should be allowed to be up to 6 years old with a maximum age of 12 years (continuous licensing). This to be put to (East Devon Licensing).

(Name redacted) proposed that a way needs to be sought to marry the Taxi MOT with the Government MOT to simplify the process and become more cost effective.

The meeting closed at 8.1pm.

Copies of the minutes will be sent by email to all members

Paper copies will be available at the next meeting

EAST DEVON DISTRICT COUNCIL

Fares for Hackney Carriages

Effective from 3 September 2020

	<u>TARIFF 1</u> For hirings begun between 0700 hrs and 1900 hrs Monday to Saturday inclusive other than those subject to tariff 2 or 3	<u>TARIFF 2</u> For hirings begun on any day between 1900 hrs and 0700 hrs and all day Sunday other than those subject to tariff 3	<u>TARIFF 3</u> For hirings between 1900 hrs 24 December to 0700 hrs 27 December and 1900 hrs 31 December to 0700 hrs 2 January and all Bank Holidays between 12 midnight & 12 Midnight
For the first 880 yards (½ mile) or uncompleted part thereof	£3.50		
For each subsequent 251.43 yards (1/7 of a mile) or uncompleted part thereof	£0.30		
For the first 880 yards (½ mile) or uncompleted part thereof		£4.00	
For each subsequent 176 yards (1/10 of a mile) or uncompleted part thereof		£0.25	
For the first 880 yards (½ mile) or uncompleted part thereof			£5.20
For each subsequent 251.43 yards (1/7 of a mile) or uncompleted part thereof			£0.40
<u>Extra Charges</u>			
For each passenger after the first	£0.20	£0.20	£0.20
For each item of baggage	£0.20	£0.20	£0.20
For each dog (not including assistance dogs)	£0.20	£0.20	£0.20
Toll, ferry & car park fees incurred with journey	Actual Fee	Actual Fee	Actual Fee
<u>Waiting Time</u>	£0.30 for 37.50 secs.	£0.25 for 31.25 secs.	£0.40 for 50 secs.
<u>Soiling Charge</u>	£80.00	£80.00	£80.00
<u>Booking Charge</u> At the discretion of the operator for each booking made by telephone and which requires the driver to drive to the hirer's designated pick up point, the hirer must have been informed of the charge at the time of making the booking.	Maximum £12.00		

Comparison of Hackney Carriage Taxi Fares – Devon

July 2022

Private Hire & Taxi Monthly (PHTM) magazine collate and update the ‘league table’ of all 355 councils on the cost of the first 2 mile hackney taxi fare on Tariff 1 every month.

Positions in the table change monthly and the current position in July 2022 is shown (previous positions in the 2019 table when last reported are shown in brackets).

Note – The current position for East Devon is shown in red font.

NATIONAL POSITION	COUNCIL	First 2 MILE FARE	LAST FARE INCREASE
13 (56)	TORRIDGE	£8.00	2022
24	EAST DEVON (15%)	£7.62	If 15% adopted
40	NORTH DEVON	£7.30	2022
41	Weymouth (Dorset)	£7.30	2022
45	Dorset	£7.20	2022
51 (109)	EAST DEVON (Current)	£7.15	April 2022
88	Sedgemoor	£6.80	2019
89	Somerset	£6.80	2022
94 (47)	TORBAY	£6.75	2019
108 (178)	SOUTH HAMS	£6.60	2022
115 (63)	EXETER	£6.60	2013 - Pending
128 (137)	TEIGNBRIDGE	£6.60	2020
123 (175)	PLYMOUTH	£6.60	2022
278 (233)	MID DEVON	£5.70	2010

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

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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