



Oversight and Governance

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Taxi Licensing Committee

Thursday 24 March 2022
10.00 am
Council House

Members:

Councillor Singh, Chair
Councillor Salmon, Vice Chair
Councillors Mrs Aspinall, Corvid, Derrick, Jordan, Partridge and Tuffin.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee
Chief Executive

Taxi Licensing Committee

AGENDA

1. Apologies

To receive apologies for non-attendance submitted by Committee Members.

2. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. Minutes

(Pages 1 - 8)

To confirm the minutes of the meeting held on 13 January 2022.

4. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. Appeal Cases

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

6. Exempt Information

To consider passing a resolution under Section 100A(4) of the Local Government Act, 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

Part II (Private Meeting)

Agenda

Members of the Public to Note:

That under the law, the Committee is entitled to consider certain items in private. Member of the public will be asked to leave the meeting when such items are discussed.

7. Confidential Minutes

(Pages 9 - 14)

To confirm the confidential minutes of the meeting held on 13 January 2022.

8. **Review Status of Private Hire Vehicle Driver Licence** (Pages 15 - 32)
9. **Initial Application Request for a Private Hire Vehicle Driver Licence** (Pages 33 - 40)

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Taxi Licensing Committee

Thursday 13 January 2022

PRESENT:

Councillor Singh, in the Chair.

Councillor Salmon, Vice Chair.

Councillors Mrs Aspinall, Derrick, Jordan, Partridge and Tuffin.

Apology for absence: Councillor Corvid.

Also in attendance: Ann Gillbanks (Senior Lawyer), Helen Foote (Finance Business Partner (IC&PH) Finance), Rachael Hind (Licensing Service Manager), Graham Hooper (Senior Officer Intelligence and Licensing), Helen Prendergast (Democratic Adviser) and Ian Wills (Lawyer (Observer)).

The meeting started at 10.00 am and finished at 11.34 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

65. **Declarations of Interest**

There were no declarations of interest made by councillors, in accordance with the code of conduct.

66. **Minutes**

The Committee agreed that the minutes of the meeting held on 16 December 2021 are confirmed as a correct record.

67. **Chair's Urgent Business**

There were no items of Chair's urgent business.

68. **Review of Taxi Table of Fares (Taxi Tariff)**

The Committee having -

- (a) considered the report from the Director of Public Health;
- (b) heard Graham Hooper's (Senior Officer Intelligence and Licensing) presentation of the report which highlighted the following key areas -
 - on 28 October 2021, the Taxi Licensing Committee recommended the proposed variation of the table of fares for the hiring of taxis within the City;

in accordance with the Plymouth City Council Act 1975, the variations were advertised in the Plymouth Herald on 3 November 2021 which included providing an opportunity and details for objections to be made;

- all taxi drivers and vehicle proprietors were written to and provided with a copy of the proposed table of fares notice and given until 18 November 2021 to make objections; any objections received had to be duly considered, prior to the table of fares being implemented;
- fifteen response comments and objections had been received, one of these comprised of a petition of 34 named current licensed Hackney Carriage drivers;
- there were no comments or objections received about the reduction of the table of fares structure from five individual tariffs to three, or the increase in fuel surcharge and relocation of the reference service station from Exeter Street to Milehouse;
- general comments received were centred around the amount of time between tariff reviews; a request to ensure the date the tariff was implemented was added to the table of fares; the time had taken to review the tariff since the last review in 2017 and one comment that the increase in the soiling charge up to £100 had the potential to be abused;
- responses to the comments were as follows -
 - ◇ the length of time between Tariff reviews was considered by Committee on 28 October 2021 where it was agreed that Taxi Licensing officers explore a policy for regularly reviewing and setting future taxi fares in Plymouth;
 - ◇ the increase in the soiling charge may be open to abuse was acknowledged however, this could potentially occur at the current rate and all complaints received of this nature were fully investigated by officers;
 - ◇ the date the agreed tariff came in to effect would be included in the table of fares once agreed by the Committee;
- all of the objections received related to the proposed increase and that it was not considered substantial enough to cover increased costs and overheads since the last review; in addition to the objections there were requests that the Flag Fall or start-up fee was increased to £5 for tariffs one and two, or tariff one Flag Fall was set to £3 and the mileage rate was increased to £2 per mile and tariff 2 the flag fall was increased to £2.50 and £4.80 per mile; there had been no request that tariff three was increased or

altered from that which was advertised;

- the responses to the objections were as follows -
 - ◇ when considering the Flag Fall or start-up charge, the rule of thumb when setting fares was that it was ideally not more than double the mileage rate; this meant that for a one mile journey where the driver returned to the rank they would actually receive in effect three miles money;
 - ◇ to increase the Flag Fall excessively while clearly of benefit to the driver would have potential to penalise the elderly, vulnerable and some low income earners such as care workers and cleaners who made regular short journeys by taxi;
 - ◇ an increase of the Flag Fall to £5 was nearly triple the mileage rate and would see a one mile journey increase by £2 from £4.80 to £6.80 an increase of 42% and a two mile journey increase by £2.30 from £6.30 to £8.60 an increase of 37%;
 - ◇ the greater the distance travelled on the outward journey the further it was to return to the rank; this meant that for a 10 mile outward journey, the driver would receive 12 miles money but would have driven 20 miles; this was how it had always worked and it was not for the passenger to pay for the return journey; whilst a taxi driver cannot refuse a fare a high Flag Fall had the potential for drivers to concentrate/prefer quicker shorter journeys to the longer.

The Committee –

- (c) heard representations from interested parties from the taxi trade and the PLTA which included the following main points -
 - a lot of time and effort had been put into the proposed tariffs which had been approved by the Taxi Licensing Committee in October 2021;
 - the proposed fares were viewed as an interim measure, as they would be reviewed again in 2022;
 - whilst the Council had a duty of care to the drivers it also had a duty of care to the travelling public and a balanced needed to be achieved;
 - sought clarification on when the annual review would be undertaken in 2022 and the protocol for this review.

The key areas of questioning from Members included –

- (d) sought clarification on the cost to the travelling public of a minimum journey, as charging could be confusion with the 'add on' charges;
- (e) considered that the annual review of the table of fares (including the consultation period and the consideration of any objections) needed to be completed by November 2022, to allow drivers to take advantage of the Christmas trade;
- (f) raised concerns that since the Committee had agreed the proposed table of fares in October 2021, there had been a lot of issues that had occurred such as the rise in the cost of living, the proposed energy price increase, inflation, the shortage of drivers and the need to ensure that with the emerging cruise liner industry taxis were available to serve all passengers, not just rich cruise liner passengers;
- (g) raised concerns at the proposed level of the Flag Fall of £5 which would make short journeys very expensive for local people wishing to go to their doctor's surgery;
- (h) proposed a Flag Fall for tariff one of £3.00 and £3.80 for tariff 2; the decrease in Flag Fall would reduce the cost of short journeys and an increase per mile for tariff one from £1.80 to £2 and tariff two to increase to £2.50;
- (i) considered that if through the table of fares this could offer drivers a significant pay rise this could attract more drivers to the trade;
- (j) raised concerns that if the Flag Fall was reduced this could impact drivers remaining in the trade; there were other issues that needed to be taken in to consideration such as the cost of fuel, insurance the licence fees, the maintenance of the vehicle and the reduction in trade (due to the pandemic);
whilst drivers were self-employed they often did not earn the minimum wage; however, it was acknowledged that it was difficult to make a comparison with the minimum wage as a 'typical' day's trade was unknown;
- (k) considered that the soil charge of £100 was proportionate, as a driver could be off the road for at least four and a half hours cleaning up vomit (cleaning products could cost up to £30/£40);
- (l) it was considered that if an individual could afford to go out in the evening then they should be able to afford a taxi home;
- (m) raised concerns that some elderly and disabled people would use Private Hire vehicles, rather than Hackney Carriage vehicles due to the fares and the unhelpfulness of some of the drivers; it was considered that the fares were expensive and would impact the public's travelling choices;

- (n) it was recognised that a review of the table of fares had not been undertaken since 2017, as a result of a request from the drivers for this not to occur;
- (o) considered that the representations from 34 drivers gave some weight to amend the table of fares; however it was recognised that 34 drivers out of the total number Hackney Carriage drivers (over 300) was not proportionate;
- (p) raised concerns that the Committee was questioning the ability of the trade representatives, by ignoring the proposals that had been put forward;
- (q) sought clarification as to whether the Committee proposed a third option whether this would have to be consulted on again;

response: the Senior Lawyer advised if the figures were amended there may be a delay in implementing the increases; if the fares were amended, the Committee did not have all the relevant information on the seventh mile (the 30 pence proportions); should this be required this would delay the decision;

- (r) raised concerns that if the proposed tariffs were amended these would not come back to the Committee for consideration until March/April 2022 which was a significant part of the year when the increases could not be implemented.

The Committee agreed that –

- (1) the table of fares as advertised (after taking into consideration the representations received) are approved;
- (2) The approved table of fares are implemented on 18 January 2022;
- (3) the proposed annual review commences as soon as feasible to ensure it is submitted for the Committee's consideration no later than September 2022.

(Please note: there is a confidential part to this minute).

69. **Hackney Carriage and Private Hire Licence Fees**

The Committee having –

- (a) considered the report from the Director of Public Health;
- (b) heard Rachael Hind's (Licensing Service Manager) presentation of the report which highlighted the following key areas –

- Plymouth City Council regulated the Hackney Carriage and Private Hire industry through the licensing framework set out in the Plymouth City Council Act 1975;
 - fees for licences should be set at a figure which would recover the full cost of the licensing administration including enforcement, in so far as was consistent with the particular provisions which allowed licence fees to be charged;
- (c) the budgets for licensing were operated as two trading accounts, one for Private Hire and the other for Hackney Carriage; as review of the current fees had been undertaken to balance the two trading accounts and to ensure that there was no cross-subsidy;
- (d) additional savings had been made this year and all accounts for Hackney Carriage and Private Hire were on track to be in a balance position by the end of 2022/23 and in a surplus position by the end of 2023/24;
- (e) consideration had been given to whether the fees could be lowered; however it would be unwise to reduce any of the fees at this stage, as it was uncertain what the next year would bring due to the ongoing pandemic and the changes proposed as part of the Taxi Policy consultation;
- (f) Covid 19 had continued to have an impact on the number of licensed drivers and vehicles on both trades; this had been factored into this year's budget monitoring; these figures are reviewed on a regular basis;
- (g) the current licenses split in 2021 (as at 6 December 2021) -
- Hackney Carriage vehicles 306 (33%);
 - Private Hire vehicles 627 (67%);
 - Hackney Carriage drivers 314 (32%);
 - Private Hire drivers 673 (68%);
 - there were currently 39 Private Hire operators.

The Committee –

- (h) heard representations from interested parties from the taxi trade and the PLTA which included the following main points -
- both representatives were pleased that there were no proposed increase in fees for 2022/23;

- raised concerns that there would be a risk of a significant increase in fees, in future years due to drivers over the age of 60 (currently 81) leaving the trade (if there were less drivers this would result in significant increases in the fees);
- requested that the Committee ask the Council's scrutiny function to look at the impact of future fees on the trade through a task and finish group;
- raised concerns that any significant increase to the fee would impact the ability of the trade to attract new drivers (this issue had been recognised at a national level);
- requested that the budget was reviewed on a regular basis to ascertain if it could be reduced;
- highlighted that the number of drivers stated in the report was out of date and that 20 Hackney Carriage drivers were not working in the trade and had no intention of doing so in the future;
- January and February were known in the trade as the 'doldrums' and this was the time when drivers left the trade.

Councillor Jordan advised that it was hoped that the taxi trade would form part of the work being undertaken by the Violence Against Women and Girls Commission to make Plymouth safe.

The Chair advised that Councillor Smith (Chair of the Commission for Violence Against Women and Girls) had extended an interest to also work with the Equalities Working Group.

The Committee agreed that the fees would remain the same and not have any changes for the financial year 2022/23.

70. **Exempt Information**

Agreed that under Section 100A(4) of the Local Government Act, 1972 to exclude the press and the public from the meeting for the following item of business, on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

71. **Confidential Minutes**

The Committee agreed that the confidential minutes of the meeting held on 16 December 2021 are a correct record.

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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