

## **6. REPORT ON THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY FOLLOWING PUBLIC CONSULTATION.**

REPORT OF: Lynne Standing,  
Head of Service for Housing, Environmental Health and Building  
Control  
Contact Officer: Yvonne Leddy  
Email: [yvonne.leddy@midsussex.gov.uk](mailto:yvonne.leddy@midsussex.gov.uk) Tel: 01444 477300  
Wards Affected: All  
Key Decision Yes/No

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### **Purpose of Report**

1. To seek the Committee's views on the responses to the consultation on the draft Mid Sussex Hackney Carriage and Private Hire Licensing Policy and whether they wish to amend the policy to take into account the feedback before it is reviewed by the Better Services Advisory Group on the 24<sup>th</sup> April 2012.

### **Summary**

2. On the 2<sup>nd</sup> November 2011 the Council went out to consultation on the Draft Mid Sussex Hackney Carriage and Private Hire Licensing Policy. Over 700 consultees were asked to comment on the Policy and in particular to respond to questions outlining the main changes. The Council received 105 responses to the consultation. Whilst there was broad agreement with many aspects of the policy, a large number of responses disagreed with the introduction of livery, age restriction of vehicles and additional fitness testing of vehicles on the grounds of additional financial burden upon trade at this difficult economic time. A summary of the past policy options considered and those currently proposed can be found in Appendix 2.

### **Recommendations**

- 3.1 **That Licensing Committee provide advice to the Better Services Advisory Group regarding the timescale within which the requirement for a livery and the ten year age restriction on vehicles should be introduced.**
  - 3.2 **Committee is asked to advise the Better Services Advisory Group that the Draft Mid Sussex Hackney Carriage and Private Hire Licensing Policy should be recommended by them for adoption by full Council, subject to their advice under 3.1 and to the following considerations:**
    - (a) **that if the timescale for the introduction of a livery for Hackney Carriage Vehicles extends beyond five years, in the interim private hire vehicles should be required to carry magnetic or transfer signs on their sides, to a design agreed with the Council, to make clear that they can only be pre-booked;**
    - (b) **that the policy should revert to its original intention to introduce a single additional fitness test for vehicles over 3 years of age;**
    - (c) **that the date for the introduction of the policy be deferred to 1 September 2012 to allow time for adoption by full Council**
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## Background

- 4.1 The initial draft policy was the subject of a discussion with the trade before it was presented to Licensing Committee on 21 September. As a result of the trade's initial response, and Licensing Committee's deliberations, a revised draft policy was agreed for the purposes of wider consultation.
- 4.2 On the 2 November 2011 the Council went out to consultation on the revised Draft Mid Sussex Hackney Carriage and Private Hire Licensing Policy. The consultation was published on the Council website and we also sent a letter with the questionnaire to over 700 consultees. Each driver and operator licensed by Mid Sussex District Council received the questionnaire, together with Town and Parish Councils, VOSA, West Sussex County Council, West Sussex Police Authority, Local Bus and Rail Operators and Access Groups in Mid Sussex. The questions, responses and options arising from those responses are detailed in Appendix 1. Appendix 2 summarises the changes already made to the draft policy, and further options now available to members.
- 4.3 The questionnaire focussed on the proposed changes that have been put forward to help maintain standards and improve public safety. These are:
  - A. Introducing a livery
  - B. Age restriction on vehicles
  - C. Introducing additional testing for vehicles
  - D. A new condition requiring all drivers to have evidence of insurance in the car at all times.
  - E. A new condition on Private Hire drivers' licences restricting drivers from parking near Taxi ranks, stations or appearing to "rank up" on the street.
  - F. Customer Charter - the Charter details the responsibilities of Mid Sussex District Council as the Licensing Authority, and the drivers as frontline service providers.
- 4.4 We received 105 responses to the consultation. The main areas of disagreement came from the trade itself and related to the introduction of livery, age restriction on vehicles and additional fitness testing of vehicles on the grounds of additional financial burden upon trade at this difficult economic time.
- 4.5 The Mid Sussex Taxi Association, representing the Hackney Carriage trade, submitted two responses. The first, entitled "An MSTTA submission to the Mid Sussex District Council in the matter of proposals to be applied to the local taxi trade", argued that it was inappropriate to increase regulation and cost to the trade within Mid Sussex when the trade was facing unfair competition from Private Hire Vehicle drivers licensed outside of Mid Sussex but operating in our District. They thought that aspects of the policy would lead to increased costs for the trade, and to more drivers and operators obtaining licences in neighbouring local authority areas. They asked that instead the Council take action to prevent those licensed by other authorities operating in the District.
- 4.6 The problem of operators licensed by other authorities working within the District is well known to members, but is one over which the Council has limited control until legislation is changed. The Council has a duty to ensure that its own licensing regime is fit for purpose, rather than ensuring that it is equivalent to that of a particular neighbouring authority. In doing so, it will wish to balance the need to protect public safety with the need to maintain enough taxis and private hire vehicles to serve the public.

- 4.7 There was a further meeting with the trade following receipt of this submission, which led to a further submission from them addressing the specific questions contained in the consultation document. These, along with other responses, are set out below and summarised in Appendix 1.

#### **Proposal A: Introducing a livery in the district**

- 4.8 The draft policy proposed the introduction of a livery in the district, backed up by an education programme, but introduced over 5 years. It is considered that a livery would help to prevent the confusion for members of the public between Hackney Carriage and Private Hire vehicles. Members will be aware that this is important because members of the public who use private hire vehicles without pre-booking are not covered by insurance. It will also have the additional benefit of easily identifying out of area licensed hackney vehicles operating in our district.
- 4.9 Of the responses received 63% did not agree with the introduction of livery on hackney vehicles and this was predominately on the grounds of cost and the difficulty and expense of purchasing a white vehicle. Alternative options were proposed to help members of the public differentiate a Hackney Vehicle from that of a private hire vehicle. They included removal of roof top signs from Private Hire Vehicles, standardising the shape of the roof box signs, and clearer signage on vehicles. Roof box signs are an important way for private hire vehicles to advertise themselves and the Council could be open to legal challenge if it asked for them to be removed. Transfer or magnetic signage on the sides of vehicles could be considered, but would be less obvious than a white livery.
- 4.10 In view of the high percentage of responses against the introduction of livery, Members may wish to consider the following options:
- Do not introduce a livery in the current economic climate.
  - Introduce it over a 5 year period as per the current draft policy
  - Introduce it over a longer period of up to ten years, similar to the approach of Eastbourne Borough Council. If a longer timescale is adopted, consider the use of transfer or magnetic signage on the sides of vehicles in the interim.

#### **Proposal B: Age restriction on vehicles**

- 4.11 The draft policy proposed the introduction of age restriction of 4 years on the first application for a licence. It was proposed that this would be introduced over time: 5 years is suggested in the policy, with vehicles over 10 years not being licensed by us. The reason behind this proposal was to allow for a more modern fleet with greater safety features and reduces the likelihood of badly maintained vehicles thus protecting public safety. Licensing Committee simplified this proposal to say that no vehicle of 10 years of age or older would be licensed by the Council.
- 4.12 Of the responses received 54% agreed with the introduction of an age restriction on vehicles. From the responses that disagreed it was about cost. A number of responses felt that the majority of faults found on vehicles are as a result of lack of maintenance, or high mileage, and are not age related. In practice, age, maintenance and mileage will all affect vehicle fitness and safety, but restrictions relating to mileage are difficult to enforce. Some respondents agreed with the principle of "age restricted" but felt that there should be some exception for vehicles that are in "mint" condition or are wheelchair accessible vehicles. The issue of vehicles in mint condition was considered previously by Committee, and was considered too

subjective to be enforceable. Wheelchair accessible vehicles are more expensive to buy, and it is therefore understandable that operators would wish them to have longer lives. On the other hand, it is difficult to argue that comfort and safety measures for those requiring wheelchair accessible vehicles should be less than for other vehicles. The Council still has a waiting list for Hackney Carriage licenses, including those for wheelchair accessible vehicles, and it is therefore considered that the same conditions should apply to these as to other vehicles.

- 4.13 In light of the responses and their previous deliberations, Members may wish to consider the following options relating to age restrictions on licensed vehicles:
- Introduce the 10 year limit over 5 years, as per the current draft policy
  - Introduce the 10 year limit over a longer period of time of up to ten years.

**Proposal C: Introducing additional testing for vehicles over 3 years of age twice a year**

- 4.14 The original draft Policy proposed the introduction of additional testing for vehicles over 3 years of age twice a year. At present all licensed vehicles up to three years of age are legally required to be tested annually. The additional tests will ensure that any vehicles licensed to carry members of the public are safe and comfortable.
- 4.15 When Licensing Committee previously considered this issue they were advised that the trade had suggested more regular tests of up to three times a year for older vehicles and agreed that vehicles over 2 years should have two tests a year and those over seven years should have three tests a year.
- 4.16 Of the responses received 64% did not agree with the introduction of additional testing. This was mainly on the grounds of additional cost to the trade. A number of responses suggested that the number of tests should be based on mileage not the age of the vehicle but, as noted above, this is difficult to enforce.
- 4.17 In the light of responses to the current consultation it seems clear that when the trade previously suggested more tests it was as an alternative to an age restriction not in addition to it. Members may wish to revert to the original proposal suggested by the Licensing Officer, that all licensed vehicles up to three years of age are to be tested annually with an additional test on all vehicles over three years i.e. one test every 6 months.

**Proposals D, E and F**

- 4.18 These proposals were broadly supported and it is recommended that they be adopted.

**Policy Context**

5. The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

**Financial Implications**

6. None. However some existing licensees may consider the revised conditions too restrictive and not renew their licences.

## **Risk Management Implications**

7. Imposing additional conditions, in particular introducing a livery in the district, may be seen by the Trade as an additional burden which may affect their livelihood and discourage people from applying for a licence. The risks of not making it clearer for members of the public to distinguish between private hire and Hackney carriages encourages passengers unknowingly to use un-booked private hire vehicles on taxi ranks, streets etc. when they are unaware that they will be travelling in vehicles which are not insured to pick up fares which have not been pre-booked.

## **Equality and customer service implications**

8. An equality impact assessment was carried out in the development of this policy and did not identify any negative impacts for customers and those protected by equalities legislation. The policy is intended to protect the public, including those who are vulnerable owing to their age or disability, and through our consultation with a range of stakeholders, including the police, we have sought to ensure we have got the balance right in this respect. Details of stakeholders with whom we have consulted are outlined in 4.2 and their views are reflected in the responses to the consultation.

## **Background Papers**

None

Consultation on Draft Mid Sussex Taxi Licensing Policy

Proposal 1: Introducing vehicle livery

We want to make it easier for the public to differentiate between Hackney Carriages and Private Hire Vehicles.<sup>1</sup> We are proposing to introduce a standard vehicle livery, which would require all Hackney Carriage vehicles to be white and marked with the MSDC logo. Private Hire vehicles could not be white. The introduction of livery, backed up by an education programme, would help to prevent confusion for members of the public between Hackney Carriage and Private Hire Vehicles. It will also have the additional benefit of easily identifying out of area licensed hackney vehicles operating in our district. It is proposed that the requirement for vehicle colour would be introduced over a five-year period from the introduction of the Policy in April 2012. The policy for door signage would take effect in April 2012.

**Question 1: Do you agree with the introduction of livery on hackney vehicles and the proposal that all hackneys are white in colour? Yes/No (delete as appropriate) If not, please say why.**

Yes – 36% (38)

No – 63% (66)

- Cost
- *Unnecessary financial burden upon Hackney Carriage Drivers*
- *Don't understand the reason for introducing a livery*
- *Not easy to acquire a white vehicle*
- Colour
- *No need for a livery but public need to be educated on the difference between Hackney Carriage Vehicle (HCV) and Private Hire Vehicle (PHV)*
- *Suggested the removal of roof box signs for PHV*
- *The idea that MSDC HCVs are a standard colour is fine but should be different to neighbouring authorities. Favour magnetic signs not transfer type*

No Response – 0.9% (1)

**Options to be considered:**

- Do not introduce livery
- Introduce a livery of white vehicles to come into effect in 5 years as detailed in the draft policy
- Introduce a livery as detailed in the draft policy but not until 2022

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<sup>1</sup> For more information on the differences between Hackney Carriage and Private Hire licenses, please see <http://www.midsussex.gov.uk/8140.htm>.

Proposal 2: Age restriction on vehicles

We are proposing to introduce an age restriction which would mean that all licensed vehicles could not be more than 10 years old. This will allow for a more modern fleet, with greater safety features and reduces the likelihood of badly maintained vehicles. We are proposing to introduce this policy over a period of 5 years.

**Question 2: Do you agree with the proposal to place an age restriction of a maximum of 10 years on vehicles licensed by MSDC. Yes/No (delete as appropriate) If not, please say why.**

Yes – 54% (57)

No – 45% (47)

- *Use mileage and servicing to improve safety of vehicles*
- *Modern vehicles better made so age restriction not required*
- *Too expensive on owner as they will need to change their vehicles*
- *If age restriction applied there needs to be exception for vehicles in “mint” condition*
- *If age restriction applied there needs to be right of appeal*
- *Instead of 10 years there could be an age restriction of 15 years in line with the Public Carriage Office*
- *There should be no age restriction for wheelchair accessible vehicles*
- *Majority of faults found on vehicles are lack of maintenance and not age related*

No response – 1% (1)

**Options to be considered:**

- Do not introduce an age restriction on vehicles
- Introduce an age restriction of 10 years to come into effect in 5 years as detailed in the draft policy
- Introduce an age restriction of 10 years to come into effect in 10 years (2022)

Proposal 3: Introducing age related additional testing

All licensed vehicles up to five years old are legally required to be fitness tested annually, with vehicles over five years old required to be tested twice yearly. We are proposing to bring in additional tests to ensure that any vehicles licensed to carry members of the public are safe and comfortable. The policy proposes the introduction of additional testing for vehicles as follows:

Age of Vehicle	Annual Testing Regime
New to 10,000 miles	MSDC Licensing Officer to spot check
10,001 to 24 months	1 fitness check MOT from 12 months old
25 months – 72 months	2 fitness checks (6 monthly) 12 monthly MOT
73 months – 120 months	3 fitness checks (4 monthly) 12 monthly MOT

**Question 3: Do you agree with the proposal to introduce additional testing as outlined above? Yes/No (delete as appropriate) If not, please state why.**

Yes – 34% (36)

No – 64% (67)

- *Expensive on drivers*
- *Modern cars more reliable require less testing as they are better made*
- *Testing should be carried out on mileage as oppose to the age of the vehicle*
- *One respondent agreed if age restriction on licensed vehicle was not imposed*
- *More enforcement not testing*

No response – 2% (2)

**Options to be considered:**

- No additional testing
- Testing as per the consultation draft above
- One additional test for vehicles over 3 years



Proposal 4: Requiring all drivers to have evidence of insurance in the car at all times

It is of course a legal requirement for taxi drivers to have the correct insurance at all times, and the public expect the licensing authority to ensure this is monitored. When a licence is issued, we check the driver's insurance. However, the period of the licence and the period of the insurance cover are often different and the District Council, unlike the Police, cannot access insurance information from other sources such as DVLC. We are proposing that all drivers will be required to carry evidence of insurance so that the Licensing Officer, during his enforcement work, can check to see that drivers are correctly insured throughout the period of the licence.

**Question 4: Do you agree with the proposal that all drivers are required to carry evidence of their current insurance policy with them at all times? Yes/No (delete as appropriate) If not, please state why.**

Yes – 74% (78)

No – 24% (25)

- *Good idea but should not have any personal address details on it*
- *Documents could be stolen*
- *Insurance provided at the time the vehicle is licensed*
- *Operators already hold this document*
- *Too bureaucratic*
- *Production notice instead*
- *Problem with block insurance*
- *Criminal offence and should be handled by the police*

No response – 2% (2)

**Options to be considered:**

- Implement as detailed in the draft policy but for operators with block insurance they could provide a letter to their drivers with the necessary insurance details.

Proposal 5: Restricting Private Hire drivers from parking near Taxi ranks, stations or appearing to “rank up” on the street

Sometimes Private Hire Vehicles park in a row, creating an impression of a taxi rank. We are proposing to restrict them from doing this as it can cause confusion for members of the public in identifying Hackney Carriages and Private Hire Vehicles. The condition is already contained in the Private Operator’s licence, but it has on occasions been claimed that individual drivers are not fully aware of the terms of the Operator’s licence. If this is introduced as a condition on the Private Hire Drivers Licence, the responsibility is set out clearly. There should be no doubt about a driver’s awareness of this condition.

**Question 5: Do you agree with the proposal to include a condition on the Private Hire Drivers Licence that prevents “ranking up” and from parking near Taxi ranks or Railway stations? Yes/No (delete as appropriate) If not, please state why.**

Yes – 79% (83)

No – 18% (19)

- *A procedure to report offenders instead*
- *Illegal already and needs to be enforced*

No response – 3% (3)

**Options to be considered:**

- Introduce and advise drivers when collecting their licence

Proposal 6: Customer Charter

The Charter details the responsibilities of Mid Sussex District Council as the Licensing Authority, and the drivers as frontline service providers. Full details are contained in Appendix 10 of the Draft Licencing Policy.

**Question 6: Do you agree with the proposal to introduce the Customer Charter? Yes/No (delete as appropriate) If not, please state why.**

Yes – 65% (68)

No – 27% (28)

- *Not needed*
- *Yes but not this one*
- *Unnecessary paperwork*

No response – 9% (9)

**Options to be considered:**

- Include the Charter

**Other Items raised**

**1. Clarification on approved calendar meter's in PHV**

*Wording to be altered to: "where a taxi meter is fitted to a Private Hire Vehicle it must be correctly calibrated to the tariff charged by the Operator"*

**2. Issues regarding out of area licensed vehicles**

*MSDC policy is not to licence premises outside our area. We can only encourage other Councils to adopt the same policy.*

**3. Better remuneration for drivers – increase in fares**

*MSDC only sets fares for HCV – to date the Council has agreed fare increases presented by Mid Sussex Taxi Association.*

**The development of the draft Hackney Carriage and Private Hire Vehicle policy: past and present options**

<b>Broad Proposal</b>	<b>Draft 1</b>	<b>Draft 2: consultation draft agreed by Licensing Committee September 2011</b>	<b>Current suggested options</b>
Adopt a white livery for hackney carriages	Adopt a white livery for hackney carriages within 5 years	Adopt a white livery for hackney carriages within 5 years	Introduce the livery over either 5 years or a longer period of up to 10 years
Introduce an age restriction on licensed vehicles	Upper age limit of 7 years	Upper age limit of 10 years, but more fitness checks on older vehicles	Upper age limit of 10 years introduced over either 5 years or a longer period of up to 10 years
Introduce additional vehicle inspections	Extra test for vehicles over 3 years of age	1 extra fitness test for vehicles of 2-6 years  2 extra tests on vehicles of 7-10 years	Extra test for vehicles over 3 years of age

## 7. REQUEST FOR AN INCREASE IN THE FUEL SURCHARGE TRIGGER

REPORT OF: HEADOF HOUSING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL  
Contact Officer: Alec Lee, Hackney Carriage and Private Hire Licensing Officer  
Email: [alec.lee@midsussex.gov.uk](mailto:alec.lee@midsussex.gov.uk) Tel: 01444 477335  
Wards Affected: All  
Key Decision No

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### Purpose Of Report

1. To seek Members' approval to reset the point when the fuel surcharge can be added to the current Hackney Carriage metered tariff.

### Summary

2. The Mid Sussex Taxi Association has requested a change to the point where the current fuel surcharge, which will be added to the current Hackney Carriage metered tariff, comes into effect. This will be when fuel prices rise to £2.00 or above per litre.

### Recommendations

3. **The Committee agree to the addition of the revised fuel surcharge as shown in appendix 2.**
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### 4.0 Background

- 4.1 Hackney Carriage drivers can charge a fuel surcharge when fuel prices exceed a given level. Currently the surcharge can take effect when fuel prices reach £1.40 per litre. Given that this is a common price for fuel today, the Mid Sussex Taxi Association has requested that the current fuel surcharge trigger be reset at a higher level, £2.00 per litre, to reflect its original intended use (Appendix 1).
- 4.2 The existing fuel surcharge is shown at the end of Appendix 2. The proposed fuel surcharge is shown at the end of Appendix 3.

### 5.0 Policy Context

- 5.1 By virtue of the Town Police Clauses Act 1847. The Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 the Council is required to administer and enforce the activities of Hackney Carriages throughout the district.

### 6.0 Financial Implication

- 6.1 There are no financial implications arising from this report.

## **7.0 Risk Management Statement**

- 7.1 In accordance with the Councils Risk Management Strategy, consideration had been given to the potential risks associated with the recommendations set out in this report. The proposed changes in the fuel surcharge will be advertised so that members of the public will be given ample opportunity to submit objections prior to implementation.

## **8.0 Equality and Customer Services Implication**

- 8.1 None identified.



A voice for the Hackney Carriage Trade in Mid Sussex

Dear Mr Lee,

Those present at the AGM resolved to petition the Mid Sussex District Council to permit the change to the tariff card detailed below. In accordance with custom and practice the full contactable membership of the Association was offered the opportunity to ratify or otherwise this proposal to see if it will go forward to MSDC. The result is now in.

~ EXTRACT FROM MINUTES – AGM 2011, NOVEMBER 3 ~

- 5 a) That the Fuel Surcharge should be reset at a higher level to reflect its original intended use and that it should not be used as a negotiating point for a tariff increase.

CODE	TRIGGER Pump Price/litre (£)	SURCHARGE Pence
A	2.00	25
B	2.25	40
C	2.50	60

**Voting: For 22, Against 1, Abstentions 13. Motion Carried.**

~ END OF EXTRACT ~

Result of the postal vote: For 29, Against 3, Spoiled Papers 8, and Ineligible Votes 2.

### Justification

This Association successfully petitioned the Council to use the surcharge formula detailed below to protect the trade from rocketing fuel prices (2005/06). This is activated by the Licensing Officer when a trigger is reached. A local Haywards Heath garage (EG) will be used as a pointer. An official notice for display in each taxi will be provided by the MSDC to enable this addition to the metered fare to be charged. The petition included the following rider: *This is not meant to increase our profits, just to insulate us quickly from world events.*

CODE	TRIGGER Pump Price/litre (£)	SURCHARGE Pence
A	1.25	25
B	1.50	40
C	1.75	60

*The surcharge is to be applied to each £5 of indicated meter reading or part thereof.*

To restore the ratio between the average fuel price (*Source AA*) and the minimum trigger point the surcharge trigger points were raised as below with effect from 1<sup>st</sup> April 2008:

CODE	TRIGGER Pump Price/litre (£)	SURCHARGE Pence
A	1.40	25
B	1.65	40
C	1.90	60

To maintain this custom and practice the fuel triggers should have been increased in 2010 (two year gap). To catch up now requires the figures in the extract 5) above.

Mike.Revely (HV 012), Secretary of the Association, November 2011, 6 Cantelupe House, Cantelupe Road, East Grinstead, West Sussex. RH19 3BZ. Mobile: 07802693930, e-mail: MRXaron@AOL.Com



**MAXIMUM HACKNEY CARRIAGE FARES  
WITH EFFECT FROM 1<sup>st</sup> April 2011**

Local Government (Miscellaneous Provisions) Act 1976 Section 65

**Tariff 1**

**Applies to all hiring's except those mentioned in Tariff's 2 & 3**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£2:80p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>20p</b>
Waiting Time for each period of 40 seconds	<b>20p</b>

**Tariff 2**

**Applies to all hiring's begun between 12 midnight and 6 a.m. on weekdays and 12 midnight and 8:30 a.m. on Sundays, after 8 p.m. on 24<sup>th</sup> and 31<sup>st</sup> December, all day 26<sup>th</sup> December, Good Friday Easter Sunday and Public and Bank Holidays, and all Sundays which are followed by a Bank Holiday in Lieu.**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£4:20p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>30p</b>
Waiting Time for each period of 40 seconds	<b>30p</b>

**Tariff 3**

**Applies to all hiring's from 00.01 hours on December 25<sup>th</sup> to midnight December 25<sup>th</sup>**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£5:60p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>40p</b>
Waiting Time for each period of 40 seconds	<b>40p</b>

**Additional Charges**

Subject to the Licensed capacity of the vehicle, the driver when carrying **5 or more passengers** is entitled to charge **Tariff 2**

Soiling charge **£40**

**Emergency Fuel Surcharge**

To be applied to each £5 of indicated metered fare or part thereof **during periods** when pump prices reach

<b>A</b>	<b>£1:40p to</b>	<b>£1:64p per litre</b>	<b>25p</b>
<b>B</b>	<b>£1:65p to</b>	<b>£1:89p per litre</b>	<b>40p</b>
<b>C</b>	<b>£1:90p per litre</b>		<b>60p</b>

**In the event of a complaint please contact :**

The Hackney Carriage / Private Hire Licensing Officer

Mid Sussex District Council, Oaklands, Haywards Heath, West Sussex, RH16 1SS, Tel. 01444 458166





**MAXIMUM HACKNEY CARRIAGE FARES  
WITH EFFECT FROM 1<sup>st</sup> April 2012**

Local Government (Miscellaneous Provisions) Act 1976 Section 65

**Tariff 1**

**Applies to all hiring's except those mentioned in Tariff's 2 & 3**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£2:80p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>20p</b>
Waiting Time for each period of 40 seconds	<b>20p</b>

**Tariff 2**

**Applies to all hiring's begun between 12 midnight and 6 a.m. on weekdays and 12 midnight and 8:30 a.m. on Sundays, after 8 p.m. on 24<sup>th</sup> and 31<sup>st</sup> December, all day 26<sup>th</sup> December, Good Friday Easter Sunday and Public and Bank Holidays, and all Sundays which are followed by a Bank Holiday in Lieu.**

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**Tariff 3**

**Applies to all hiring's from 00.01 hours on December 25<sup>th</sup> to midnight December 25<sup>th</sup>**

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For each subsequent 161 metres (176 yards or part thereof)	<b>40p</b>
Waiting Time for each period of 40 seconds	<b>40p</b>

**Additional Charges**

Subject to the Licensed capacity of the vehicle, the driver when carrying **5 or more passengers** is entitled to charge **Tariff 2**

Soiling charge **£40**

**Emergency Fuel Surcharge**

To be applied to each £5 of indicated metered fare or part thereof **during periods** when pump prices reach

<b>A</b>	<b>£2:00p to</b>	<b>£2:24p per litre</b>	<b>25p</b>
<b>B</b>	<b>£2:25p to</b>	<b>£2:49p per litre</b>	<b>40p</b>
<b>C</b>	<b>£2:50p per litre</b>		<b>60p</b>

**In the event of a complaint please contact :**

The Hackney Carriage / Private Hire Licensing Officer

Mid Sussex District Council, Oaklands, Haywards Heath, West Sussex, RH16 1SS, Tel. 01444 458166

## **8. CHANGE TO MULTI SEAT VEHICLE TARIFFS**

REPORT OF: HEAD OF HOUSING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL  
Contact Officer: Alec Lee, Hackney Carriage and Private Hire Licensing Officer  
Email: [alec.lee@midsussex.gov.uk](mailto:alec.lee@midsussex.gov.uk) Tel: 01444 477335  
Wards Affected: All  
Key Decision No

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### **Purpose of Report**

1. To seek approval for a change in the tariff charged by multi seat vehicles when carrying 5 or more passengers.

### **Summary**

2. The Mid Sussex Taxi Association has requested a change in the tariff charged by multi seat vehicles when carrying 5 or more passengers at times when Tariff 2 fares apply.

### **Recommendations**

- 3 The Licensing Committee agree the addition of an extra tariff rate for multi seat vehicles as shown in appendix 3.**
- 

## **4.0 Background**

- 4.1 The Mid Sussex Taxi Association has requested that an additional tariff rate for multi seat vehicles is introduced. The current tariff for multi seat vehicles has been in use since 2006. There are three tariffs which are set out in detail in appendix 2. Broadly these are:
  - Tariff 1 for most times
  - Tariff 2 for late night times and Bank Holidays
  - Tariff 3 for Christmas day
- 4.2 Multi-seat vehicles can charge tariff 2 rates when they are carrying 5 or more passengers at any hour, but are unable to charge any additional premium for carrying 5 or more passengers during times when the tariff 2 rate applies i.e. night times and Bank Holidays. The proposal is to allow drivers of multi seat vehicles to charge a higher rate (Tariff 3 rates) for carrying 5 or more passengers at times when the Tariff 2 rate is in use (Appendix 1).
- 4.3 The current tariff card is shown as appendix 2 and the proposed tariff card is shown as appendix 3.

## **5.0 Policy Context**

- 5.1 By virtue of the Town Police Clauses Act 1847. The Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 the Council is required to administer and enforce the activities of Hackney Carriages throughout the district.

## **6.0 Financial Implications**

6.1 There are no financial implications arising from this report.

## **7.0 Risk Management Statement**

7.1 In accordance with the Council's Risk Management Strategy, consideration had been given to the potential risks associated with the recommendation set out in the report. The proposed change in the tariff will be advertised so that members of the public will be given ample opportunity to submit objections prior to implementation.

## **8.0 Equality and Customer Service Implications**

8.1 None identified. Groups eligible for Mid Sussex Taxi Vouchers can use the services of Hackney Vehicles and Private Hire Vehicles for transportation.

## **9.0 Background Papers**

9.1 None



A voice for the Hackney Carriage Trade in Mid Sussex

**Dear Mr Lee,**

Those present at the AGM resolved to request the Mid Sussex District Council to permit the change to the tariff card detailed below. In accordance with custom and practice the full contactable membership of the Association was offered the opportunity to ratify or otherwise this proposal to see if it will go forward to MSDC. The result is now in.

~

~ EXTRACT FROM MINUTES – AGM 2011, NOVEMBER 3 ~

5 (i). That the multi-seater night and Bank holiday rate should be Tariff 3 instead of Tariff 2. *Proposed:* Committee. **Voting: For 20, Against 3, Abstentions 13. Motion Carried.**

~ END OF EXTRACT ~

Result of the postal vote: For 17, Against 9, Spoiled Papers 8 and Ineligible Votes 1.

AGM result confirmed.

### **Justification**

The multi-seater is able to charge Tariff 2 instead of Tariff 1 when carrying more than four persons. In these circumstances there is currently no premium rate available to these drivers when they are working Bank Holidays and late nights. The above adjustment would rectify this.

### **Tariffs**

T1: Flag: £2.80 for 422 yards and 20p for 176 yards.

T2: T1 plus 50%.

T3: T1 plus 100%.



**MAXIMUM HACKNEY CARRIAGE FARES  
WITH EFFECT FROM 1<sup>st</sup> April 2011**

Local Government (Miscellaneous Provisions) Act 1976 Section 65

**Tariff 1**

**Applies to all hiring's except those mentioned in Tariff's 2 & 3**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£2:80p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>20p</b>
Waiting Time for each period of 40 seconds	<b>20p</b>

**Tariff 2**

**Applies to all hiring's begun between 12 midnight and 6 a.m. on weekdays and 12 midnight and 8:30 a.m. on Sundays, after 8 p.m. on 24<sup>th</sup> and 31<sup>st</sup> December, all day 26<sup>th</sup> December, Good Friday Easter Sunday and Public and Bank Holidays, and all Sundays which are followed by a Bank Holiday in Lieu.**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£4:20p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>30p</b>
Waiting Time for each period of 40 seconds	<b>30p</b>

**Tariff 3**

**Applies to all hiring's from 00.01 hours on December 25<sup>th</sup> to midnight December 25<sup>th</sup>**

Initial distance not exceeding 385 metres (422 yards) or a combination of distance and time or part thereof.	<b>£5:60p</b>
For each subsequent 161 metres (176 yards or part thereof)	<b>40p</b>
Waiting Time for each period of 40 seconds	<b>40p</b>

**Additional Charges**

Subject to the Licensed capacity of the vehicle, the driver when carrying **5 or more passengers** is entitled to charge **Tariff 2**

Soiling charge **£40**

**Emergency Fuel Surcharge**

To be applied to each £5 of indicated metered fare or part thereof **during periods** when pump prices reach

<b>A</b>	<b>£1:40p</b>	<b>to</b>	<b>£1:64p per litre</b>	<b>25p</b>
<b>B</b>	<b>£1:65p</b>	<b>to</b>	<b>£1:89p per litre</b>	<b>40p</b>
<b>C</b>	<b>£1:90p per litre</b>			<b>60p</b>

**In the event of a complaint please contact :**

The Hackney Carriage / Private Hire Licensing Officer

Mid Sussex District Council, Oaklands, Haywards Heath, West Sussex, RH16 1SS, Tel. 01444 458166



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For each subsequent 161 metres (176 yards or part thereof)	<b>40p</b>
Waiting Time for each period of 40 seconds	<b>40p</b>

**Additional Charges**

Subject to the Licensed capacity of the vehicle, the driver when carrying **5 or more passengers** is entitled to charge **Tariff 2 when Tariff 1 charges apply, and Tariff 3 charges at times when Tariff 2 apply.**

Soiling charge **£40**

**Emergency Fuel Surcharge**

To be applied to each £5 of indicated metered fare or part thereof **during periods** when pump prices reach

<b>A</b>	<b>£1:40p</b>	<b>to</b>	<b>£1:64p per litre</b>	<b>25p</b>
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**Minutes of a Meeting of the Mid Sussex District Council Liquor Licensing Panel held on 21<sup>st</sup> December 2011 from 10.00 a.m. to 11:34 p.m.**

**Present:** Councillors: Bruce Forbes  
Richard Goddard  
Chris Hersey (Chairman)

**Officers in attendance:** Assistant Solicitor to the Council, Environmental Health Officer – Eve Turgut, Assistant Planner – Deborah Lynn, Senior Licensing Officer and Member Administration Officer.

**Also in attendance:** The Applicant – Sussex Police  
The Applicant's Representative  
The Licensee.

**LS.9 SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4**

None.

**LS.10 APOLOGIES FOR ABSENCE**

None.

**LS.11 DECLARATIONS OF INTEREST**

None.

**LS.12 APPLICATION TO REVIEW A PREMISES LICENCE – THE CROW'S NEST, KING STREET, EAST GRINSTEAD, WEST SUSSEX, RH19 3DJ**

Paul Thornton, Senior Licensing Officer, introduced the report. He explained that Sussex Police had asked for a review of the premises licence held by The Crow's Nest. Sussex Police contend that licensing objectives have been undermined and the Designated Premises Supervisor had failed to comply with conditions on the Premises License. Staff within the premises had failed to understand their responsibilities under the Licensing Act 2003.

The incident that prompted Sussex Police to apply for a review of the premises license occurred on 9<sup>th</sup> October 2011 with Police called to the Atrium Entertainment Complex at 1.05am. A customer of the Crow's Nest had left the premises, apparently intoxicated, and shortly after leaving the Crow's Nest sustained fatal injuries. Investigation of the incident revealed that despite a Premises License condition requiring CCTV be installed and maintained this was not working for over 24 hours.

When interviewed under caution by police the Designated Premises Supervisor was unaware of her responsibilities under the Licensing Act and was unable to identify any of the four licensing objectives.

The Senior Licensing Officer said that Sussex Police were asking the panel to consider applying a number of conditions to the premises license and these were outlined in the report. East Grinstead Town Council had indicated that they

support the review document provided by Sussex Police and the conditions therein.

#### Representation from the Applicant's Representative

Peter Saville, the Barrister for Sussex Police, outlined the Police application to review the premises license for the Crow's Nest and drew the panel's attention to proposed modifications to the existing conditions in the report. He said that Pc Phil King and Sergeant Tony Jarred from Sussex Police were present at the meeting as Police witnesses of the incident and would be happy to answer any questions the Panel had.

The incident on 9<sup>th</sup> October 2011 brought a spotlight on the way the premises were operating and this had highlighted areas in which the Crow's Nest was failing. Sussex Police believe that the modified conditions proposed in their application are necessary and proportionate and Mr Hassan, the licensee, does not oppose the imposition of these conditions following discussions with both Jean Irving, Sussex Police Licensing & Public Safety Manager and Sergeant Tony Jarred. Sergeant Jarred had provided careful justification for these modified conditions in his statement.

#### Representation from a Responsible Authority

Eve Turgut, Environmental Health Officer, said that as the Health and Safety enforcement authority she was required to investigate the incident under the Health and Safety at Work Act 1974. That investigation was hindered significantly as a result of there being no CCTV footage for a period of over 24 hours when the incident occurred. The premises should have trained door supervision to monitor customer behaviour and CCTV with footage maintained for a minimum of one month. She had requested that the Atrium agree a procedure for close of business.

#### Representation from the Licensee

Mr Hassan, the licensee and owner of the Crow's Nest, said that he wished to work closely with authorities and ensure that some things never happen again. He was happy with the modified conditions that had been proposed by Sussex Police.

#### Questions from Members of Panel

In response to a Member's question the licensee said that he had not invited the Designated Premises Supervisor to attend as he did not think she would have been required at the hearing.

A Member enquired whether the victim had been at the premises alone. Sergeant Tony Jarred said that he was alone before the incident but had been with a friend prior to that.

Sergeant Jarred also confirmed, in response to a Member's questions, that they could not ascertain how long the victim had been at the premises before the incident due to the lack of CCTV footage and they had received no reports concerning the victim and his behaviour prior to the incident.



In response to a Member's question Sergeant Jarred said that the coroner stated that the victim's blood alcohol level was 0.04, half the drink drive limit.

Sergeant Jarred confirmed that the Police had not been notified of any other incidents at the Crow's Nest prior to the incident on 9<sup>th</sup> October 2011.

In response to a Member's question the licensee said that he holds licensing qualifications.

Mr Hassan confirmed that the Crow's Nest usually closes at midnight on Saturdays. In response to a Member's question he said that the designated premises supervisor should have been in the office at some point to check that CCTV was operating as required.

A Member queried the time difference between the Crow's Nest's usual closing time and the time of the incident on 9<sup>th</sup> October 2011. Sergeant Jarred said that the premises remained open until 1am that night, despite a planning condition restricting hours of opening to midnight. Sussex Police have been monitoring compliance with this condition since the incident and the premises have consistently closed at midnight.

In response to a Member's query Deborah Lynn, Assistant Planner, confirmed that opening hours were covered by Condition 11 on planning permission originally granted on 30<sup>th</sup> October 1990. The Planning Authority had not been aware of a breach of these conditions until they received a statement from Sergeant Tony Jarred on 30<sup>th</sup> November 2011. Several witnesses had been drinking until 1am and there was sufficient evidence to issue a breach of condition notice. The breach of condition notice was in the process but they were waiting to receive information from Mr Hassan before the 27<sup>th</sup> December 2011.

#### Response from the Applicant's Representative

The Barrister for Sussex Police took Members through the modified conditions that were proposed by Sussex Police. Amendments had been made to enhance those conditions already in place. They proposed that the condition for CCTV on the current license should be replaced with two new conditions to promote clarity and certainty by tying this condition to the national Home Office standard and ensure that footage was made available to the police without delay if necessary.

Sussex Police had recommended entirely new conditions relating to staff training records and required qualifications for the Designated Premises Supervisor and Bar Staff.

**The meeting adjourned at 10.35 a.m.  
and reconvened at 11.27 a.m. for the Panel to deliver their decision**

#### **RESOLVED**

- (1) CCTV to be installed in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. These cameras shall be located both internally and externally in consultation with the police.
- (2) CCTV images shall be retained for at least 28 days and, except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Sussex Police will be

immediately notified of any breakdown or system failure and will be rectified as soon as practicable. A daily log will be kept of the condition of the CCTV systems.

- (3) Any request from Sussex Police for a recording to be made for evidential purposes must be actioned immediately.
- (4) Written records to be kept of staff training, with at least one training session to be conducted every 12 weeks. These records will be available upon request by Sussex Police and/or the Local Authority.
- (5) Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.
- (6) On Thursdays, Fridays and Saturdays, the numbers of licensed door staff will be set as follows, 2 Security Industry Authority licensed door supervisors for the first 100 customers and then 1 Security Industry Authority licensed door supervisor per 100 customers thereafter.
- (7) Security Industry Authority door supervisors will be on duty from 20:00hours and will remain on duty until 30 minutes after the closure of the premises and must ensure the Atrium, including the stairwell and lifts, are clear of customers.
- (8) A Designated Premises Supervisor must receive specific BIIAB approved training for the job role. Proof of attendance must be provided to the Local Authority and Sussex Police.
- (9) Bar staff to take a BIIAB Level 1 Award in Responsible Alcohol Retailing. Proof of attendance must be provided to the Local Authority and Sussex Police.
- (10) The DPS named on the existing Premises Licence Sarah Lambert to be removed from the Premises Licence until she has undertaken the specific BIIAB approved training for the job role. Proof of attendance must be provided to the Local Authority and Sussex Police.
- (11) A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. the Premises Licence Holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority.

The meeting closed at 11:34 p.m.

Chairman.