

**Minutes of a meeting of Licensing Committee
held on Tuesday, 28th June, 2022
from 5.00 pm - 6.00 pm**

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

M Cornish	C Laband	R Webb
L Gibbs	Anthea Lea	N Webster
J Henwood	N Walker	

Absent: Councillors G Allen, B Forbes, J Knight, J Mockford and S Smith

1. TO RECEIVE APOLOGIES FOR ABSENCE.

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

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 MEETINGS HELD ON 8 FEBRUARY AND 11 MAY 2022.

The Minutes of the meeting of the Committee held on 8 February and 11 May 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. REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARES 2022.

The Chairman advised that at the last committee meeting the Members had resolved to wait six months before reviewing an increase in Hackney Carriage fares, as fuel prices had risen sharply the matter would be reviewed early.

Gary Newman, Licensing Officer introduced the report which asked the Committee to consider a proposal from a section of the Taxi trade requesting an increase in the Hackney Carriage fares. The Committee were advised that Hackney Carriages are set and regulated by the Council, drivers are not permitted to charge more than the metered fare. In February 2022 a proposal to increase the fare was received by Station Taxis on behalf of a section of the Hackney trade. The last increase in fares was in 2018 and during the last 3 years there has been an increase in the cost of living, fuel and maintenance costs. At the meeting on 8 February the Committee resolved to reconsider the tariffs in 6 months' time. The Officer noted that the Mid Sussex Taxi Association had been inactive since 2018. The taxi trade has

experienced additional costs since February 2022 including: the introduction of Statutory Standards, the roll out of mandatory training, the planned introduction of CCTV in vehicles, future loss of income due to the effects of the pandemic, and increased cost of fuel and a general rise in the cost of living.

The Officer advised that Appendix 1 detailed the new proposal received from Mr Andrew Harding, a MSDC Hackney Driver. The proposal suggested keeping the same three tariff system, hiring times and bank holidays remain the same with a straight increase of 40 pence across all tariffs; tariff 1 starting at £3.60, tariff 2 £5.40 and tariff 3 £7.20; after the first 140ms the yardage would also reduce to 130ms. He also noted additional costs incurred by the drivers of pollution and airport drop off charges. He highlighted that the increase in the soiling charge was to reflect cost of professional cleaning of the vehicle and the loss of earnings whilst the vehicle was cleaned. Appendix 2 contained the drivers' signatures, appendix 3 listed the current tariff and appendix 4 the proposal by Mr Harding and a comparison in appendix 5. The Officer advised the Local Government (Miscellaneous Provisions) Act 1976 provides the power and mechanism for the local authority to set fares for Hackney Carriages.

The Chairman advised there were two speakers Mr Mark Humphrey and Mr Andrew Harding; he noted that the fuel price is determined by taking an average cost from petrol stations.

Mr Andrew Harding addressed the Committee and thanked them for considering his proposal. He reiterated there had been no increase in fares for three years and the cost to run a taxi had increased significantly, noting the cost of maintenance, fuel and tyres. Many drivers had thought the previous proposal of a five-tier tariff as too complicated and had not signed the signature list. The proposal was for the same three-tier tariff with a fare increase, he wanted a tariff that was fair to both the customers and the drivers which was easy to understand. A 40-pence increase had been suggested but fuel prices had increased since the proposal was submitted, and inflation might soon reach 10%. He advised it was not easy to get them together and they all have different ideas.

Mark Humphrey, Station Taxis addressed the Committee noting he had been invited by the Vice-Chairman following the previous meeting, and noted he was not happy with the way the decision on his proposal was reached. His company had successfully used a five-tier 5 tariff system for four months with no complaints. He advised drivers work unsociable hours and he had reduced the number of drivers by half since the pandemic. He suggested that the drivers who had signed up for the increase on the three-tier tariff might not work Friday and Saturday nights. Following deductions for running costs the drivers only retained approximately 65% of the takings. At the 2018 proposal for an increase, he also asked for an annual review. The Taxi Trade Association no longer exists as drivers did not attend the meetings them to attend the meetings; the 154 licence holders all have different opinions.

The Chairman advised the public do appreciate the taxi drivers and the hours they operate, and he invited Mr Harding to respond to comments by Mr Humphreys.

Mr Harding noted the five-tier tariff works for Station Taxis, but the drivers at the rank preferred the current system. Many drivers work after midnight on Friday and Saturday nights, taxi drivers change over in the afternoon. Many customers will pay the rates charged by Station Taxis, but they want a reasonable increase as fuel prices have increased since the proposal was put forward.

The Vice-Chairman confirmed he had been against the previous request for an increase in fares as it was too soon after the pandemic, if he had known fuel prices would significantly increase, he would have had a different opinion. He agreed it was now right to review the tariffs which he supported, that drivers do not have to charge as much as the fares agreed by the Council and highlighted the public service provided by the drivers. He suggested increasing the start-up charge to £3.80 or £4.00.

Paul Vickers, Litigation Team Leader advised the Committee that they should either agree to Mr Harding's proposal or put forward an alternative proposal regarding the start-up and whether the increase would be the same across all three tariffs.

The Members queried how the Emergency Fuel Surcharge would work especially with fluctuating fuel prices, the calculation of the average pump price, requested a wider sample, asked how the increased soiling charge is collected, why Station Taxis are able to use a five-tier tariff, requested clarity on the additional charges for congestion/pollution and airport drop off charges and an annual review of the tariffs.

Jon Bryant, Senior Licensing Officer noted the pump price charged at the petrol station opposite Haywards Heath Railway Station (currently Elite Garage) is used to activate any fuel surcharges. In future to ensure clarity the Licensing team will email confirmation when the price exceeds the threshold for the emergency fuel surcharges, however the drivers do not have to request this additional charge from their customers. He clarified that the fuel surcharge relates to the type of fuel that particular driver uses, the team would advise petrol and diesel drivers appropriately. He commented that drivers in East Grinstead and Burgess Hill might not be aware of the price charged at Elite Garage. The soiling charge for professional cleaning of a taxi had not increased for 12 years and would also include the loss of earnings for the driver whilst their vehicle could not be used. If a customer refuses to pay the soiling charge it becomes a civil debt and the driver can claim through the courts, this will be easier as the cost will be detailed in the Council policy for fares and additional charges. Station Taxis is a private hire company, and they can set their own fares, the Council only set hackney carriage fares. He highlighted the introduction of pick up / drop off charges by airports and congestion/pollution charges, noting that Hackney Carriage drivers can only reclaim these costs if they are listed on the agreed tariff. This would prevent drivers losing money when accepting a fare and confirmed they can only claim the additional amount incurred.

The Chairman advised the taxi must be professionally cleaned to an agreed standard; a Member had researched the current costs of a professional valet, so it was a reasonable increase. If the public thought taxis were charging an excessive fare, following a fall in pump prices they may not use taxis.

A Member was content with the fuel surcharges and suggested a pro-rata reduction when the average pump price dropped, as drivers should not generate excess profits. The Senior Licensing Officer confirmed there is no fuel surcharge when pump prices fall below £1.90. Tom Clark, Head of Legal Services advised this change would have to be discussed at another meeting.

Following a discussion, it was agreed that to calculate the average fuel price to trigger the emergency fuel surcharge the Licensing Team would also sample prices at a petrol station in East Grinstead and Burgess Hill. These would be the Esso garage on Station Road in East Grinstead and the BP garage on London Road. In Burgess Hill.

A Member noted it would be easier to secure a civil claim to recoup soiling charges as taxis would soon have CCTV installed.

The Members agreed with a pro-rata increase for all tariffs, change to meterage and the increased soiling charge. The Cabinet Member for Community noted the ability of people to pay a higher fare and wanted drivers to earn a professional living wage, due to their knowledge, presentation of their vehicle and additional costs incurred with the recent changes. Tariffs should be kept as simple and affordable as possible.

Following a discussion on an appropriate time to annually review the fares, the Vice-Chairman proposed a revised recommendation increasing the tariffs by 20 pence more than Mr Harding's proposal, tariff 1 start-up £3.80, tariff 2 £5.60 and tariff 3 £7.40, all other changes proposed by Mr Harding would remain including an annual review in June. This was seconded by Cllr Laband.

The Chairman confirmed the Committee wanted to support the drivers and be fair, and as there were no further questions the Chairman took the Members to a vote on the amended recommendation which was unanimously agreed.

RESOLVED

That the Committee approved an increase in the Hackney Carriage Fares, tariff 1 start-up £3.80, tariff 2 £5.60 and tariff 3 £7.40; reduce yardage for next 140 metres to 130 metres keeping the waiting time and cost the same 20p 30p and 40p respectively; an increase on when pump prices during periods reach a) £1.90-£2.24 (increased from 20p to 50p), b) £2.25-£2.49 (increased from 40p to 90p) and c) £2.50 per litre (increased from 60p to £1.10); update of tariff card to cover congestion/pollution charges and airport drop off charges under "Surcharges"; increase of the soiling charge to £150.00, and an annual review of the tariff card in June.

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

None.

The meeting finished at 6.00 pm

Chairman