

LICENSING COMMITTEE

Monday, 18 March 2019

5.30 pm

Committee Room 2, City Hall

- Membership: Councillors Kathleen Brothwell (Chair), Loraine Woolley (Vice-Chair), Biff Bean, Bill Bilton, Gill Clayton-Hewson, Ronald Hills, Andy Kerry, Adrianna McNulty, Fay Smith, Ralph Toofany, Pat Vaughan and Keith Weaver
- Substitute member(s): Councillors Bob Bushell, Gary Hewson and Jackie Kirk
- Officers attending: Tom Charlesworth, Ian Cullen, Democratic Services and Legal Services

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 6 March 2019	3 - 4
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Hackney Carriage and Private Hire minutes of previous meeting - 28 February 2019	5 - 6
4. Review of Hackney Carriage Fares	7 - 18

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Present: Councillor Kathleen Brothwell (*in the Chair*),
Councillor Loraine Woolley, Councillor Biff Bean,
Councillor Bill Bilton, Councillor Fay Smith, Councillor
Ralph Toofany and Councillor Pat Vaughan

Apologies for Absence: Councillor Gill Clayton-Hewson, Councillor Ronald Hills,
Councillor Andy Kerry, Councillor Adrianna McNulty and
Councillor Keith Weaver

53. Confirmation of Minutes - 21 November 2018

RESOLVED that the minutes of the meeting held on 21 November 2019 be confirmed.

54. Declarations of Interest

No declarations of interest were received.

55. Hackney Carriage and Private Hire minutes of previous meeting

(a) 3 January 2019

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 3 January 2019 be received.

(b) 31 January 2019

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 31 January 2019 be received.

56. Licensing Act 2003 - Determining Film Classifications

Ian Cullen, Licensing Team Leader:

- a) presented a report to the Licensing Committee with regards to creating a scheme of delegation in determining requests to certify films not already classified by the BBFC (The British Board of Film Classification)
- b) explained that the Council received a request to certify a short film, which was to be shown in multiple locations within the district, this was a requirement of the Council because the film had not been classified by the BBFC
- c) highlighted that under the current policy the Council did not have a policy for determining film classifications and this function did not feature in the scheme of delegations attached to the statement of licensing policy
- d) stated that when considering the classification of a film, the Council must carry out its functions with a view to promoting the 4 licensing objectives, which were:

- The Prevention of Crime and Disorder;

- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm

Members felt that it would be useful to receive training to enable them to determine the certification of future film requests other than it be delegated down to officers.

RESOLVED that:

- a) Authority to certify the film not classified by the BBFC be delegated to officers (with referral to Licensing Sub-Committee/ Licensing Committee if deemed necessary)
- b) Training be carried out to the Licensing Committee members which would enable them to determine the certification of future film requests.

Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Loraine Woolley, Councillor
Kathleen Brothwell, Councillor Adrianna McNulty and
Councillor Alan Briggs

Apologies for Absence: Councillor Andy Kerry

20. Confirmation of Minutes - 31 January 2019

RESOLVED that the minutes of the meeting held on 31 January 2019 be noted.

21. Declarations of Interest

No declarations of interest were received.

22. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

23. To Interview an Applicant for a Private Hire Driver's Licence who has Previously been Refused a Private Hire Licence and is unable to Provide a Certificate of Good Conduct [04/2019]

The Licensing Officer:

- a) Stated that the applicant had previously been refused a private hire drivers licence in 2017 due to non-disclosure of criminal offences, the offences of which were serious driving related offences, and was unable to provide a certificate of good conduct.
- b) Explained that the reason for the hearing was to determine whether the applicant was a fit and proper person to hold a licence following an 18 month period before the applicant could apply for a licence again.
- c) Highlighted that a DBS check had revealed that the applicant had had no further convictions in the 18 months since his licence application was refused.

The Sub-Committee questioned the applicant about his convictions.

The applicant was remorseful about his previous convictions and explained that he was very young when the convictions occurred and they shouldn't have happened. He was now married with children and hadn't committed any offences since 2009.

The applicant went on to explain that he had been delivering Take-away for the last 6 years using his own vehicle and had lived in Lincoln for many years.

Decision

That the Private Hire Vehicle Driver's Licence be granted and a letter would be sent to highlight his responsibilities in declaring convictions.

Reasons for the Decision

1. The Sub-Committee believed that the applicant came across well.
2. The applicant had no further convictions since 2009.
3. The applicant was currently working delivering take-aways with no further convictions.
4. The Sub-Committee considered the reasons he had not disclosed his convictions previously was because he thought they were spent and he didn't have to.

SUBJECT:	REVIEW OF HACKNEY CARRIAGE FARES
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	THOMAS CHARLESWORTH, LICENSING OFFICER

1. Purpose of Report

1.1 To consider an application from James Richard Hodgson, a hackney carriage proprietor, to increase the fares for Hackney Carriages in Lincoln.

2. Executive Summary

2.1 Committee decision to consider a request to vary the Hackney Carriage Fares in accordance with the received proposal.

3. Current fares

3.1 The last fare increase took place in January 2012; the current tariffs are shown at Appendix A.

3.2 A hackney carriage driver can levy 4 rates; this is dependent on the date, time of day and number of passengers.

3.3 Rate 1 is levied if there are 1 to 4 passengers and the time of day is between 6am and 11pm. This rate is commonly referred to as the day rate.

3.4 Rate 2 is levied if there are 1 to 4 passengers and the time of day is between 11pm and 6am. This rate is commonly referred to as the night rate.

3.5 Rate 2 is also levied if there are 5 to 8 passengers regardless of the time of day.

3.6 Rate 3 is levied if there are 1 to 4 passengers and the time of day is from 11pm on Christmas Eve until 6am on 27th December and from 11pm on New Year's Eve until 6am on 1st January.

3.7 Rate 4 is levied if there are 5 to 8 passengers and the time of day is from 11pm on Christmas Eve until 6am on 27th December and from 11pm on New Year's Eve until 6am on 1st January.

4. Current fare prices

4.1 Currently under rate 1 if the distance does not exceed 201 metres for the whole

distance the price is £3.00. This is known as the drop price. For distances over 201 metres, for the first 201 metres £3.00 will be added to the fare. For each subsequent 201 metres or part of, 20p is added to the fare.

4.2 In mileage terms, the fare levied under rate 1 would be as follows:

- 1 mile = £4.60
- 2 mile = £6.20
- 3 mile = £7.80
- 4 mile = £9.40
- 5 mile = £11.00

4.3 Under rate 2 if the distance does not exceed 225 metres for the whole distance the price is £3.80 (the drop price). For distances over 225 metres, for the first 225 metres £3.80 will be added to the fare. For each subsequent 225 or part of, 30p is added to the fare.

4.4 In mileage terms, the fare levied under rate 2 would be as follows:

- 1 mile = £5.90
- 2 mile = £8.00
- 3 mile = £10.10
- 4 mile = £12.20
- 5 mile = £14.30

4.5 The price for rate 3 is calculated using the same metred distances and prices as set out in rate 1, plus 100%.

4.6 In mileage terms, the fare levied under rate 3 would be as follows:

- 1 mile = £9.20
- 2 mile = £12.40
- 3 mile = £15.60
- 4 mile = £18.80
- 5 mile = £22.00

4.7 The price for rate 4 is calculated using the same metred distances and prices as set out in rate 2, plus 100%.

4.8 In mileage terms, the fare levied under rate 4 would be as follows:

- 1 mile = £11.80
- 2 mile = £16.00
- 3 mile = £20.20
- 4 mile = £24.40
- 5 mile = £28.60

5. Proposed fares

5.1 Mr Hodgson has submitted an application seeking an increase to rate 1 and rate 2. If this increase is agreed by the Council then rate 3 and rate 4 will also change as rate 3 is charged at rate 1 plus 100% and rate 4 is charged at rate 2 plus 100%.

5.2 Currently under rate 1 the meter price increases by 20p every 201 metres and he would like the metre to increase by 20p every 180 metres.

5.3 Under rate 2 the meter price increases by 30p every 225 metres and he would like the metre to increase by 30p every 202 metres.

6. Proposed fare prices

6.1 Consequently, for rate 1 if the distance does not exceed 180 metres for the whole distance the price will be £3.00. Therefore, there will not be increase to the drop price from the current rate 1 tariff. For distances over 180 metres, for the first 180 metres £3.00 will be added to the fare. For each subsequent 180 metres or part of, 20p is added to the fare.

6.2 In mileage terms, the fare levied under the proposed rate 1 would be as follows:

- 1 mile = £4.60
- 2 mile = £6.40
- 3 mile = £8.20
- 4 mile = £10.00
- 5 mile = £11.80

6.3 For rate 2 if the distance does not exceed 202 metres for the whole distance the price will be £3.80. Therefore, there will not be increase to the drop price from the current rate 2 tariff. For distances over 202 metres, for the first 202 metres £3.80 will be added to the fare. For each subsequent 202 metres or part of, 30p is added to the fare.

6.4 In mileage terms, the fare levied under the proposed rate 2 would be as follows:

- 1 mile = £5.90
- 2 mile = £8.30
- 3 mile = £10.70
- 4 mile = £13.10
- 5 mile = £15.50

6.5 The price for rate 3 is calculated using the same metred distances and prices as set out in the proposed rate 1, plus 100%.

6.6 In mileage terms, the fare levied under rate 3 would be as follows:

- 1 mile = £9.20
- 2 mile = £12.80
- 3 mile = £16.40
- 4 mile = £20.00
- 5 mile = £23.60

6.7 The price for rate 4 is calculated using the same metred distances and prices as set out in the proposed rate 2, plus 100%.

6.8 In mileage terms, the fare levied under rate 4 would be as follows:

- 1 mile = £11.80
- 2 mile = £16.60

- 3 mile = £21.40
- 4 mile = £26.20
- 5 mile = £31.00

6.9 At Appendix B you can see a comparative spreadsheet that shows all 4 rates both at the current tariff and the proposed tariff, for a journey of 1 mile through to a journey of 5 miles. The monetary difference in pounds and pence between the current and proposed tariffs has also been included, to aid the members.

7. Miscellaneous charges

7.1 Waiting time in a hackney carriage is currently charged at a rate of 20p for every 45 seconds for rate 1 and a rate of 30p for every 45 seconds at rate 2.

7.2 Extras can also be levied, see Appendix A for the table of maximum fares that display the prices for these extras, which also includes the soling charge.

7.3 The proposal does not seek to change any of the miscellaneous charges as detailed above and in Appendix A.

8. Consultation

8.1 All 30 hackney carriage proprietors have been consulted and their responses can be seen at Appendix C.

8.2 The salient points are that 17 proprietors are in favour of the proposal with 9 against and 1 abstaining. Please note that Direct Cars (Lincoln Ltd) are the proprietor of 4 hackney carriages and therefore the total number against the proposals, as shown in Appendix C, is 12.

8.3 Out of the responses, 19 made comments, which can be seen at Appendix C. 3 of the proprietors state that they would prefer a 5% increase in 2019. With one of the proprietors, stating that there should be a further 5% increase in 6 months' time. Another proprietor states that there would prefer a further 5% increase in 12 months' time.

8.4 The Members should be aware, as 1 proprietor stated in their comments, that the tariff of fares is the maximum amount that can be levied. A discounted fare from that shown on the meter at the end of a journey can be levied by any driver if they so wish.

9. Decision process

9.1 Whilst the comments received during the consultation should be taken into account, the Members should note that no other proposals have been received from other hackney carriage proprietors. These are merely comments to the proposals submitted by Mr Hodgson.

9.2 A consensus between 30 hackney carriage proprietors would be difficult to achieve and the Licensing Team see no benefit in carrying out consultation with

the hackney carriage trade in regards to the suggestions received as comments.

9.3 It is the opinion of the Licensing Team that if a proprietor seeks to alter the tariff of fares then they themselves should submit a proposal.

10. Committee Procedure and Timetable for any change in present fare structure

10.1 Should a change to our current tariff be approved, the timetable for implementation would be as follows:

- Approval of Full Council – 09/04/2019;
- Advertisement and 14 day period of objections;
- Earliest realistic implementation of new tariff, if no objections received – 1st May 2019

10.2 The Council must advertise the fare increase if one is approved in the local paper and specify on that notice the date on which the new hackney carriage fare tariff will come into force.

10.3 If there are objections than a hearing must be held to hear them.

10.4 If objections are received then the table of fares must come into force with or without modifications as decided by the Council not later than two months after the first specified date on the advertisement notice.

11. Organisational Impacts

11.1 Legal

11.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares for time, distance and all other charges in connection with the hire of a hackney carriage.

11.3 There are no additional legal implications to consider.

11.4 Finance

11.5 Payment of advertising costs to be met by the Licensing budget.

12. Recommendation

12.1 Members views are sought as to whether to recommend to Full Council;

1. To approve all or part of the proposal;
2. To determine its own fare structure; this can include rejecting the proposal and keeping the current tariff of fares.

Key Decision No

Key Decision Reference N/A
No.

Do the Exempt Information Apply Categories No

Call in and Urgency: Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply? No

Does the report contain Appendices? Yes

List of Background Papers: Appendix A – Hackney Carriage Table of Maximum Fares
Appendix B – Comparative spreadsheet
Appendix C – Responses and comment received

Lead Officer: Tom Charlesworth
Telephone 873263

RATE 1 (for 1 to 4 passengers)**MILEAGE: DAILY 6.00am to 11.00pm**

If the distance does not exceed 201 metres for the whole distance

£3.00

For distances over 201 metres for the first 201 metres

£3.00

For each subsequent 201 metres or part of

£0.20**WAITING TIME:** For each period of 45 seconds**£0.20**

Extras as shown

RATE 2 (for more than 4 passengers)**MILEAGE: DAILY 11.00pm to 6.00am ALL PUBLIC, BANK HOLIDAYS & EASTER SUNDAY, from NOON to 11.00pm on CHRISTMAS EVE and from 6.00pm to 11.00pm on NEW YEAR'S EVE**

If the distance does not exceed 225 metres for the whole distance

£3.80

For distances over 225 metres for the first 225 metres

£3.80

For each subsequent 225 metres or part of

£0.30**WAITING TIME:** For each period of 45 seconds**£0.30**

Extras as shown

RATE 3 (for 1 to 4 passengers)**FOR HIRING from 11.00pm on CHRISTMAS EVE until 6.00am on 27th DECEMBER and from 11.00pm on NEW YEAR'S EVE until 6.00am on 1st JANUARY:**

Rate 1, Plus 100%

RATE 4 (for more than 4 passengers)**FOR HIRING from 11.00pm on CHRISTMAS EVE until 6.00am on 27th DECEMBER and from 11.00pm on NEW YEAR'S EVE until 6.00am on 1st JANUARY:**

Rate 2, Plus 100%

EXTRAS

i) For each dog, bicycle, item of furniture and white goods (carried at the discretion of the driver)

£2.00

ii) If the price of diesel goes above £1.60 a litre

£0.20

iii) Each subsequent 10p increase in diesel above £1.60

£0.20

GUIDE DOGS (wearing a harness), Hearing dogs, Dogs for the disabled, Support Dogs, or Canine Partners for Independence – These dogs should be wearing a jacket with the name of the relevant charity

NO CHARGE**SOILING CHARGE**

THIS TAXI IS KEPT CLEAN FOR THE COMFORT AND CONVENIENCE OF ALL PASSENGERS. ANY SOILING BY PERSON OR ANIMALS IS THEREFORE LIABLE TO A CHARGE OF £50

All enquiries in connection with Hackney Carriage should be directed to:

The Licensing Team, Directorate of Communities & Environment, City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD

RATE 1 (for 1 to 4 passengers)**MILEAGE: DAILY 6.00am to 11.00pm**

If the distance does not exceed 201 metres for the whole distance

£3.00

For distances over 201 metres for the first 201 metres

£3.00

For each subsequent 201 metres or part of

£0.20**WAITING TIME:** For each period of 45 seconds**£0.20**

Extras as shown

RATE 2 (for more than 4 passengers)**MILEAGE: DAILY 11.00pm to 6.00am ALL PUBLIC, BANK HOLIDAYS & EASTER SUNDAY, from NOON to 11.00pm on CHRISTMAS EVE and from 6.00pm to 11.00pm on NEW YEAR'S EVE**

If the distance does not exceed 225 metres for the whole distance

£3.80

For distances over 225 metres for the first 225 metres

£3.80

For each subsequent 225 metres or part of

£0.30**WAITING TIME:** For each period of 45 seconds**£0.30**

Extras as shown

RATE 3 (for 1 to 4 passengers)**FOR HIRING from 11.00pm on CHRISTMAS EVE until 6.00am on 27th DECEMBER and from 11.00pm on NEW YEAR'S EVE until 6.00am on 1st JANUARY:**

Rate 1, Plus 100%

RATE 4 (for more than 4 passengers)**FOR HIRING from 11.00pm on CHRISTMAS EVE until 6.00am on 27th DECEMBER and from 11.00pm on NEW YEAR'S EVE until 6.00am on 1st JANUARY:**

Rate 2, Plus 100%

EXTRAS

i) For each dog, bicycle, item of furniture and white goods (carried at the discretion of the driver)

£2.00

ii) If the price of diesel goes above £1.60 a litre

£0.20

iii) Each subsequent 10p increase in diesel above £1.60

£0.20

GUIDE DOGS (wearing a harness), Hearing dogs, Dogs for the disabled, Support Dogs, or Canine Partners for Independence – These dogs should be wearing a jacket with the name of the relevant charity

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Current fares

Rate 1
1 mile = £4.60
2 mile = £6.20
3 mile = £7.80
4 mile = £9.40
5 mile = £11.00

Rate 2
1 mile = £5.90
2 mile = £8.00
3 mile = £10.10
4 mile = £12.20
5 mile = £14.30

Rate 3
1 mile = £9.20
2 mile = £12.40
3 mile = £15.60
4 mile = £18.80
5 mile = £22.00

Rate 4
1 mile = £11.80
2 mile = £16.00
3 mile = £20.20
4 mile = £24.40
5 mile = £28.60

Proposed fares

Rate 1
1 mile = £4.60
2 mile = £6.40
3 mile = £8.20
4 mile = £10.00
5 mile = £11.80

Rate 2
1 mile = £5.90
2 mile = £8.30
3 mile = £10.70
4 mile = £13.10
5 mile = £15.50

Rate 3
1 mile = £9.20
2 mile = £12.80
3 mile = £16.40
4 mile = £20.00
5 mile = £23.60

Rate 4
1 mile = £11.80
2 mile = £16.60
3 mile = £21.40
4 mile = £26.20
5 mile = £31.00

Monetary difference

£0.00
£0.20
£0.40
£0.60
£0.80

£0.00
£0.30
£0.60
£0.90
£1.20

£0.00
£0.40
£0.80
£1.20
£1.60

£0.00
£0.60
£1.20
£1.80
£2.40

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Licence No.	Proprietor	In support of proposal?			Comments received?		Comments
		Yes	No	Abstained	Yes	No	
1	A. Monopoli		1		1		In my opinion the last pay rise was excessive and we lost work because of it, it is not the fares that are the issue but the lack of work, putting the fares up will drive customers away, they already think we are too dear
2	Hearn	1			1		7 years since last increase therefore justified due to cost of living
3	Asani		1			1	
4	Direct Cars (Lincoln) Ltd		1		1		Would prefer 5% increase
5	T. Robinson	1			1		Would prefer 5% increase followed by another 5% increase 6 months later
6	Young	1				1	
7	Olerenshaw	1			1		Would prefer if Sundays were to be made rate 2 all day (currently 11pm to 6am)
8	Kubjatko	1			1		Agree
9	Petch	1				1	
10	Ziccardi	1				1	
11	Gray	1			1		Agree
12	M. Monopoli		1			1	
13	Rahimi		1			1	
14	Chadid	1				1	
15	Direct Cars (Lincoln) Ltd		1		1		Would prefer 5% increase
16	Direct Cars (Lincoln) Ltd		1		1		Would prefer 5% increase
17	Harris	1			1		Agree
18	Smalley	1			1		Agree
19	Hodgson	1			1		Submitted the application containing the proposal
20	Buckthorp		1			1	
21	S. Robinson			1	1		I support a fare rise however we only voted on the 1 option being presented, I believe many drivers would prefer a 5% increase and I would have liked to have seen a revote, personally I would like to see a 5% increase this year followed by a 5% increase next year, a 10% increase in my opinion is too severe and will damage the trade
22	Solley	1			1		Agree
23	Direct Cars (Lincoln) Ltd		1		1		Would prefer 5% increase
24	Watson	1				1	
25	Ghasimi		1			1	
26	Sharma	1			1		Agree
27	Semmens		1		1		Increase would have detrimental effect on the trade
28	Hart	1			1		Increase is long overdue and is valid due to the operating costs of vehicles, therefore a reasonable income is required to maintain these costs, also the fare shown at the end of the journey is the maximum that can be charged, a discounted fare can be offered by the driver
29	Mohamadi	1			1		Agree
30	Stockdale		1			1	

Totals 17 12 1 19 11

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