
7 July 2023

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **MONDAY, 17TH JULY, 2023 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To receive apologies for absence.	
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
3. To be agreed by general affirmation the Minutes of the previous meeting held on 7 February and 24 May 2023.	3 - 8
4. To consider any items that the Chairman agrees to take as urgent business.	
5. To appoint the Members of the Licensing Sub-Committee A.	
6. Request for Increase in Hackney Carriage Fares 2023.	9 - 18
7. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.	

To: **Members of Licensing Committee:** Councillors J Henwood (Chairman), J Mockford (Vice-Chair), K Berggreen, P Chapman, C Cherry, J Dabell, A Eves, L Farren, M Kennedy, P Kenny, J Knight, G Marsh, M Miah, A Platts and C Wood

**Minutes of a meeting of Licensing Committee
held on Tuesday, 7th February, 2023
from 7.00 pm**

Present: J Dabell (Chairman)
G Marsh (Vice-Chair)

M Cornish
L Gibbs
J Henwood

C Laband
Anthea Lea
J Mockford

N Webster

Absent: Councillors G Allen, B Forbes, J Knight, S Smith, N Walker and
R Webb

1. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Allen, Forbes, Knight, Smith, Walker and Webb.

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

3. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 11 OCTOBER 2022.

The Minutes of the meeting of the Committee held on 11 October 2022 were approved as a correct record and signed by the Chairman.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

5. PRESENTATION OF HACKNEY CARRIAGE UNMET DEMAND SURVEY.

Jon Bryant, Senior Licensing Officer introduced the report which provided the results of the unmet demand survey. As the Council restricts the number of Hackney Carriages licences to 154 the survey is required to establish there is no significant unmet demand and to defend any challenge for a licence. He noted that the survey was last completed in 2017 and due to the pandemic, the survey was not repeated in 2020.

Members discussed both the timing and method of the survey, the low number of responses, the reduced footfall at railway stations following the pandemic, whether

the recent fuel surcharge had impacted the demand for Hackney Carriages, queried whether all licence holders had completed the safety awareness training, wheelchair accessible vehicles and the impact of the cost of living on Hackney Carriage use.

The Senior Licensing Officer advised that nationally there is only one company to conduct the unmet demand survey and the Council relied on their expertise for the timing of the survey. The survey was also advertised on social media and communicated to local disability groups. He confirmed that fewer trains now stopped at Burgess Hill and East Grinstead since the end of the pandemic resulting in less passengers requiring the use of Hackney Carriages. He confirmed the survey had been completed before the fuel surcharge was introduced and only a small minority of drivers had not completed the disability awareness training. He advised the Committee that the Council cannot mandate particular wheelchair accessible vehicles, but they carry out random checks to ensure they carry ramps and have all safety equipment fitted.

Members further commented that the Council must accept the advice of the survey experts, and the survey is a guide. They must also consider the drivers' livelihoods, if the Council issues more licences it may reduce drivers' earnings.

As there were no further questions the Chairman took the Members to a vote on the recommendation which was unanimously agreed.

RESOLVED

That the Council continues to limit the number of licensed Hackney Vehicles at 154 based on the results of the survey.

6. PROCEDURE FOR THE DETERMINATION OF FILM CLASSIFICATION.

Jon Bryant, Senior Licensing Officer introduced the report which sought approval from the committee to create a scheme delegation to certify films not classified by BBFC, this was not included in the current statement of licencing policy. He confirmed there was a formal procedure to classify films that had not been classified by the BBFC or requests to for reclassification. The BBFC guidelines are used when reviewing films and films classified by the Licensing Authority may only be shown within the District.

Use BBFC guidelines and can only show within our district not nationally or outside the district. May also request reclassification for local screening. Section 20 of licensing act.

Members queried the scale of fees and commented that the procedures promote the objectives of the 2003 Licensing Act.

The Senior Licensing Officer advised the fees had been set by the Cabinet Member, £70 for an application and £70 per hour and part of to view the film; the BBFC fees range between £500 and £750 for a nationwide classification.

Cllr Webster, Cabinet Member for Community advised all the fees are listed on the Council's website; some are calculated on a cost recovery basis, whilst other take into account that Mid Sussex is a small district when comparing to fees that are charged nationally and a scale of fees for other activities undertaken by the Council and neighbouring local authorities.

As there were no further questions the Chairman took the Members to a vote on the recommendation which was unanimously agreed.

RESOLVED

- (i) That the Licensing Committee delegate authorisation of film classifications, for those films which have not been classified by the British Board of Film Classification (“BBFC”) or previously by the Council to Licensing Sub Committee B, and that the Terms of Reference for that sub-committee are updated to include film licensing.
- (ii) The Licensing Committee is recommended to endorse the procedure for dealing with requests for classifications of films as set out at Appendix 1 to this report.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.38 pm

Chairman

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**Minutes of a meeting of Licensing Committee
held on Wednesday, 24th May, 2023
from 7.28 pm**

Present:

J Knight	C Cherry	M Kennedy
J Mockford	J Dabell	P Kenny
M Miah	A Eves	G Marsh
C Wood	L Farren	P Chapman
K Berggreen	J Henwood	

Absent: Councillors A Platts

1. ELECTION OF CHAIRMAN.

Councillor Cherry nominated Councillor Henwood as Chairman of the Committee for the 2023/24 Council year. This was seconded by Councillor Wood and with no further nominations put forward, this was agreed with 13 in favour and 1 abstention.

RESOLVED

That Councillor Henwood be elected Chairman of the Committee for the 2023/24 Council year.

2. APPOINTMENT OF VICE-CHAIRMAN.

Councillor Cherry nominated Councillor Mockford as Vice-Chairman of the Committee for the 2023/24 Council year. This was seconded by Councillor Eves and with no further nominations put forward, this was agreed with 10 in favour, none against and 4 abstentions.

RESOLVED

That Councillor Mockford be appointed Vice-Chairman of the Committee for the 2023/24 Council year.

3. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

The meeting finished at 7.34 pm

Chairman

REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARES 2023

REPORT OF: Lucy Corrie, Assistant Director, Communities
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477428
Wards Affected: All
Key Decision: No
Report To: Licensing Committee
17 July 2023

Purpose of Report

- 1 The purpose of the report is to consider a proposal to review the Hackney Carriage fares annually and to agree the method proposed for calculating any increase should they be considered necessary following an annual review. The report also considers whether an increase should be made this year.
- 2 At the meeting of the Licensing Committee on 28th June 2022, the Committee agreed to consider an increase to the Hackney Carriage fares as requested by the Hackney trade. This report also outlines the outcome of a review of the tariff following this request.

Recommendations

- 3 **The Committee is recommended to:**
 - A **Not introduce an annual review of the Hackney Carriage Tariff but to review on request by the trade**
 - B **Not increase the tariff this year**
 - C **Agree that should an increase be considered appropriate following a review, the tariff will be increased by the current rate of inflation at that time by the Consumer Price Index (CPI)**

Background

- 4 The fares charged by Hackney Carriages are set and regulated by Mid Sussex District Council (MSDC). There is a set tariff for journeys and drivers are not permitted to charge more than the metered fare, although they could charge less if they wished. The Council does not have any powers to regulate the fares in respect of Private Hire vehicles.
- 5 At a meeting of the Licensing Committee on the 28th of June 2022, it was resolved that in addition to the proposed increase in the Tariff Card there be consideration of an annual review of the Tariff Card in June 2023.
- 6 Historically Mid Sussex Taxi Association (MSTA) were the recognised channel of communication for fare increases, however the MSTA has not been an active association since 2018. Since that date, requests for any increase in the tariff have been made on an ad hoc basis by sections of the Hackney Carriage trade. When these requests are received the Council consults with the Hackney Vehicle

Licence holders across the District. If a majority of licence holders are in favour of a proposed increase in the tariff, the request is then considered by this Committee. If agreed, there is a statutory consultation period prior to the increase taking effect.

- 7 The most recent tariff increases in Mid Sussex were in 2014, 2018 and 2022.
- 8 Increases in tariffs must be carefully considered and an appropriate balance achieved. For example, when setting a tariff, community safety must be considered to ensure an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is not available, such as during the night-time economy period. An unreasonably low earning potential could reduce the number of licensed taxis. Similarly, an unreasonably high fare would deter the public from using locally licenced taxis.
- 9 Any increase in taxi fares could negatively impact on low-income individuals and families, however taxi drivers may be disadvantaged if the tariff is not increased as they too could be on low incomes. There could also be an impact on the health and wellbeing of the public if the hackney carriage fares are set too high, which could make this form of transport inaccessible to some vulnerable members of the community who rely on licensed vehicles to get to medical appointments. Therefore, the Committee must weigh up the effects of an increase for all potential users of taxis against the needs of the trade who provide a service to local users.
- 10 There have been ongoing additional costs to the Hackney trade due to the introduction of the Statutory Standards, <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>, such as the roll out of mandatory training for safeguarding and disability awareness and the introduction of CCTV in vehicles, in addition to the impact of the current cost of living increases. All these issues were considered by the Committee in June 2022.
- 11 Charging more than the maximum permitted fare is an offence. Ensuring a simple tariff structure, that is easy for the public and drivers to understand, can reduce the likelihood of taxi meters being set at a higher than permitted rate, or for additional charges inadvertently being made.
- 12 The current Tariff structure and charges are set out in Appendix 1. There are three tariff levels, and it is not proposed to change this structure.
- 13 Following consideration, officers recommend that the Committee do not implement an annual review of the tariff but continue to consider a review when requests are received from the trade. Officers consider it prudent to await a request for a tariff increase from the trade, because they are best placed to understand the market and when an increase is timely. This will ensure any increase is aligned with other Licensing Authorities in Sussex.
- 14 Following any review, should the Committee be minded to increase the tariff, the Council will need to agree a standard method for calculating the increase. A common index used when considering increases in charges is the Consumer Prices Index. The CPI figure for May 2023 was 8.7%. An increase of 8.7% to the current tariff is shown in the table at Appendix 2. To achieve this increase, the flag fall is increased from £3.80 to £4.10, and the yardage reduced from 142 yards to 135 yards.

- 15 Private Hire and Taxi Monthly, a website and monthly magazine for the trade and licensing authorities, maintains a 'league table' of tariffs set by licensing authorities (including Transport for London in relation to London 'Black Cabs'). The June 2023 figures for all Sussex licensing authorities are provided in Appendix 3. Members will note that, based on these figures, Mid Sussex District Council currently has the highest tariff in East and West Sussex.
- 16 There is no obligation under the Local Government (Miscellaneous Provisions) Act 1976 to revise fares at any set interval or by any specific methodology. While there is limited guidance available to Councils in setting Hackney Carriage Fares, an excerpt of the best practice guidelines to licensing authorities, published by the Department for Transport (DfT) states:

Maximum fare rates should be designed with a view to practicality and reviewed regularly, including any variability of the fare rates dependent on time of day or day of the week. Authorities should consider adopting a simple formula for deciding on fare changes as this will increase understanding and improve the transparency of the process for passengers. The Department recommends that in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times.

Policy Context

- 17 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.
- 18 Local Government (Miscellaneous Provisions) Act 1976 provides the power and mechanism for the local authority to set fares for Hackney Carriages.

Section 65 Fixing of fares for hackney carriages.

- (1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.

Financial Implications

- 19 Amendments to the Hackney Carriage tariffs cost the Council approximately £900 for advertising the changes in the local newspapers. This cost is met within the existing budget.
- 20 The cost of re-calibrating individual meters would be met by licensed drivers.
- 21 It is important to ensure in considering an appropriate level for Hackney

Carriage fares that they not only reflect the market demand but are viable in relation to the cost of providing the service. The report recognises the current high rates in relation to other authorities and the implication that an increase would have on service users.

Risk Management Implications

- 22 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. Any proposed changes would be advertised in the local newspapers and on the Council website so that members of the public will be given ample opportunity to submit representations. These will be considered prior to implementation.

Sustainability Implications

- 23 None identified.

Other Material Implications

- 24 None identified.

Background Papers

- Appendix 1 – Current fare tariff card
Appendix 2 – Table showing effect of proposed increase
Appendix 3 – Tariff comparisons across all Sussex Districts


Tariff 1- Applies to all hirings except those mentioned in Tariffs 2 and 3

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£3.80
For the next 130 metres (142 yards, or part thereof)	20p
Waiting time for each period of 40 seconds	20p

Tariff 2- Applies to all hirings begun between 12 midnight and 6am on weekdays and 12 midnight and 8.30am on Sundays, after 8pm on 24 and 31 December, all day 26 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 more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£5.70
For the next 130 metres (142 yards, or part thereof)	30p
Waiting time for each period of 40 seconds	30p

Tariff 3 - Applies to hirings from 00.01 hours on December 25 until midnight December 25

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£7.60
For the next 130 metres (142 yards, or part thereof)	40p
Waiting time for each period of 40 seconds	40p

Additional Charges

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

The driver may also add additional fees such as Airport pick up/drop off charges, Toll charges and congestion/clean air charges.

Soiling charge	£150.00
Booking Fee (Optional / only when advance booking made)	50p

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

A	£1.90 - £2.24 per litre	50p
B	£2.25 - £2.49 per litre	90p
C	£2.50 per litre	£1.10

Any enquiries, please contact:

Mid Sussex District Council
 Oaklands Road
 Haywards Heath
 West Sussex
 RH16 1SS

01444 458166

<https://www.midsussex.gov.uk/licensing-business/taxis/>



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Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

01444 458166

<https://www.midsussex.gov.uk/licensing-business/taxis/>

Comparison

	Current Tariff 1	Proposed Tariff 1	% Increase
Meter Start	£3.80	£4.10	7.90%
1 mile	£5.80	£6.30	8.60%
2 miles	£8.30	£9.00	8.40%
3 miles	£10.80	£11.70	8.30%
4 miles	£13.30	£14.50	9.00%
5 miles	£15.80	£17.20	8.80%

	Current Tariff 2	Proposed Tariff 2	
Meter Start	£5.70	£6.20	8.70%
1 mile	£8.70	£9.45	8.60%
2 miles	£12.45	£13.50	8.40%
3 miles	£16.20	£17.55	8.30%
4 miles	£20.00	£21.75	8.70%
5 miles	£23.70	£25.80	8.80%

	Current Tariff 3	Proposed Tariff 3	
Meter Start	£7.60	£8.20	7.80%
1 mile	£11.60	£12.60	8.60%
2 miles	£16.60	£18.00	8.40%
3 miles	£21.60	£23.40	8.30%
4 miles	£26.60	£29.00	9.00%
5 miles	£31.60	£34.40	8.80%

Currently, subject to the licensed capacity of the vehicle, the driver, when carrying 5 passengers or more is allowed to charge Tariff 2 when Tariff 1 charges apply and Tariff 3 charges at times when Tariff 2 charges apply.

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Benchmarking of taxi tariffs in Sussex from The National Hackney Fares Table published in the PHTM magazine – June 2023

Position in League Table out of Sussex Councils	Position in League Table out of 364 Councils Nationally	Council	Fare for 2 Mile journey on Tariff One as at June 2023	Last rise
1	17	Mid Sussex	£8.40	2022
2	32	Worthing	£8.20	2022
3	35	Brighton & Hove	£8.10	2022
4	41	Arun	£8.00	2023
5	53	Rother	£7.90	2023
6	55	Adur	£7.80	2023
7	57	Hastings	£7.80	2022
8	67	Wealdon	£7.70	2022
9	98	Lewes	£7.40	2022
10	133	Crawley	£7.10	2022
11	149	Chichester	£7.00	2022
12	154	Horsham	£7.00	2023
13	169	Eastbourne	£6.90	2019

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