

## Regulatory Committee

Minutes of a Meeting of the Regulatory Committee held in Committee Room No. 1, Civic Centre, Tannery Lane, Ashford on the **19<sup>th</sup> July 2022**.

### Present:

Cllr. Howard (Chairman);

Cllrs. Burgess, Feacey, Ledger, Pickering, Rogers, L. Suddards, Wright.

### Apologies:

Cllrs. Krause, Michael.

### Also Present:

Environmental Protection and Licensing Team Leader, Senior Member Services Officer.

### Also in Attendance (virtually):

Principal Litigator.

## 94 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was on the Management Committee of UK LPG.	96, 97
	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteer Centre.	

## 95 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 20<sup>th</sup> January 2022 be approved and confirmed as a correct record.**

## 96 Exceptional Hackney Fare Tariff Review

The Environmental Protection and Licensing Team Leader introduced the report and advised that the Councils Taxi Licensing Policy stated that the Council would review the maximum hackney fare scale annually, which was last reviewed in January 2022. Since that time, the economic situation had continued to impact on the taxi trade, with fuel prices and general costs rising. One of the largest taxi operators within the borough had recently closed after approximately 40 years, which was believed to be related to increased operating costs, lower amount of trade since the outbreak of the

pandemic, and lack of licensed drivers. The Environmental Protection and Licensing Team Leader and the wider Licensing Team wished to thank Jenny and Karen of Arrow Taxis for their assistance and professionalism towards the Licensing team over the years in which they had worked with them.

Drawing attention to the report, he advised that this was presented as an exceptional review in light of the exceptional circumstances following a request from the Taxi trade. In line with this request there had been increased engagement from the licensed drivers, and thanks was extended to the Independent Drivers Representative Paul Coombes, and Ivan Auty of United Taxis, who had worked with the Licensing Team to provide more meaningful evidence which had been included in the agenda papers. Both were present at the meeting and would speak from the perspective of independent drivers and companies, and be able to questions from the Committee in relation to how their respective part of the trade operated. The evidence submitted allowed the Licensing team to calculate a figure for the additional costs associated with an example 10 mile fare so that this could be compared against incremental increases in the fare scale. These figures were indicative, and actual costs would vary. It was hoped that this approach would assist the Committee to understand the practical implications of, for example, 36% increase on fuel prices, 8% on insurance etc. The Committee would be able to see from the report that costs had significantly increased since the last fare review, including most notably fuel.

The Environmental Protection and Licensing Team Leader advised that upon consideration of the fare scale the Committee could recommend whether to decrease, keep the same, or increase the fare, and what percentage this would be. This would then be recommend to Council for ratification on 21<sup>st</sup> July 2022. In conclusion, he highlighted that whilst taxis provided a service to the public, which was essential to ensuring that the elderly and disabled could remain independent and that people could get home safely, they are not a public service. They remained a commercial enterprise and were therefore entitled to make reasonable commercial profits. Therefore the role of the Council in setting the fares was not to ensure that fares remained affordable for the public, but simply to ensure that the public were not charged excessive fares, whilst allowing drivers to make a reasonable living or profit.

Paul Coombes, the Independent Drivers Representative, highlighted to the Committee that the increase in costs to the taxi trade as a whole far exceed just the rise in fuel costs. These costs had put the viability of the trade in jeopardy. Many in the trade did not wish to pass on the costs to their customers but they needed to be able to carry on and be able to provide a service. There was more to keeping a taxi on the road than the paying public saw. There was a big demand for taxi drivers especially since the demise of Arrow Taxi's. They did provide an important service to the public and the lack of available taxis had an adverse effect. Drawing attention to the fare comparison table, he noted that Ashford was at mid-point in the table, but following an ongoing review at Folkestone and Hythe District Council and other proposed reviews it was likely that Ashford would fall to the bottom. Mr Coombes advised that the trade were not inclined to request a rise in the drop rate, just a rise in the distance fees. This would have visually less impact on the customer and would ensure that Ashford remained mid-point in the fare comparison tables. He requested that the Committee considered a 10% rise in the distance fees. This would not, in his opinion, have a major impact on customers but would ensure that some of the cost increases would be mitigated.

In response to a question, the Environmental Protection and Licensing Team Leader advised that the fees set by the Council were maximum fees and drivers could charge less should they choose to do so. Mr Coombes added that drivers generally stuck to the meter within the Borough but they could be more competitive when working outside of the Borough.

Ivan Auty from United Taxis advised the Committee that he had been a taxi driver since 1974 and had never experienced anything like the financial situation drivers were facing today. The combination of Covid and the war in Ukraine had seen costs rise significantly and drew attention to the evidence he had submitted that was contained within the report. He had owned United for 33 years and in that time had not made his affairs public, however the situation was so dire he felt it was necessary. Mr Auty was of the opinion that should costs remain as they were with no increases in fares he could not see that he would still be operating in 12 months' time. As a business they would usually make approximately £50,000 per annum, which would be ploughed back into the business to purchase new cars etc. Due to scales of economy he was able to purchase parts etc at a lower cost, Independent Drivers did not have that luxury and therefore were even more pressed financially. He added that he was very conservative and would not usually ask for a raise in fees but as an employer of 30 people he had to be able to pay them as their costs were rising too. Ashford had a good taxi service, with all the vehicles presentable and good drivers servicing the area and providing a service for the public.

The Chairman thanked Mr Coombes and Mr Auty for attending and providing the Committee with valuable insight and for submitting evidence prior to the meeting.

Members welcomed the engagement by the trade but questioned why there was still a low response level overall. Both Mr Coombes and Mr Auty had visited the feeder rank and spoken to a larger number of drivers when the request for an exceptional fee review had been raised. Whilst there had been overall support, it was not always easy to translate that to responses as some were not comfortable with putting their views forward in writing.

There was considerable discussion regarding what the increase in fees, if any, should be. In response to questions, Mr Coombes and Mr Auty felt that 10% would allow them to keep their heads above the parapet and effectively return them to the position they were in 12 months ago. They reiterated that they needed to be viable and added that should cost dramatically decline that they would come back to the Committee and request a decrease in fares. Mr Auty advised that from his perspective as an operator 50% of any increase would be passed on to his drivers.

In response to a question, Mr Coombes advised that insurance costs had increased significantly over the past year, with an increase of almost £300 for him alone. Mr Auty added that he had fortunately not seen an increase in insurance costs, although all other costs had risen.

The loss of Arrow Taxis had been felt by many in the Borough and it was questioned how large that loss was in terms of vehicles on the road and how it could be made up. It was confirmed that pre-covid Arrow had 35 cars on the road, this fell to 16 post-covid and following their closure was now zero. A lot of work had been done to encourage people to enter the taxi trade, the Job Centre were actively promoting

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jobs and were funding applications and providing self-employment advice. The application process did take around two months, with the DBS check taking a considerable length of time, which did put some people off.

A motion was put forward, and seconded, that there should be a 10% increase to fares but no increase to the drop rate. This was voted upon and there was unanimous agreement.

**Recommended:**

**That the Hackney Carriage fare scale for the remainder of 2022/23 as given in the table below be approved for the purpose of issuing a public notice.**

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## PROPOSED FARES FOR 2022/23

<b>(a) Fares for distance or time: Rate 1</b>	<b>£</b>
If the distance does not exceed 465.5 yards, for the whole distance or for the first 148 seconds of waiting time	2.90
For each subsequent 142.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 45.5 seconds of waiting time or uncompleted part thereof	0.20
<b>(b) Fares for certain times and days: Rate 2</b>	
a) For each hire commenced between 00.00 and 07.00	1½ x Rate 1
b) For each hire undertaken on <b>GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY</b> or any other specifically declared Bank Holiday only.	1½ x Rate 1
<b>(i) Fares for certain times and days: Rate 3</b>	
c) For each hire undertaken on a <b>CHRISTMAS DAY, BOXING DAY</b> or <b>NEW YEAR'S DAY</b>	2 x Rate 1
When the holiday charge (b) or (c) is payable the Night Charge (a) is <b>NOT</b> payable.	
<b>2 Miles - £7.30</b>	
<b>5 Miles - £14.70</b>	
<b>10 Miles - £27.10</b>	
<b>Extras</b> - up to a maximum of £1.20	
(a) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance.	0.20
<b>Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.</b>	
(b) for each article of luggage conveyed outside the passenger compartment of the carriage	0.05
(c) for perambulators	0.05
(d) for dogs	0.10

## **97 Taxi Licensing Policy Review**

The Environmental Protection and Licensing Team Leader introduced the report and advised that the councils Taxi Licensing Policy was due to expire in October 22. Whilst this was non-statutory, having an up to date policy in this area was essential to the proper regulation of the taxi trade and the protection of public safety. The DfT were in the process of reviewing the national Taxi Licensing Guidance, which was last updated approximately 10 years ago. He felt it pragmatic to extend the existing policy for a short period to allow for a single full review of the policy, rather than repeating the process twice in quick succession. There were no immediate updates required to the policy, barring non-policy administrative updates, and a minor amendment to the frequency of DVLA licence checks to 6-monthly to fall in line with DBS checks.

**Resolved:-**

**That the Regulatory Committee;**

- a) Note the Department of Transport (DfT) review of the Taxi and Private Hire Vehicle Best Practice Guidance**
- b) Recommend the extension of the current Taxi Licensing Policy 2017-2022 until 31 March 2023, with administrative amendments, and the amendment to the frequency of DVLA licence checks.**