


7 June 2017

Committee	Licensing
Date	Thursday, 15 June 2017
Time of Meeting	2:30 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 12
<p>To approve the Minutes of the Licensing Committee meetings held on 13 October 2016 and 16 May 2017 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Drivers, Vehicles and Operators) meetings held on 17 October 2016, 15 December 2016, 23 January 2017, 24 January 2017 and 7 March 2017.</p>	
5. REVIEW OF HACKNEY CARRIAGE TARIFF	13 - 17
<p>To approve the renewal of the current hackney carriage tariff until 31 July 2018.</p>	
6. SEPARATE BUSINESS	
<p>The Chairman will move the adoption of the following resolution:</p> <p>That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	
7. SEPARATE MINUTES	18 - 33
<p>To approve the separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 17 October 2016, 15 December 2016, 23 January 2017, 24 January 2017 and 7 March 2017.</p>	

DATE OF NEXT MEETING

THURSDAY, 19 OCTOBER 2017

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, A J Evans, R Furolo, R E Garnham (Chair), Mrs P A Godwin, Mrs J Greening (Vice-Chair), Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 13 October 2016
commencing at 2:30 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor Mrs J Greening

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, Mrs J E Day, A J Evans, Mrs P A Godwin, Mrs R M Hatton,
A S Reece, H A E Turbyfield and P N Workman

LIC.11 ANNOUNCEMENTS

11.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

12.1 Apologies for absence were received from Councillors G J Bocking, R Furolo, Mrs A Hollaway and M J Williams. There were no substitutions for the meeting.

LIC.13 DECLARATIONS OF INTEREST

13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

13.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
Mrs R M Hatton	Item 5 – Mobile Homes and Caravan Sites Licensing Policy	Owner of a Caravan Club site for five touring holiday caravans.	Would speak and vote.
H A E Turbyfield	Item 5 – Mobile Homes and Caravans Sites Licensing Policy	Owner of a Caravan Club site for five touring holiday caravans.	Would speak and vote.

13.3 There were no further declarations made on this occasion.

LIC.14 MINUTES

- 14.1 The Minutes of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meetings held on 16 June and 1 September 2016; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 16 June and 1 September 2016, copies of which had been circulated, were approved as correct records and signed by the Chair.
- 14.2 The Minutes of the Licensing Committee meeting held on 16 June 2016 were also approved as a correct record and signed by the Chair, subject to an amendment to Minute No. LIC.4.1 to state that Councillor Mrs K J Berry had given her apologies for the meeting.

LIC.15 MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

- 15.1 Attention was drawn to the report of the Licensing and Systems Officer, circulated at Pages No. 21-65, which proposed a draft Mobile Homes and Caravan Sites Licensing Policy. Members were asked to approve the draft policy for a 12 week consultation with the public and relevant parties.
- 15.2 Members were advised that Tewkesbury Borough Council had responsibility for regulating mobile homes and caravan sites under the provisions of the Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 and the Mobile Homes Act 2013. The 1960 Act had now been amended by the Mobile Homes Act 2013 which was introduced to provide greater protection to permanent occupiers of mobile home sites. The powers included the ability for local authorities to charge fees for their licensing functions in respect of relevant protected sites i.e. sites that were wholly or partially residential. Under the 2013 Act, there was an expectation that Councils would inspect sites annually and use the additional powers to ensure compliance with relevant site licence conditions. In addition, Councils could serve enforcement notices and publish any site rules relating to a site. In 2008, the Council had adopted Model Standards for residential caravan sites and approved standard conditions for residential caravan sites, both of which were included as appendices to the draft policy, attached at Appendix A to the report. The Council had also authorised Officers to take steps to impose new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding. Those resolutions were annexed to the draft policy which brought together all three documents into a single policy that would be easier to monitor going forward. Members noted that some elements were only applicable to residential sites, and others only to holiday sites, but both were covered within the policy. Due to the nature of the Environmental Health staffing structure, the fees structure had been based on a generic Officer charge of £25 per hour. The Finance department had indicated that this may be reviewed and adjusted slightly and the Committee was asked to consider whether it would be happy for the Chair and Vice-Chair to review the rate in such circumstances, or whether it should be brought back to the Committee. The Chair suggested that, if Members were minded to approve the draft policy for consultation, it should be subject to the Finance Officer amending the Officer charge to up to £40 per hour.
- 15.3 During the debate which ensued, a Member drew attention to Page No. 35, Section 3 'Roads, Gateways and Overhead Cables', which stated that 'roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times'. She had noticed that the residential caravan sites within Cheltenham were not always numbered in a logical way and this could create difficulties for emergency vehicles or in a flood situation when vulnerable people needed to be identified and assisted. She questioned whether owners could be asked to make sure that their caravans were clearly numbered, or at least that clear directions were available. The

Licensing and Systems Officer explained that this section was part of the Model Standards set out by the Government and the legalities of making amendments would need to be explored; it might be possible to change the conditions, as opposed to the Model Standards, although they were only applicable to residential sites. In response to a query as to whether maps of caravan locations were available for the Fire Services, Members were advised that there should be a notice board on each site with a map included. Another Member suggested that, whenever sites were inspected, Officers should check there was a site map in place and that the numbering was clearly understood. A Member expressed the view that the issue of numbering should be addressed at the planning stage and the Licensing and Systems Officer clarified that the Caravan Sites and Control of Development Act 1960 was enforced by planning rather than licensing so that would be the most appropriate solution. In response to a query, the Legal Adviser explained that applicants were required to comply with any conditions included within a planning permission and failure to do so could ultimately result in prosecution through the Magistrates' Court.

- 15.4 A Member pointed out that the diagram explaining the separation distances between caravans, set out at Page No. 46 of the report, was illegible and requested that it be made larger for the consultation. The Licensing and Systems Officer undertook to ensure that it was amended when the draft policy was published on the Council's website. The Member went on to raise concern that the reliability of the Environment Agency's flood maps had recently been called into question in another arena and, with regard to Page No. 63, Section 17 'Flooding', she queried whether the site owner could also consult with Tewkesbury Borough Council to establish whether the site was at risk from flooding. The Licensing and Systems Officer confirmed that this could be amended to require consultation with the Council's Flood Risk Management Engineer. A Member suggested that it would be beneficial for local Members to be made aware of any new caravan sites within their areas and it was agreed that Ward Members would be informed of any caravan site licence applications.

- 15.5 Having considered the information provided, and views expressed, it was

RESOLVED

1. That the draft Mobile Homes and Caravan Sites Licensing Policy be **APPROVED** for a 12 week consultation with the public and relevant parties, subject to the Finance department amending the Officer charge to up to £40 per hour and any other changes being brought back to the Chair and Vice-Chair for consideration, and the following minor amendments:
 - Page No. 46 – Diagram explaining the separation distances between caravans to be made larger.
 - Page No. 63, Section 17 'Flooding' – Paragraph 17.1 to be amended to require site owners to consult with both the Environment Agency and Tewkesbury Borough Council's Flood Risk Engineer to establish whether the site was at risk from flooding.
2. That Ward Members be informed of any caravan site licence applications in their areas.

LIC.16 SEPARATE BUSINESS

16.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.17 SEPARATE MINUTES

17.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 16 June and 1 September 2016 were approved as correct records and signed by the Chair.

The meeting closed at 2:50 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 16 May 2017 commencing at 6:15 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor Mrs J Greening

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, A J Evans, R Furolo,
Mrs P A Godwin, Mrs R M Hatton, Mrs A Hollaway, A S Reece, M J Williams and P N Workman

LIC.1 ELECTION OF CHAIR

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor R E Garnham be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor R E Garnham be elected as Chair of the Licensing Committee for the ensuing Municipal Year.

LIC.2 APPOINTMENT OF VICE-CHAIR

2.1 In the absence of the Chair, the Mayor invited nominations for the Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor Mrs J Greening be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor Mrs J Greening be appointed as Vice-Chair of the Licensing Committee for the ensuing Municipal Year.

The meeting closed at 6:20 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Monday, 17 October 2016 commencing at 2:30 pm

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs K J Berry and Mrs A Hollaway

LSB/B.11 ELECTION OF CHAIRMAN

11.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.12 ANNOUNCEMENTS

12.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.13 DECLARATIONS OF INTEREST

13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

13.2 There were no declarations made on this occasion.

LSB/B.14 SEPARATE BUSINESS

14.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.15 APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

15.1 The Sub-Committee refused an application for a private hire driver's licence.

The meeting closed at 3:15 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 15 December 2016 commencing at 10:30 am

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs R M Hatton and M J Williams

LSB/B.16 ELECTION OF CHAIRMAN

16.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.17 ANNOUNCEMENTS

17.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.18 DECLARATIONS OF INTEREST

18.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

18.2 There were no declarations made on this occasion.

LSB/B.19 SEPARATE BUSINESS

19.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.20 APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

20.1 Having received information that the applicant may not wish to proceed with their application, the Sub-Committee agreed that the applicant should be asked to confirm in writing whether they wished to continue with their application.

LSB/B.21 APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

21.1 The Sub-Committee granted an application for a private hire driver's licence.

The meeting closed at 11:10 am

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Monday, 23 January 2017 commencing at 10:30 am

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs J Greening and P N Workman

LSB/B.22 ELECTION OF CHAIRMAN

22.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.23 ANNOUNCEMENTS

23.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.24 DECLARATIONS OF INTEREST

24.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

24.2 There were no declarations made on this occasion.

LSB/B.25 SEPARATE BUSINESS

25.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.26 APPLICATION FOR GRANT OF A HACKNEY CARRIAGE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

26.1 The Sub-Committee refused an application for a hackney carriage driver's licence.

The meeting closed at 11:15 am

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 24 January 2017 commencing at 4:00 pm

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs J Greening and P N Workman

LSB/B.27 ELECTION OF CHAIRMAN

27.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.28 ANNOUNCEMENTS

28.1 The evacuation procedure, as noted on the Agenda, was advised to those present

LSB/B.29 DECLARATIONS OF INTEREST

29.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

29.2 There were no declarations made on this occasion.

LSB/B.30 SEPARATE BUSINESS

30.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.31 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

31.1 The Sub-Committee granted an application for a hackney carriage driver's licence.

The meeting closed at 4:20 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 7 March 2017 commencing at 10:30 am

Present:

Chair

Councillor R E Garnham

and Councillors:

A S Reece and H A E Turbyfield

LSB/B.32 ELECTION OF CHAIRMAN

32.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.33 ANNOUNCEMENTS

33.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.34 DECLARATIONS OF INTEREST

34.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

34.2 There were no declarations made on this occasion.

LSB/B.35 SEPARATE BUSINESS

35.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.36 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

36.1 The Sub-Committee granted an application for a private hire driver's licence.

LSB/B.37 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

37.1 The Sub-Committee refused an application for a private hire driver's licence.

The meeting closed at 11:45 am

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	15 June 2017
Subject:	Review of Hackney Carriage Tariff
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Corporate Lead:	Peter Tonge, Head of Community Services
Lead Member:	Cllr J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

The current hackney carriage tariff was set by the Licensing Committee on 17 July 2014 and came into effect on the 18 July 2014.

The Licensing Committee has resolved that a review of the hackney carriage tariff be carried out on an annual basis. The hackney carriage tariff is therefore due to be reviewed.

Recommendation:

To APPROVE the renewal of the current hackney carriage tariff until 31 July 2018.

Reasons for Recommendation:

The proprietors of the hackney carriages licensed by the Council were all consulted and have not requested any amendments and therefore there is not considered to be a case for amending the tariff at the present time.

Resource Implications:

The costs involved in carrying out the legal process to advertise any amendment to the tariff would be met from existing resources.

Legal Implications:

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary a table of fares for hackney carriages in the area.

Risk Management Implications:

None.

Performance Management Follow-up:

If the Committee resolve to amend the tariff, there will be a need to carry out the legal process required to vary the table of fares for hackney carriages and notify all the proprietors of hackney carriages.

Environmental Implications:

None.

1.0 BACKGROUND

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.
- 1.2 The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish.
- 1.3 Currently, there are four hackney carriage vehicles licensed by Tewkesbury Borough Council. The current tariffs came into effect on 18 July 2014 and this is shown at **Appendix A**.
- 1.4 Tariff one currently operates between 7am and 11pm each day (excluding Sundays). Tariff two currently operates between 11pm and 7am each day and on Sundays and public holidays.
- 1.5 The “flag charge” is the initial amount that a passenger is charged for hiring a hackney carriage vehicle, irrespective of the distance subsequently travelled on the journey.
- 1.6 The “flag distance” is how far the hackney carriage travels before additional cost is incurred by the hirer over and above the flag charge.
- 1.7 The “running mile” cost is the amount per mile that a passenger has to pay, once the journey is underway and the flag distance has been completed.
- 1.8 When a hackney carriage vehicle is stationary whilst hired, the amount charged is calculated by time rather than distance. The amount charged as “waiting time” is the amount that a passenger is liable to pay when a hired vehicle is stationary.
- 1.9 The “additional charges” are those that hackney carriage drivers are permitted to levy in respect of specific factors relating to journeys undertaken in the vehicle.
- 1.10 When comparing hackney carriage fares between districts, the comparison is usually drawn based on the cost of a two mile journey, as this has been deemed to be the average distance undertaken by someone hiring a hackney carriage.

2.0 PROCEDURE TO BE FOLLOWED IF THE TARIFFS ARE AMENDED

- 2.1** When varying the tariffs there is a statutory requirement to publish the proposal in the form of a Notice, specifying the day (the specified date) on which it will come into force, in at least one local newspaper and allow 14 days for any objections to be made. During that period a copy of the Notice must be available for inspection at the Council Offices at all reasonable hours.
- 2.2** If no objections are received, or all of the objections are withdrawn, then the variation will come into effect on the specified date. However, if objections are not withdrawn, the Council must consider them and set a date, no later than two months when the tariffs shall come into effect with or without amendment.
- 2.3** If any objections are made, Members will need to consider the Human Rights Act 1998 at that stage, in particular Article 1 of the First Protocol regarding protection of property which extends to the hackney carriage drivers' business.

3.0 ECONOMIC FACTORS

- 3.1** There has not been a significant increase in the in the fuel prices in the South West region since the last tariff was reviewed in July 2014. It is also important to acknowledge that fuel is not the only economic factor affecting the proprietors of licensed hackney carriage vehicles. According to the Office of National Statistics, the Consumer Price Inflation (CPI), which is the Government's target measure of inflation, was at 2.3% in April 2017.

<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/apr2017>

4.0 OTHER OPTIONS CONSIDERED

- 4.1** The Committee may decide to make amendments to the existing tariff. However given that none of the proprietors of the hackney carriages licensed by the Council have requested that any amendments are made, this is not considered appropriate.

5.0 CONSULTATION

- 5.1** All licensed proprietors of hackney carriages were contacted in March 2016 inviting them to make suggestions regarding amending the current tariff. No responses were received from the proprietors.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** None.

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1** None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 9.1** None.


10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 10.1** Consideration of the Human Rights Act 1998 as shown in 2.3 above.
- 10.2** Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would also be unlawful in accordance with the Equality Act 2010.
- 10.3** Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities.
- 10.4** Therefore the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or any similar mobility aids.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 11.1** Review of Hackney Carriage Tariff, Licensing Committee 28 July 2008.
Review of Hackney Carriage Tariff, Licensing Committee 11 June 2009.
Review of Hackney Carriage Tariff, Licensing Committee 10 June 2010.
Review of Hackney Carriage Tariff, Licensing Committee 9 June 2011.
Review of Hackney Carriage Tariff, Licensing Committee 7 June 2012.
Review of Hackney Carriage Tariff, Licensing Committee 6 June 2013.
Review of Hackney Carriage Tariff, Licensing Committee 17 July 2014.
Review of Hackney Carriage Tariff, Licensing Committee 17 June 2015.
Review of Hackney Carriage Tariff, Licensing Committee 16 June 2016.

Background Papers:	DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.
Contact Officer:	Bhavdip Nakum, Licensing and Systems Officer Tel: 01684 272044 Email: bhavdip.nakum@teWKesbury.gov.uk
Appendices:	A – Current Tariff.

	AUTHORISED FARE CARD	
	To be displayed prominently in each Hackney Carriage	
	LICENCE NO: *	
	VEHICLE REG. NO: *	
		FOR THE CARRIAGE OF * PASSENGERS

If a fare has not been agreed in advance, a driver is entitled to engage his meter at the point of hire.

Mileage

Rate 1 – For hiring between 7am and 11pm (not Sundays)

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£2.60
 b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....25p
 Waiting time – for each 1 minute or part thereof.....35p

Rate 2 – For hiring between 11pm and 7am including Sundays and Public Holidays

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£3.60
 b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....30p
 Waiting time – for each 1 minute or part thereof.....35p

Additional Charges

- For each passenger over 1 per journey or part thereof.....50p
 For each item of luggage carried in the luggage compartment of the vehicle.....25p
 (up to a maximum of £1)
 For each bicycle carried.....50p
 For each animal carried.....50p
 (No charge may be made for carrying assistance dogs, wheelchairs, walking frames or any other similar mobility aids)

Conditions of Hiring

1. The charges printed are the maximum permitted to be charged for each journey within the Borough of Tewkesbury.
2. Intoxicated or troublesome persons carried at the driver's discretion.

Check the tariff and the total sum demanded with the taximeter.

In the event of any dispute please ask for a detailed receipt showing the taxi licence number and driver's badge number.

In case of a complaint, please write to: The Licensing Officer, Tewkesbury Borough Council, The Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.

Email: licensing@tewkesbury.gov.uk

IT IS AN OFFENCE TO CAUSE OR PERMIT ANY ALTERATION TO THIS CARD.

Agenda Item 7

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