

SOUTH LAKELAND DISTRICT COUNCIL

South Lakeland House Kendal, Cumbria LA9 4UQ

www.southlakeland.gov.uk



Friday, 25 March 2022

Dear Sir/Madam

Licensing Regulatory Committee - Monday, 28 March 2022

I am now able to enclose, for consideration at the above-mentioned meeting, the following documents that were unavailable when the agenda was printed

2 Minutes

To authorise the Chairman to sign, as a correct record, the minutes of the meeting of the Committee held on 17 January and 7 February 2022 (to follow).

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Linda Fisher

Legal, Governance and Democracy Lead Specialist (Monitoring Officer)

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LICENSING REGULATORY COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Regulatory Committee held in the District Council Chamber, South Lakeland House, Kendal, on Monday, 17 January 2022, at 2.00 p.m.

Present

Councillors

Helen Ladhams (Chairman)
Alvin Finch (Vice-Chairman)

Rupert Audland
Brian Cooper

Kevin Holmes
Helen Irving

Andrew Jarvis
David Webster

Apologies for absence were received from Councillors Fiona Hanlon, Doug Rathbone and Ian Wharton.

Officers

Patrick Cantley	Specialist, Licensing
James Cartwright	Case Management - Support Services
Nicola Clark	Specialist - Environmental Protection
Neil Gardiner	Licensing (Specialist)
Sean Hall	Principal Specialist (Health & Environment)
Adam Moffatt	Legal, Governance and Democracy Specialist
Josie Smith	Legal, Governance and Democracy Specialist

LR/7 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the last meeting of the Committee, held on 29 November 2021.

LR/8 MINUTES OF LICENSING REGULATORY SUB-COMMITTEES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of Licensing Regulatory Sub-Committee, held on 26 November 2021.

LR/9 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that the a non-pecuniary interest was raised by Councillor David Webster for transparency, that his daughter had a connection to a local taxi company.

LR/10 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the agenda.

LR/11**PUBLIC PARTICIPATION**

Mrs Sarah Ibbetson addressed the Committee with regard to Agenda Item No.7 - Review of Hackney Carriage Fares representing the local Taxi Association.

Mrs Ibbetson expressed her concerns that there had been no plans for an annual review, and under current policy no further review would occur until 2026. She understood the costs of undertaking a review, but questioned whether the Council could then assure that there would be no increase in licensing fees during the same period. Mrs Ibbetson raised concerns with regard to the current and future inflation rates and the impact this would have on taxi drivers.

Mrs Ibbetson informed Members that due to the unique nature of the local taxi trade and the Council's policy on older vehicles, it was difficult to compare Barrow-In-Furness with the South Lakeland area as the geography of the area meant that over half of taxi journeys were made empty

Mrs Ibbetson expressed the need to ensure that drivers were supported by any decision made by the Committee as the last fare increase had been in 2014.

Mr Andrzej Jedynek addressed the Committee with regard to Agenda Item No.7 - Review of Hackney Carriage Fares representing Ace Taxis.

Mr Jedynek reiterated to Members the difficulty faced by all due to the ongoing Covid-19 pandemic, he informed Members that a lot of taxi drivers had changed profession as they couldn't make enough money, noting that the last fee increase had been seven years ago. As a result, his company had become short-staffed and had drivers coming from outside of South Lakeland to take the positions left vacant.

Mr Jedynek noted that taxi fares nationally should be increased due to the increase in cost of parts and that new vehicles had become more expensive to buy, particularly when taking into account the cost of electric vehicles. Mr Jedynek concluded his address by informing Members that raising maximum fares would not necessarily result in increased charges across the board, as the fares charged were at the discretion of taxi companies and drivers, with some discounts being provided for local residents.

Mr Phil Kirkby addressed the Committee with regard to Agenda Item No.7 - Review of Hackney Carriage Fares as an employee of Ace Taxis.

Mr Kirkby informed Members that due to the increased popularity of South Lakeland as a holiday destination, new hotels had opened and there had been significant changes to the night-time economy. He emphasised the need to increase fares to match the increase to the fees being charged by hotels and other local businesses as taxi drivers were still using the same basic rate as seven years ago. He concluded by assuring Members that, in his opinion, the local market would support an increase to the maximum fares.

Mr David Hope addressed the Committee with regard to Agenda Item No.7 - Review of Hackney Carriage Fares as an employee of Ace Taxis.

Mr Hope informed Members that typically, locals had been charged twenty percent cheaper fares and that local customers had no access to appropriate public transport.

Mr Hope highlighted that money made by local taxi drivers helped to support the local economy. He expressed the need to support the local economy by increasing taxi fares which would provide jobs and help to promote a sustainable local economy.

LR/12 REVIEW OF HACKNEY CARRIAGE FARES

The Specialist (Licensing) presented a report which outlined the review of Hackney Carriage Fare Tariff following a request to review. Requests had initially been made in 2020 but the review had been deferred due to the Covid-19 pandemic. The fares had last been reviewed by the Committee at its meeting on 7 June 2016, when it had been decided to make no changes to the fares at the time.

The report informed Members that officers from the Licensing Department had surveyed the Hackney vehicle trade on potential fare options. The Specialist (Licensing) outlined the five options presented as part of the survey. Of the 274 Hackney carriage drivers surveyed, 51 had replied, which represented 18.6% of the drivers contacted. The Specialist (Licensing) directed Members to a full summary of the survey and collated driver emails in Appendix A to the report.

The report further stated that current fares stood at £3.70 for the first mile (or part thereof) and then £2.70 for the second mile.

The report suggested that if Members were minded to increase the Hackney Fare Tariff, three options were recommended based on the collated information. The Specialist (Licensing) reminded Members that the Committee may wish to set a different percentage increase to the fare tables or retain the existing tariff as referenced.

The Principal Specialist (Environment) and the Specialist (Licensing) responded to questions raised by members.

There was a general agreement by Members that it had been a long time since the last fare review, and that inflation, minimum wages, fuel costs and vehicle prices had all risen significantly since then. It was felt that the report's suggestion of a fare rise of 2.9% was too low, but that the drivers' proposed increase of 9.75% was too high. It was therefore proposed and seconded, that a fare increase of 5.4% be considered. The Chairman then moved to vote on the proposed increase of 5.4%.

It was unanimously

RESOLVED – That:-

(1) the maximum Hackney Carriage Fares be increased by 5.4% across all tariffs, subject to the consultation period lasting no less than fourteen days.

The meeting ended at 3.02 p.m.

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LICENSING REGULATORY COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Regulatory Committee held in the District Council Chamber, South Lakeland House, Kendal, on Monday, 7 February 2022, at 2.15 p.m.

Present

Councillors

Rupert Audland
Brian Cooper
Pete Endsor

Alvin Finch
Hazel Hodgson
Kevin Holmes

Helen Irving
Andrew Jarvis
Doug Rathbone

Apologies for absence were received from Councillors Fiona Hanlon and Helen Ladhams (Chairman).

Officers

James Cartwright	Case Management - Support Services
Nicola Clark	Specialist - Environmental Protection
Sean Hall	Principal Specialist (Health & Environment)
Jane McKeon	Case Management Officer (Support Services)
Josie Smith	Legal, Governance and Democracy Specialist

LR/13 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

LR/14 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the Agenda.

LR/15 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions had been received in respect of this meeting.

LR/16 THE GAMBLING ACT 2005 - STATEMENT OF GAMBLING LICENSING POLICY

The Specialist (Environmental Protection) presented the report explaining the proposed arrangements for carrying out a review of the Council's Statement of Gambling Licensing Policy in accordance with the updated Gambling Commission Local Authority Guidance. The revised policy is intended to provide the licensing framework for stakeholders within the administrative area of South Lakeland District Council. The proposed arrangements for the consultation process were also outlined for approval.

The Specialist (Environmental Protection) referred to the requirement under the Gambling Act 2005 to prepare a statement of principles proposed to be applied and publish the statement of policy.

The current statement is to cover the period 2022 – 2025.

Gambling Commission Guidance is clear in that licensing authorities are able to develop their own consultation processes when revising gambling policy and also states that the results of any consultation process should typically be published within twelve weeks of the consultation period unless there is reason not to. In instances where this happens it is expected that the relevant authority will publish a brief statement to explain why this is the case.

The Senior Specialist provided further details on the consultation procedure.

Following the end of the public consultation period, officers of the Licensing Authority will collate the comments received and any suggested changes to the draft Statement of Principles will be presented to Members at a future Licensing Regulatory Committee. If approved, the final Statement will be put to full Council for adoption.

Local Government Reorganisation is likely to result in a combined approach to the gambling licensing strategy across the revised area of the two new councils. A refresh of policy will follow within the three year period.

The Chair requested questions or comments from Members.

No questions or comments were noted.

RESOLVED – That:

- (1) The Draft Statement of Policy and Principles under the Gambling Act 2005 set out in Appendix A for consultation be approved and
- (2) The proposed arrangements for consultation on the Draft Statement of Policy and Principles under the Gambling Act 2005, mentioned at 3.1 to 3.3 be approved.

LR/17

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Principal Specialist (Health & Environment) presented the report on the Review of Hackney Carriage and Private Hire Licensing Policy. The recommendation was that the Committee approves the revised Hackney Carriage and Private Hire Licensing Policy 2022 which has been reviewed in line with Statutory and Best practice guidance for taxi and licensing authorities.

The Officer explained that the current Hackney Carriage and Private Hire Licensing Policy was approved by the Committee in December 2018.

Local Government Reorganisation within Cumbria is proposing a structural change to the existing arrangements of Local Government organisation. This change is likely to result in a combined approach to the licensing strategy across the revised area.

Unless there is a compelling reason not to, it is expected by the Department for Transport that the national standards for taxi and private hire vehicles published in July 2020 should be incorporated into hackney carriage and private hire policies.

The Officer confirmed that proposed changes to the draft policy are listed within the report and made Members aware that there are proposed amendments to legislation currently being considered which may lead to a further review of the HCPH Policy.

The Principal Specialist (Health & Environment) explained that if Members are minded to approve the draft HCPH Policy, it will proceed to public consultation on the proposed changes to the policy. Following the consultation any feedback will be collated and the draft policy may be revised. The draft HCPH Policy will be put forward to the Licensing Regulatory Committee for approval. Overview and Scrutiny Committee will also review these changes.

The Chair requested questions or comments from Members.

Cllr Andrew Jarvis enquired as to what provision is made for electric vehicles and the assessment of vehicle age within the policy. The Officer accepted that change is necessary but, currently, there are no Government incentives or assistance to buy electric vehicles. The Committee was reassured that the Council's standards are high and it was confirmed that the assessment of the options available in relation to fuel and electric vehicles is ongoing.

No further questions or comments were raised.

RESOLVED – That:

- (1) Members noted the contents of the report
- (2) The incorporation of the Statutory Taxi and Private Hire Vehicle Standards (Appendix 2) into the Hackney Carriage and Private Hire Policy be approved;
- (3) The draft Hackney Carriage and Private Hire Licensing Policy (current draft at Appendix 1) for consultation be approved.

The meeting ended at 2.38 p.m.

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