

If you would like any further information or have any special requirements in respect of this Meeting, please contact Lynda Eastwood, Democratic Services Officer (01507) 613421

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Date: Thursday, 16 January 2025

Dear Councillor,

General Licensing Committee

You are invited to attend a Meeting of the **General Licensing Committee** to be held at **the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH** on **Monday, 27th January, 2025** at **2.00pm**, for the transaction of the business set out in the attached Agenda.

The public and press may access the meeting via the following link <https://bit.ly/ELDCYT> where a livestream and subsequent recording of the meeting will be available or by attending the meeting.

Yours sincerely



Robert Barlow
Chief Executive

Conservative

Councillors Neil Jones (Vice-Chairman), Richard Avison, Stephen Evans, Carl Macey and Terry Taylor

District Independent/Liberal Democrat

Councillor Sandra Campbell-Wardman (Chairman)

Labour

Councillor Graham Cullen

East Lindsey Independent Group

Councillors Darren Hobson, George Horton and Andrew Leonard



Skegness Urban District Society (SUDS)

Jimmy Brookes

GENERAL LICENSING COMMITTEE AGENDA
Monday, 27 January 2025

Item	Subject	Page No.
1.	APOLOGIES FOR ABSENCE:	
2.	DISCLOSURE OF INTERESTS (IF ANY):	
3.	MINUTES: To confirm the Open and Exempt Minutes of the General Licensing Meeting held on 18 November 2024.	1 - 6
4.	APPOINTMENT OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE TESTING STATIONS: Report of the Group Manager Public Protection.	7 - 14
5.	ANNUAL REVIEW OF THE MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE: Report of the Group Manager Public Protection.	15 - 26
6.	DATE OF NEXT MEETING: The programmed date for the next Meeting of this Committee will be 10 March 2025.	

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Minutes of a Meeting of the General Licensing Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Monday, 18th November, 2024 at 2.00pm.

PRESENT

Councillor Sandra Campbell-Wardman (Chairman)
Councillor Neil Jones (Vice-Chairman)

Councillors Richard Avison, Jimmy Brookes, Stephen Evans, Darren Hobson, George Horton, Andrew Leonard, Carl Macey and Terry Taylor.

Councillor Claire Arnold attended the Meeting as a Substitute.

OFFICERS IN ATTENDANCE:

Neil Brooks	- Licensing Compliance Officer
Kia McKenna	- Licensing Officer
Kim Robertson	- Legal Advisor
Lynda Eastwood	- Democratic Services Officer

28. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillor Graham Cullen.

It was noted that, in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been given that Councillor Claire Arnold had been appointed to the Committee in place of Councillor Graham Cullen for this Meeting only.

29. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the meeting, Members were asked to disclose any relevant interests. The following interests were disclosed:

- Councillor Carl Macey asked it be noted that he was a personal licence holder and with regards to Item 5 he was a personal friend of the applicant and would leave the Meeting for that item.
- Councillor Andrew Leonard asked it be noted that he was a personal licence holder and a Magistrate.
- Councillor Claire Arnold asked it be noted that she was a personal licence holder.

30. MINUTES:

The Open and Exempt Minutes of the General Licensing Meeting held on 30 September 2024 were agreed as a correct record.

31. DATE OF NEXT MEETING:

The date of the next meeting was confirmed as 27 January 2025.

32. EXCLUSION OF PUBLIC AND PRESS:

It was proposed and seconded that the public and press be excluded from the meeting.

RESOLVED

That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that, if they were present, there could be disclosed exempt information as defined at paragraphs 1, 2 and 7 of Part 1 of the Schedule 12A of the Act (as Amended).

33. HACKNEY CARRIAGE & PRIVATE HIRE DRIVER - RAPID RESPONSE PROCEDURE:

Neil Brooks, Licensing Compliance Officer, presented a report to Members regarding the Council's Hackney Carriage and Private Hire Vehicle Driver – Rapid Response Procedure. The report and attached confidential Appendix 1 were considered in Exempt Session.

Following which it was

RESOLVED:

That the summary set out at the Confidential Appendix 1 of the report be noted.

34. REVIEW OF PRIVATE HIRE VEHICLE DRIVER LICENCE:

Neil Brooks, Licensing Compliance Officer, presented Members with an exempt report relating to a review of a private hire vehicle driver licence.

Following which, it was

RESOLVED:

That no further action be taken.

The Meeting closed at 2.33pm.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 3

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Report To:	General Licensing Committee
Date:	27 January 2025
Subject:	Appointment of Hackney Carriage Vehicle & Private Hire Vehicle Testing Stations
Purpose:	To consider requests from two MOT garages wishing to be appointed to carry out hackney carriage and private hire vehicle tests on behalf of the Council.
Key Decision:	Not Applicable.
Report Of:	Donna Hall - Group Manager Public Protection.
Report Author:	Adrian Twiddy – Ast. Licensing Officer
Ward(s) Affected:	All Wards
Exempt Report:	NO

Summary

To consider requests from two MOT garages wishing to be appointed to carry out hackney carriage and private hire vehicle tests on behalf of the Council. The garages are:

- East Lindsey District Council Vehicle Maintenance Unit, Warwick Road, Fairfield Industrial Estate, Louth, LN11 0YB
- Bromley's Vehicle Servicing & Repairs Limited, Unit 8 The Meridian Centre, Belvoir Way, Fairfield Industrial Estate, Louth, LN11 0LQ

The role of the approved garages is to carry out the vehicle inspections that must be undertaken before a hackney carriage or private hire vehicle licence can be issued or renewed by this Authority.

Recommendations

1. That as 03 February 2025 the following MOT testing stations be appointed to carry out hackney carriage and private hire vehicle compliance tests on behalf of this Authority:

- East Lindsey District Council Vehicle Maintenance Unit, Warwick Road, Fairfield Industrial Estate, Louth, LN11 0YB
- Bromley's Vehicle Servicing & Repairs Limited, Unit 8 The Meridian Centre, Belvoir Way, Fairfield Industrial Estate, Louth, LN11 0LQ

2. That the section of the Council's hackney carriage and private hire licensing policy, relating to the restriction on vehicle testing station numbers, be amended to read as:

The Council has appointed its Vehicle Maintenance Unit (VMU) to the list of approved testing stations. In addition to the VMU, a further number of testing stations, to a maximum number of 20, will be appointed to the list of approved testing stations.

Reasons for Recommendations

To enable the efficient and timely compliance testing of hackney carriage and private hire vehicles.

Other Options Considered

Not to appoint the garages (subject of this Report) to the approved list of hackney carriage and private hire vehicle testing stations.

1. Background

- 1.1 The Council is authorised by the Vehicle Certification Agency (VCA) to test hackney carriage (taxi) and private hire vehicles under a compliance testing scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The use of this compliance scheme means that, in addition to the standard "MOT" test, the Council can specify additional items, which it considers necessary to safeguard the best interests of the travelling public.
- 1.2 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. In addition, it must also aim to ensure that vehicles are comfortable, are of the appropriate appearance and also suitable for use as a hackney carriage or private hire vehicle in the East Lindsey District. With this in mind, this Authority maintains a list of MOT garages which are approved to inspect vehicles on its behalf.
- 1.3 The VCA compliance scheme does not stipulate how the Council should set about appointing MOT garages to its approved list. However, the Authority has been advised that the number of testing stations should be limited to that necessary for adequate cover of the East Lindsey area.
- 1.4 The Council seeks to appoint testing stations that can provide a high quality customer service as well as applying the necessary requirements applicable to licensed vehicles. Any licensed vehicle must be able to carry passengers in safety

and comfort at all times. Any authorised testing station must be willing and able to work with Council Officers to achieve this aim.

2. Report

2.1 The Council appoints MOT garages in order to undertake the compliance testing of hackney carriage and private hire vehicles on its behalf. The compliance test consists of the normal MOT test plus a number of additional items specified by the Council. The testing scheme has been designed to ensure that:

- A vehicle is suitable with respect to size, type and design;
- A vehicle is in suitable mechanical condition; and,
- A vehicle is safe and comfortable.

Since 2003 this Authority has required licensed vehicles to be tested at six-monthly intervals.

2.2 The Committee has previously agreed a cap of 20 on the total number of approved testing stations – this is to allow effective quality control of the garages by the Council. Appointments to the approved list are overseen / scrutinised by the General Licensing Committee. The last appointment to the approved list was in July 2022

2.3 There are currently 19 testing stations undertaking the testing of hackney carriage and private hire vehicles. Burtons of Louth (who were an approved testing station with this Authority) ceased operating in August 2024 and have left the list. Therefore, one 1 vacant appointment has become available – the Committee has normally taken the position that such a vacant Louth appointment should ideally be issued to another Louth area testing station.

2.4 The Licensing Team have received requests from the following Louth area garages to be placed on the list for approved vehicle testing stations:

- East Lindsey District Council Vehicle Maintenance Unit, Warwick Road, Fairfield Industrial Estate, Louth, LN11 0YB
- Bromley's Vehicle Servicing & Repairs Limited, Unit 8 The Meridian Centre, Belvoir Way, Fairfield Industrial Estate, Louth, LN11 0LQ

Copies of the completed applications for approved status will be available at the licensing hearing for Members to inspect should they wish to do so.

2.5 From time to time a licensed vehicle may be subject to a roadside 'spot check' by an Authorised Officer of the Council in order to determine its cleanliness, comfort or road worthiness. If, as a result of the check, an immediate Suspension Notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined at a place designated in the notice and the suspension lifted. See Paragraph 4 of the Legal Implications Section of this Report.

2.6 The appointment of the Council's MOT Garage (situate at the Vehicle Maintenance Unit) to the approved list would enable the Authorised Council Officer to have the option of requiring the suspended vehicle to be presented to the Council's own garage for re-inspection. This would provide a useful resource within the Council's

compliance checking regime. For this reason, the recommendation in this Report is for the Committee to amend the current policy to read as:

The Council has appointed its Vehicle Maintenance Unit (VMU) to the list of approved testing stations. In addition to the VMU, a further number of testing stations, to a maximum number of 20, will be appointed to the list of approved testing stations.

2.7 Relevant extracts from the Council's Policy, in relation to the testing of licensed vehicles, can be found at **Appendix A** of this Report.

3. Conclusion

3.1. Officers have scrutinised and considered the applications received. Also, prior to the licensing hearing further detailed consultation discussions will have taken place between the applicants and the Council's Senior Licensing Officer. The applications are being recommended to the Committee for approval subject to any further comments made separate to this Report by the Senior Licensing Officer.

Implications

South and East Lincolnshire Councils Partnership

None.

Corporate Priorities

The Council has a duty to provide the public with a safe and secure taxi service within the East Lindsey District

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

1. Hackney carriage and private hire Licensing Authorities are permitted by the Motor Vehicles (Test) Regulations 1981 (as amended) to act as compliance test authorities. The designation is issued by the Vehicle Certification Agency (VCA). The designation allows the Council to undertake compliance testing to determine the fitness of vehicles in order to ensure the safety of the travelling public.

2. Such a test can be in addition to or instead of the Vehicle and Operator Services (VOSA) "MOT" test. East Lindsey District Council is duly authorised as a compliance test authority providing that only VOSA authorised MOT facilities and testers are used to provide this service. A compliance test must be of equal or higher standard to the MOT test in force at the time. This allows the Council to adopt additional standards for example in relation to vehicle emissions, cleanliness of the vehicle, external bodywork, etc.

3. It is open to the Council to revoke a garage's approved status if its performance falls below the standard expected by the Authority. With this in mind a Service Level Agreement is issued to newly appointed garages, together with a detailed vehicle testing booklet.

4. Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 enables an Authorised Officer of the Council at all reasonable times to visually inspect a licensed vehicle and if necessary to suspend the licence and issue a notice requiring the proprietor of the vehicle to make it available for further inspection and testing at such reasonable time and place as may be specified in the notice.

Data Protection

None.

Financial

None.

Risk Management

There is a risk of judicial review against the Council or complaint to the Ombudsman if the Authority is found not to have exercised due diligence in the licensing of hackney carriage and private hire vehicles.

Stakeholder / Consultation / Timescales

Not Applicable.

Reputation

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

Contracts

None.

Crime and Disorder

None.

Equality and Diversity / Human Rights / Safeguarding

Equality & Diversity: None.

Human Rights: None

Safeguarding: None.

Health and Wellbeing

None.

Climate Change and Environmental Implications

The testing and fitness of licensed vehicles and vehicle emission levels has a clear and important impact on environmental issues in the East Lindsey District.

Acronyms

VCA - Vehicle Certification Agency
VOSA - Vehicle and Operator Services Agency
MOT - Ministry for Transport Test

Appendices

Appendices are listed below and attached to the back of the report:

Appendix A Extracts from the Council's Policy Relating to the Testing of Hackney Carriage and Private Hire Vehicles.

Background Papers

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed.
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None

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

Report author:	Mr Adrian Twiddy (Ast. Licensing Officer) Email: adrian.twiddy@e-lindsey.gov.uk
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Signed off by:	Donna Hall (Group Manager Public Protection) Email: donna.hall@sholland.gov.uk
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Approved for publication:	Not Required.
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APPENDIX A**Extracts from the Council's Policy Relating to the Testing of Hackney Carriage and Private Hire Vehicles.****4. Hackney Carriage and Private Hire Vehicle Testing**

4.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. In addition, it must also aim to ensure that vehicles are comfortable, are of the appropriate appearance and also suitable for use as a hackney carriage or private hire vehicle in the East Lindsey District.

4.2 The Council appoints MOT garages in order to undertake the compliance testing of hackney carriage and private hire vehicles on its behalf. The compliance test consists of the normal MOT test plus additional items, which the Council considers necessary to safeguard the best interests of the travelling public.

4.3 Hackney carriage and private hire vehicles are normally granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle must be examined and tested at a vehicle testing station approved by the Authority. Once licensed the vehicle must undergo a further full examination and test at a vehicle testing station approved by the Licensing Authority at 6 monthly intervals.

4.4 In relation to paragraph 4.3 it should be noted that the Authority has waived the necessity for a vehicle to be mechanically tested if it is not more than six months old at the date of the application for a licence. In such a case, the first vehicle test will be due once the vehicle achieved six months of age.

4.5 **Certificate of Compliance:** The Council is authorised by the Vehicle Certification Agency (VCA) to test vehicles under a compliance testing scheme in accordance with the Motor Vehicles (Test) Regulations 1981 (as amended). The use of this compliance scheme means that, in addition to the standard MOT test, the Council can specify additional items, which it considers necessary to safeguard the best interests of the travelling public.

4.6 In line with the Certificate of Compliance scheme vehicles licensed by East Lindsey District Council are exempt from the requirement to possess an MOT certificate. If licence holders are requested to produce an MOT Certificate by the Police, etc. the vehicle licence and this Authority's Certificate of Compliance should be produced instead. Once the Council vehicle licence has expired, is suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private car and the normal traffic laws relating to vehicle excise licences and the holding of an MOT Certificate apply.

4.7 The Council's approved compliance testing stations will be strategically positioned within the East Lindsey District. The Authority has agreed a cap of 20 on the total number of approved testing stations. The purpose of the cap is to allow effective quality control inspection by the Authority. A list of the current approved testing stations is available by contacting the Council's Licensing Team. The total cost of the combined MOT and compliance test will be determined by the provider (the approved compliance testing station).

4.8 The minimum standard required, at the twice-yearly vehicle test, will be at least that of the current Department for Transport MOT test, in force as of the date of testing, plus the items listed in this Authority's testing manual. The additional items, listed in the Council's testing manual, include the checking of upholstery, roof lining and bodywork to ensure the vehicle is of the required standard. The additional items to the MOT test will include the following:

- The vehicle's bodywork must be in good order, free from significant dents and surface damage. All paintwork must be in good condition and there must be no significant mismatch of colour.
- Three-point seat belts must be fitted to all passenger seats. Lap belts will be acceptable in certain circumstances (e.g. specialist hire vehicles).

A copy of the current testing manual is available by contacting the Council's Licensing Team.

4.9 The physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical condition of the vehicle is not of a suitable standard despite having passed a MOT test.

4.10 Licensed vehicles that fail an authorised examination and test, and, are deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor being issued with a suspension notice by the Licensing Authority in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Licensing Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence will be revoked by the Licensing Authority.



Report To:	General Licensing Committee
Date:	27 January 2025
Subject:	Annual Review of the Maximum Hackney Carriage Fare Structure.
Purpose:	To undertake the annual review of the maximum hackney carriage fare structure.
Key Decision:	Not Applicable.
Report Of:	Donna Hall - Group Manager Public Protection.
Report Author:	Adrian Twiddy – Ast. Licensing Officer
Ward(s) Affected:	All Wards
Exempt Report:	NO

Summary

To undertake the annual review of the maximum hackney carriage (taxi) fare structure. Members may wish to note that the last variation of the hackney carriage fare structure took place in October 2023. The Committee looked at the fare structure again in September 2024 and decided to adjourn any further review until the beginning of 2025.

The Council has received separate submissions from the Skegness Taxi Owners Association (STOA) and the Skegness & District Taxi Drivers Association (SDTDA) regarding the fare structure review. The submissions can be found at **Appendix 2** of this Report.

Both associations are asking for the daytime flagfall to increase from £4.00 to £5.00. In addition, the STOA are asking for the booking fee / call out charge to be increased from 75p for each mile to £1.00 for each mile.

Officer advice is that the Committee should always be persuaded of the need to vary the fare structure before embarking on such a course of action. In reviewing the fare structure, the Committee should look to ensure customers receive a fair deal whilst ensuring that hackney carriage vehicle drivers are able to make a living working in the trade.

Recommendations

That the Committee consider the annual review of the maximum hackney carriage fare structure and make any amendments to the fare structure that it considers necessary.

Should the Committee decide to make amendments to the fare structure then any amendment will be subject to the necessary statutory notice being advertised and there being no objection from the public or the taxi trade.

Reasons for Recommendations

It is this Authority's policy to undertake an annual review of the fare structure with the review normally being programmed to take place in the January to March period.

Other Options Considered

There are no other options for consideration – it is this Authority's adopted policy to undertake an annual review of the fare structure.

1. Background

- 1.1 As the Licensing Authority the Council sets the maximum hackney carriage (taxi) fare structure (for hirings beginning and ending within the District) and it is unlawful to charge a rate above that set by the Authority. Members may wish to note that the Council cannot set a maximum fare structure for private hire vehicles.
- 1.2 Any proposed variation of the hackney carriage fare structure must be advertised by the Council in a local newspaper and a period of time allowed for objections. In addition, the Council must issue all hackney carriage vehicles with a new tariff card (to be displayed in the vehicle) when any change in the structure is enacted.
- 1.3 A copy of the present maximum fare structure is attached to the rear of this Report at **Appendix 1**. The last variation of the fare structure was introduced in October 2023. The Committee looked at the fare structure again in September 2024 and decided to adjourn any further review until the beginning of 2025.
- 1.4 The following changes were made to the fare structure in October 2023:
 1. The daytime flagfall (initial charge) part of the fare structure was changed from £4.00 for the first 1000 yards to £4.00 for the first 880 yards.
 2. The daytime (Tariff 1) fares for distance were changed from 20 pence for each 190 yards after the flagfall to 20 pence for each 176 yards after the flagfall.
- 1.5 Requests for a variation of the current fare structure have been received from the Skegness Taxi Owners Association (STOA) and the Skegness & District Taxi Drivers

Association (SDTDA). Both associations are asking for the daytime flagfall to increase from £4.00 to £5.00. In addition, the STOA are asking for the booking fee / call out charge to be increased from 75p for each mile to £1.00 for each mile.

- 1.6 The submissions, from both Associations, can be found at **Appendix 2** of this Report.
- 1.7 When setting the maximum hackney carriage fare structure, the relevant legislation (the Local Government (Miscellaneous Provisions) Act 1976) does not stipulate the external factors to be taken into account and there is no limit on the amount of increase or variation.
- 1.8 **PLEASE NOTE:** This Authority’s previous Fare Review Reports used the online AA Fuel Price Report in order to determine the level of national and local fuel prices. At the time of the drafting of this Report the AA webpage had temporarily ceased issuing such detailed fuel reports – the last available report related to March 2024.
- 1.9 This Report has used the Weekly Road Fuel Prices Report available on the GOV.UK website – which issues a weekly report on national fuel prices rather than a monthly report on regional prices.

2. Report

- 2.1 The national rate of inflation is currently 3.5% (November 2024 figure), In September 2023, when the last increase in the hackney carriage fare structure was determined, the rate of inflation was 6.3%.
- 2.2 Fuel Prices - In September 2023, when the last increase in the hackney carriage fare structure was determined, national diesel prices were around £1.59 per litre and unleaded fuel £1.55 per litre. Fuel prices have now fallen to lower levels – see the table below:

Month & Year	Cost of One Litre of Unleaded	Cost of One Litre of Diesel
September 2023	£1.55	£1.59
January 2025*	£1.36	£1.43

*Average UK Pump Prices on 13 January 2025

- 2.3 Tariff 1 - Daytime (Flagfall): The flagfall is the initial charge made for the hiring of the vehicle. The daytime flagfall at present is £4.00 for the first 880 yards. Both the STOA and the SDTDA are asking for this to be amended to read as £5.00 for the first 880 yards.
- 2.4 Tariff 1 - Daytime (Fares for Distance): The current Tariff 1 (between 0700 Hrs and 2300 Hours) is 20 pence for each 176 yards (the unit charge) after the flagfall. Both Associations are not asking for any increase in this charge.

2.5 For Members information the following table shows the current Tariff 1 fares (flagfall plus fares for distance) that are currently in force within the East Lindsey District as compared with that requested by the STOA and the SDTDA:

Tariff 1 Daytime Rate	2 Miles £	3 Miles £	4 Miles £	Last Fare Increase
Present ELDC	£7.00	£9.00	£11.00	October 2023
Requested STOA & SDTDA*	£8.00	£10.00	£12.00	

**The request by both Associations would result in a £1.00 increase on all day-time fares.*

2.6 The national average for a 2-mile fare is £7.25 (January 2025 figure) compared with a current rate of £7.00 in the East Lindsey District – the rate requested by the STOA & the SDTDA will result in a £8.00 fare at the two-mile mark. The Lincolnshire average fare at the 2-mile mark is currently £6.75 (January 2025 figure). The highest 2-mile fare in Lincolnshire is currently the City of Lincoln Council with £8.30.

2.7 Tariffs 2 and 3 (Fares for Distance) – Under the current fare structure the Tariff 2 (2300 to 0700 Hours) and Tariff 3 (Christmas and New Year) fares are a 50% increase in the Tariff 1 and a 100% increase in the Tariff 1 respectively. Both Associations are asking that this remains the same.

2.8 Fuel Surcharge – In 2008 the Committee considered ways to combat any rapid increase in fuel prices. To this end, the Committee adopted the use of a fuel surcharge within the maximum fare structure. The fuel surcharge to be added to a journey, when fuel prices hit a predetermined level – the purpose of the surcharge was to assist taxi proprietors in meeting any rapid increase in fuel prices without the Licensing Committee having to undertake an urgent review.

2.9 The flat rate surcharge is currently 25p. This will be added to the fare structure for each incremental increase in fuel prices of 10 pence per litre, when diesel reaches £1.55 a litre and beyond. The advantage of this system is that taxi fares can react to increases and decreases in fuel costs instantly.

2.10 Both Associations have not submitted a request for a variation / change in the fuel surcharge.

2.11 Waiting Time: The waiting time aspect of the fare structure comes into play when the hired vehicle is stationary or moving at a negligible speed (e.g., in slow moving traffic). The current day rate waiting time is 20p for each period of 45 seconds. This equates to an hourly rate of £16.00. Both Associations are asking that this remains the same.

2.12 Extra Charges – Additional Persons: The current fare structure allows a flat rate charge for each person in excess of two. The current charge is worded: For each person in excess of two – 50p. There has been no request for any variation in this part of the fare structure from the two associations.

2.13 Extra Charges – Booking Fee / Call Out Charge: The current fare structure allows a call out charge of 75p per mile – the wording is as follows:

For each mile, or uncompleted part thereof, travelled by the carriage to a hirer “pick up” point at a stated place other than a hackney carriage stand or the proprietor’s normal base of operation. The customer must be told the amount of the booking fee at the time of booking.

2.14 The STOA wish the mileage rate on the call out charge to be increased from 75p to £1.00 per mile. In 2022 this Authority increased the call out charge from 50p to 75p per mile – at that time the Committee declined a request from the STOA for an increase to £1.00 per mile.

2.15 Sunday: The current fare structure does not treat Sunday as different to any other day of the week. Some Lincolnshire Authorities do currently allow Sunday to be charged at a higher rate. Both Associations have not asked for any change in this Authority’s Sunday situation.

3. Conclusion

3.1. All parties to this fare review will be naturally concerned for the welfare and economic wellbeing of those employed within the taxi trade. However, the Committee should always be persuaded of the need to vary the fare structure before embarking on such a course of action.

3.2. In reviewing the fare structure, the Committee should look to ensure customers receive a fair deal whilst ensuring that hackney carriage vehicle drivers are able to make a living working in the trade.

Implications

South and East Lincolnshire Councils Partnership

None,

Corporate Priorities

Taxi fares should be set at a level, which maintain the safety, security and welfare of the District’s residents and visitors whilst at the same time looking to maintain the economic wellbeing of the taxi trade.

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

1. Any proposed variation of the hackney carriage fare structure must be advertised, and a period of time allowed for objections (see Section 10 below). If any objections are received, then the Committee must consider the objection(s) before introducing the proposed variation or amending the initial proposal to vary the fares. However, objectors do not have a legal right of audience before the Committee.
2. There is no legal requirement for the Council to advertise a decision not to increase the fare structure. Similarly, there is no legal right to submit an objection to a decision not to increase the fare structure.
3. There is no right of appeal to the Magistrates Court regarding a Licensing Authority's decision on the level of hackney carriage fares. However, any aggrieved person would have the option of applying for a judicial review of the decision or making a complaint to the Ombudsman.
4. In theory the Committee can decrease the maximum fare structure (or remove sections of the fare structure) if it is minded to do so.
5. All hackney carriage vehicles in the East Lindsey District must be installed with a taximeter. The taximeter must be set to display a fare not exceeding the maximum fare rate set by the Council. Therefore, proprietors may set a lower rate in the taximeter than the maximum rate set by the Council.
6. The law relating to the calibration of taximeters was clarified in 1983 by the case of R v Liverpool City Council, ex p Curzon Limited (1983). This case indicated that it was lawful for a proprietor to calibrate his taximeter to a lower fare than the maximum fare set by the Council. The Council can advise and encourage but it cannot legally require those proprietors to change their meters from a lower rate to the maximum rate.
7. If proprietors wish to calibrate to a lower rate, they can only charge that calibrated rate – it is not open for them to charge the maximum fare rate if they have not calibrated to that rate.
8. The Council's byelaws require hackney carriage vehicles to display, within the vehicle, the Council's current maximum fare card. Even if the taximeter is calibrated to a lower rate, the current maximum fare card must be displayed.
9. Individuals or organisations requesting a variation of the maximum fare structure do not have a legal right of audience before the Committee.
10. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 requires that any proposed variation of the hackney carriage fare structure must be advertised, and a minimum period of 14 days must be allowed for the submission of any objections. If an objection(s) is received then the objection must be considered before the expiration of a two-month period after the closing date for objections.

Data Protection

None.

Financial

None.

Risk Management

There is a risk of judicial review against the Council or complaint to the Ombudsman if the Authority is found not to have exercised due diligence in the setting of hackney carriage fares.

Stakeholder / Consultation / Timescales

Any proposed variation of the hackney carriage fare structure must be advertised, and a period of time allowed for objections.

Reputation

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

Contracts

None.

Crime and Disorder

None.

Equality and Diversity / Human Rights / Safeguarding

Equality & Diversity: None.

Human Rights: The Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e., is the decision / action / policy proportionate to what it wishes to achieve, or colloquially does the end justify the means.

Safeguarding: None.

Health and Wellbeing

None.

Climate Change and Environmental Implications

None.

Acronyms

STOA – Skegness Taxi Owners Association

SDTDA – Skegness & District Taxi Drivers Association

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Copy of the Current Maximum Hackney Carriage Fare Structure.

Appendix 2 Requests for a Review of the Maximum Hackney Carriage Fare Structure from the STOA & the SDTDA.

Background Papers

Background papers used in the production of this report are listed below: -

Document title **Where the document can be viewed.**

The National Hackney Fare Table – PHTM:

<https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>

GOV.UK - Weekly Road Fuel Prices

<https://www.gov.uk/government/statistics/weekly-road-fuel-prices>

Inflation and Price Indices – Office for National Statistics:

<https://www.ons.gov.uk/economy/inflationandpriceindices>

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

Report author: Mr Adrian Twiddy (Ast. Licensing Officer)
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Signed off by: Donna Hall (Group Manager Public Protection)
Email: donna.hall@sholland.gov.uk

Approved for publication: Not Required.

Checklist – Complete before submission to Democratic Services

S151 Officer consulted on financial implications:	N/A
Monitoring Officer consulted on legal and constitutional implications:	N/A
Portfolio Holder consulted:	N/A
Ward Member consulted:	N/A

Maximum Hackney Carriage Fare Structure

The following are the MAXIMUM authorised charges payable within the District of East Lindsey for the hire of a hackney carriage vehicle

TARIFF 1 (0700 – 2300 Hours)	
If the distance does not exceed 880 yards for the whole distance	£4.00
If the distance exceeds 880 yards:	
- for the first 880 yards	£4.00
- for each subsequent 176 yards (or uncompleted part thereof)	20p
WAITING TIME: For each period of 45 seconds	20p
TARIFF 2 (2300 – 0700 Hours)	
A 50% increase in Tariff 1	
TARIFF 3 (The times indicated below)	
A 100% increase in Tariff 1	
EXTRA CHARGES:	
- for any hirings on Bank and Public Holidays	Tariff 2
- between 0700 on 24th December to 1800 on 24th December	Tariff 2
- between 1800 on 24th December to 0700 on 27th December	Tariff 3
- between 0700 on 31st December to 1800 on 31st December	Tariff 2
- between 1800 on 31st December to 0700 on 2nd January	Tariff 3
- for each article of luggage (excluding hand luggage, perambulators and wheelchairs)	25p
- for each person in excess of two	50p
- If the price of diesel per litre (at the garage nominated by the Council) goes above £1.55	25p
- Each subsequent 10p increase in the price of diesel per litre (at the garage nominated by the Council) above £1.55	25p
- For each mile, or uncompleted part thereof, travelled by the carriage to a hirer "pick up" point at a stated place other than a hackney carriage stand or the proprietor's normal base of operation. The customer must be told the amount of the booking fee at the time of booking.	75p
- For each animal (subject to the driver's discretion) with the exception of assistance, guide or hearing dogs	£1.00
- Any toll or urban congestion charges incurred on the journey to be paid by the hirer.	
SOILING CHARGE	
A charge not exceeding £100.00 may be charged for soiling	

FARE LAST REVISED 13 OCTOBER 2023

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APPENDIX 2

REQUESTS FOR A REVIEW OF THE MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE

Skegness & District Taxi Drivers Association (SDTDA)

To Licensing:

We are in receipt of your communication regarding tariff increase. After having discussed this with members, we now feel it is time for an increase. On discussion, we have agreed a tariff increase of the flagfall from £4 standing charge to £5. We feel this is fair, due to the ever increasing fuel and general running costs for all involved.

Yours sincerely,

Stephen Gray – Chairman (SDTDA)

Skegness Taxi Owners Association (STOA)

On behalf of the Skegness Taxi Owners Association, I would like to request an increase of £1 on the start rate at Tariff 1.

The call out charge be increased to £1 per mile.

The call out increase is requested so that hackney carriages will be encouraged to cover a larger area giving people in rural areas the opportunity to be able to use taxis between rural villages when not coming into larger towns where most taxi companies are based. The increase to the call out that drivers are paid correctly for the dead mileage to get to these jobs meaning drivers will be more likely to accept the jobs helping out customers in rural locations.

Best Regards

Simon Evans - Chairman - S.T.O.A

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