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Licensing and Registration Committee

21 July 2022

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON THURSDAY, 21ST JULY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Winfield (Chairman), V Guglielmi (Vice-Chairman), Casey, Clifton, Coley, Davis, J Henderson, McWilliams, Skeels and Wiggins
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Michael Cook (Licensing Manager) and Keith Durran (Committee Services Officer)

119. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitution.

120. MINUTES OF THE LAST MEETING

It was resolved that the minutes of the meeting of the Committee held on Monday 17 January 2022 were approved as a correct record and signed by the Chairman.

121. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

122. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

123. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - HACKNEY CARRIAGE FARE SCALE

The Committee had before it a report that outlined two requests, one from the Tendring Taximeter Forum (TTF) and one from the Clacton Taxi Private Hire Group (CTPHG). Both sought an increase in the Hackney Fare Scale locally. The Committee was informed by the Licensing Manager (Michael Cook) shortly before the meeting the Councils Licensing Team that the TTF were withdrawing its request. This was because the TTF had been unaware of the request by the CTPHG, but now having reviewed the CTPHG request, they believed that this request was more inclusive and robust.

The request from the CTPHG received on 20 June 2022 requesting an increase in the scale of fares and a change of distance for which the Fare was calculated. Outlined below was the interpretation of the request by the CTPHG.

Includes change in yards on meter and tariff

	At Current (Rate 1)	Proposed (Rate 1)	At Current (Rate 2)	Proposed (Rate 2)
Ring On	3.00	3.40	4.50	5.10
Mile 1	4.70	5.35	7.05	8.03

Thereafter	1.90	1.95	2.85	2.93
Mile 2	6.60	7.60	9.90	11.41
Mile 3	8.50	9.85	12.75	14.79
Mile 4	10.40	12.10	15.60	18.17
Mile 5	12.30	14.35	18.45	21.55
Waiting Time	0.30p (60 secs)	0.30p (60 secs)	0.45p (60 secs)	0.45p (60 secs)

Rate 1 workout (1760 yards in a mile)

Ring on for 1st 235 yard £3.40
 Then remaining 235 yards x 6.5 @ 0.30p
 (£1.95)
 First mile = £5.35
 Each addition 1760 yard (1 mile) = £2.25

With the permission of the Committees Chairman, it heard representations from a representative of the TTF. He explained how they felt the request from the CTPHG was better and that they withdrew their request on the basis they were in full support of the CTPHG request.

The Committee also heard representations from a representative of the CTPHG. He outlined that in his view their request would help in not only softening the impact of the full increases, but also the rising costs running taxies in general, like the cost of insurance, mechanical services and replacement vehicles.

The Committee recalled how they last approved a Hackney Carriage Fare Scale increase with effect from 15 February 2022 (Minute 115 of 17 January 2022 referred).

Members were reminded that should they resolve to approve an intended variation to the existing Hackney Carriage Fare Scale, the law required that the proposed increase must be advertised in a local newspaper and representations may be submitted in response. A period of 14 days (minimum) must be allowed for those representations. If no representations were received in that period the variation to the Fares would take immediate effect. However, if representations were received, the increase would not take effect until those representations have been considered. For this Council, any representations received would be placed before the next available meeting of the Licensing and Registration Committee. The Committee may then determine to confirm the increase, amend the proposed increase or withdraw the increase.

Some Councillors expressed concern that the current constitutional arrangements of the Council did not assist early consideration of requests for changes to the approved Hackney Carriage Fare Scale.

After duly considering the representations received, and an in-depth discussion the Committee **RESOLVED** that:

- a) subject to the statutory process concerned, the Hackney Carriage Fair Scale in the District be amended as follows;
- b) the authority is granted to the Council's Licensing Manager to make all necessary arrangements to give public notice of the intention of the Council to

increase and amend the Hackney Carriage Fare Scale operative within the District in accordance with the decision in this regard; and

- c) that, subject to (b) above, to note that any representations received in response to the said public notice will be considered by the Licensing and Registration Committee at a future meeting.
- d) options for revising the constitutional provisions relating to the consideration of Hackney Carriage Fare Scale change requests be submitted to a future meeting of the Committee.

124. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - VIEW OF THE COUNCIL'S LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

The Committee had before it a formal request to authorise a commencement of a review of the Council's Statement of Licensing Policy made under Section 5 of the Licensing Act 2003; with a view to a new Statement being adopted by this Licensing Authority. As part of the proposed review, the Committee would be invited to consider all representations received during a consultation with stakeholders on the context of a revised Statement of Licensing Policy and to recommend a proposed new Statement to Council. The proposed timetable for the review would see the consultation phase concluded in sufficient time for representations to be submitted to this Committee's, now scheduled, meeting on 31 August 2022; and a proposed new Statement of Licensing Policy being considered by Council at its meeting on 20 September 2022.

The Members recalled that the last time the Council approved a Statement of Licensing Policy was in 2016 (Council Minute 103 from the 9 February 2016 meeting refers). Each Statement should apply for a period of five years and that period normally expires on 6 January (2021 in the most recent instance). In view of the position, where the five year period to which the 2016 Statement had expired, it was vital that all necessary steps were taken to adopt a valid new Statement without delay. The Licensing Authority may determine to apply a five year period to any new Statement of Licensing Policy and thereby any new Statement would not expire on 6 January 2026.

The Committee was advised by the Head of Democratic Services and Elections that an apology was due to the Committee for the situation concerning the absence of a Statement of Licensing Policy since the start of 2021.

During the course of the report some Members raised a number of amendments they would wish to see within the Council's Statement of Licensing Policy.

After a short discussion the Committee **RESOLVED** that it:

- a) Notes that the five year period to which the Authority's Statement of Licensing Policy (adopted in 2016) expired on 6 January 2021;
- b) Authorises the Council's Licensing Manager to take all the required steps set out in the Licensing Act 2003 to enable the Committee at its (now scheduled) meeting on 31 August 2022 to consider the representations from consultees on a new Statement of Licensing Policy and submit a proposed new Statement for consideration by Council on 20 September 2022; and

- c) Authorises, if satisfied, the use of the draft Statement of Licensing Policy 2022-2027 set out at Appendix A to this report for the purposes of consultation with consultees.

The meeting was declared closed at 8.20 pm

Chairman