

# Public Document Pack

## Licensing Committee

**Tuesday, 22nd November, 2022**

**6.00 pm**

**Meeting Room A**

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### AGENDA

1. **Welcome & Apologies**
2. **Minutes of the Previous Meeting**  
**Full Licensing 18th October 22** **2 - 6**
3. **Declaration of Interest**
4. **Application for an increase in hackney carriage fares**  
**Application for an increase in hackney carriage fares** **7 - 11**  
**HACKNEY FARE TARIFF PROPOSED FOR 2022**  
**APPENDIX 1.docx**  
**HACKNEY FARE TARIFF 2019 APPENDIX 2.docx**  
**Hackney Carriage Tariff NW Councils comparison**  
**APPENDIX 3.docx**

### **PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

5. **Minutes of the Licensing Sub-Committees**  
**Minutes - 11th October 2022** **12 - 16**  
**LASC 25th October 22**

Date Published: Monday, 14 November 2022  
Denise Park, Chief Executive

**PRESENT** – Councillors, , Casey, Gee, Salton, Brookfield, Taylor, Fazal, Hussain, Imtiaz and Raja.

**OFFICERS** – Niky Barret (Principal Officer, Licensing) Shelagh Lyth (Solicitor) and Tayyab Mulla (Governance Officer)

## **RESOLUTIONS**

### **1 Welcome & Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors D Hardman and J Shorrocks

### **2 Declaration of Interest**

No Declarations of Interest were received.

### **3 Minutes of the Previous Meeting**

**RESOLVED** - The Minutes of the previous meeting held on Wednesday 3rd August 2022 were approved as a correct record. One matter was raised including an incorrectly noted decision. With the amendment of these the minutes were agreed as correct method.

### **4 Review of Hackney Carriage and Private Hire Licensing Policy**

Members discussed a report which presented the Review of Hackney Carriage and Private Hire Licensing Policy. The purpose of the report was to present a revised draft policy for Members to consider and amend as necessary. Officers would then undertake consultation with the trade and other relevant stakeholders.

The Department for Transport published its' Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020 and the expectations of the Government were emphasised throughout the document in bold.

The Principal Licensing Officer responded to questions about the following areas of the proposed Hackney Carriage and Private Hire Licensing Policy.

#### **DBS Update Service**

- All Licensed drivers were required to sign up to the DBS Update Services and maintain their registration throughout the licensed period. This had enabled the Council to undertake periodic checks at least every 6 months, in accordance with the Statutory Taxi and Private hire Vehicle Standards.

- Licensed drivers who had failed to register with the update service, or who had allowed their registration to lapse would have been required to provide a new enhanced certificate every six months
- Where the Council were unable to check the drivers status due to failings on the part of the driver, it may suspend the driver's license until such time as it is satisfied that there is no new information recorded against the driver
- Licensed drivers would be required to inform the council within 48 hours of any arrests and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence.
- If there had been any change to the information held by the DBS, the driver would be required to provide a new certificate to the council and register that once with the update service.

Members discussed if drivers had been signing up to the DBS Update Service, and were informed that the majority of drivers initially sign up for the update service, but in subsequent years had allowed their registration to lapse for various reasons. The DBS update service does issue reminders to drivers to renew their registration, but if the drivers contact details have change and they have not notified the DBS of the changes, they will not receive those reminders

### **English Proficiency**

- The Statutory Taxi and Private Hire Vehicle Stands 202 had identified that a lack of language proficiency could impact the drivers ability to understand written documents such as policies and guidance, relation to the protection of the children and vulnerable adults. Oral proficiency would also be relevant in the identification of potential exploitation through communication with passengers.
- The Council were required that all applicants for new drivers licenses were required to demonstrate their language proficiency by providing evidence of formal qualifications such as GCSE, GCE, Functional Skills Level 1 or 2 in English or ESOL certificate at Level 1 or 2.
- Applicants who did not hold any formal qualifications in English were required to undertake a free skills assessment provided by Blackburn Adult Learning services and provide evidence they had passed the assessment.

The Principal Licensing Officer advised members that the Council were working with Blackburn College to allow low income drivers to be enrolled on to a ESOL course for free.

Members agreed with the policy and felt that it may create barriers if a licensed driver was unable to speak English.

Councillor Tasleem Fazal suggested that the requirement to know English should not be made mandatory from the beginning, as drivers should be given the chance to be enrolled on to a course whilst still being a licensed driver.

### **Driver Training and Knowledge Test**

Applicants for a new drivers licence are required to pass the Blackburn with Darwen Knowledge Test. The safeguarding element of this training is proposed to be provided by a specialist third party provider who only provide the training and tests in English.

Members were informed that the training is delivered online however applicants are required to provide identification at the start of the session and keep their web cameras on throughout the training and the test at the end.

The policy also proposes to introduce emission standards for new vehicles which would have to meet the following emission standards.

**Euro 4 Emission Limits(petrol)**

CO- 1.0g/km  
HC- 0.10 g/km  
NOx – 0.08  
PM – No Limit

**Euro 6 Emission Limits(diesel)**

CO – 0.50g/km  
HC+NOx- 0.17 g/km  
NOx – 0.08g/km  
PM – 0.005 g/km  
PM -6.0X10<sup>11</sup>/km

Members were provided a handout providing the figures of the fuel types of Blackburn with Darwen Hackney and Private Hire Drivers Vehicles.

Members discussed the impact the emission standards would have on drivers but did conclude that emission standard would not cause a major issues for drivers due to a large proportion of drivers changing or owning hybrid Vehicles which are compliant with Euro 4 and Euro 6.

**Roadworthiness**

Members were informed that the Council would not issue a vehicle licence for any vehicle that had been written off by insurers under Category A, B or S.

- A relates to vehicles that must be scrapped
- B relates to vehicles that may be broken and their parts reused
- S relates to vehicles that have sustained structural damage that is repairable

**Disclosure and Barring Service checks by Private Hire Operators**

In accordance with the Statutory Guidance, the Council will require applicants to provide a recent basic DBS certificate before a private hire operator's licence would be granted and to get basic disclosure certificates for their employees who dispatch drivers and vehicles.

The Principal Licensing Officer informed the Members that the duty would be with the operator to ensure that the necessary checks had been completed in respect of dispatch staff, in line with their own policy.

Members discussed the draft policy, and agreed to begin consultation subject to one amendment to include reference to the Council only licensing vehicles with 4 road wheels.

The results of the consultation exercise would be fed back to the next meeting.

Resolved –

1. That Members feedback on their views to the contents of the draft policy be noted and that any further comments be fed back to officers.
2. That the outcome of the consultation exercise is reported back to the next scheduled meeting of the Licensing Committee.

## **5 Update on the work of Public Protection & Environmental Health Service**

The Committee received an update on the work of the Council's Public Protection and Environmental Health Services (PPS) where there was a connection with businesses and persons who required a licence from the Council. It also provided an update for Members on national policy changes and proposals affecting licencing work.

### **Operations Stay Safe**

Licensing officers joined force with Lancashire Police and BwD Children's Services as part of operation Staysafe on Friday 9 September, in direct response to concerns raised by the trade about stone throwing incidents where youths are targeting licensed vehicles. Whilst there were no incidents of stone throwing that evening, 5 licensed private hire vehicles were noted as failing to display private hire signage in accordance with their licence conditions and were issued with warning letters.

### **Officer Revocations**

In the past 3 months 3 drivers have had their hackney/private hire drivers' licences revoked by officers for issues which needed immediate action.

### **Appeal results**

Since the last Licensing Committee members were informed that an appeal against the decision of a general licensing sub-committees to revoke private hire vehicle driver licences had concluded. The Magistrates Court agreed with the decision made by the Licensing Sub-Committee and awarded costs against the driver of £300. There are 2 appeals currently going through the court process.

### **Blackburn with Darwen Taxi Forum meeting**

At July's meeting of the Taxi Forum a report back was given of the review into the Council's arrangements for MOT testing of hackney carriages and private hire vehicles. The recommendation of the review was to keep the in-house provision in place.

## Noise nuisance from licensed premises

The Environmental Protection Team have been involved in investigations into complaints about noise disturbance at 6 venues. Work continues to try to resolve the problems for affected nearby residents.

## Routine work carried out

The following table provides figures on some of the key work carried out from 1 July 2022 to 30 September 2022.

Vehicle licences processed – hackney carriage and private hire	370
Driver licences processed – new and renewal applications	178
Licensing Act licences processed These are new licences, variations to existing licences and changes to designated premises supervisor	31
Temporary Event Notices processed	36
Animal Welfare Licences processed	1
Street trader	5

## Taxi Trade Tax Checks

Members were informed that mandatory tax checks were implemented in April 2022 for all taxi and private hire licence holders in England and Wales.

Since early September HM Revenue and Customs (HMRC) had been writing to taxi drivers using taxi booking apps giving 30 days to respond and declare their income or face an investigation into their tax affairs. For all new applicants for licences the Council's licensing service application form required a declaration to be made that the applicant is aware of the content of HMRC guidance relating to tax registration obligations.

**RESOLVED** – The update be noted

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

**DEPARTMENT: ENVIRONMENT AND OPERATIONS**

**ORIGINATING SECTION : PUBLIC PROTECTION SERVICE**

**REPORT TO : LICENSING COMMITTEE**

**22/11/2022**

**TITLE : APPLICATION FOR AN INCREASE IN HACKNEY CARRIAGE FARES**

## **1. PURPOSE**

For members to consider a request from the hackney carriage trade for an increase in hackney carriage fares.

## **2. RECOMMENDATIONS**

That members note the report and put forward recommendations to the Executive Member for Environment and Operations.

## **3. KEY ISSUES**

An application from the Hackney Carriage trade has been received for an increase in hackney carriage fares. Appendix 1 shows the proposed fares and Appendix 2 the existing fares.

Increases in fares are only triggered by requests made from the trade. The last increase was in 2019. The trade have borne the increases in fuel prices and overheads during this period.

If members are minded to approve the increase a public consultation will take place.

## **4. RATIONALE**

A table of hackney carriage fares for all local authorities in the UK is published on the internet. The table can be found in the following link <https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>

Currently Blackburn with Darwen fares rank 243 out of 345 listed authorities. The fare for a 2 mile journey on Tariff 1 is currently £6.30.

Where authorities have changed fares in 2022, for a 2 mile journey on Tariff 1 the fares range from £4.90 to £13.20. The proposal for Blackburn with Darwen is £6.77 for the 2 mile journey. This is a 7.5% increase.

The proposal is to also remove the increase of fare to Tariff 2 for Sundays and Bank Holidays (with the exception of Christmas and New year).

Fares for authorities in Lancashire and Greater Manchester have been taken from the published list and are presented in Appendix 3.

## **5. POLICY IMPLICATIONS**

The application for increase in hackney carriage fares is a policy matter that should be considered by the Executive Member.

The expertise of the Licensing Committee in this area of work is recognised. The Licensing Committee need to consider the fare increase, and if supported will need to recommend the request being advertised.

## **6. FINANCIAL IMPLICATIONS**

There are no financial implications for the council apart from the fee for the advert. There is an opportunity for increased financial rewards to the hackney carriage trade. Users of hackney carriages would incur an increase in the cost of each journey undertaken.

## **7. LEGAL IMPLICATIONS**

In accordance with Section 65(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976, when a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district, a notice setting out the table of fares, or the variation thereof, and specifying the period, which shall be not less than fourteen days from the date of the first publication of the notice, within which, and the manner in which objections to the table of fares or variation can be made.

If no objection to a table of fares or variation is duly made within a period specified in the notice, or if all objections are withdrawn, the table of fares or variations shall come into operation on the date specified in the advert.

If an objection is duly made and is not withdrawn, the council will set a further date on which the table of fares will come into force with or without modifications as decided by them after consideration of the objections.

## **8. RESOURCE IMPLICATIONS**

Existing staff in the public protection service will undertake the associated work in this request.

## **9. CONSULTATIONS**

The public consultation will commence with the publication of the advert in the Lancashire Telegraph.

## **10 . CONTACT OFFICER**

Denise Andrews – Business Compliance and Licensing Manager



# **PROPOSED**

## **BLACKBURN WITH DARWEN BOROUGH COUNCIL**

### **LICENSED HACKNEY CARRIAGE FARES**

<b>For Hiring between 6.00 am and 10.00pm Monday to Sunday</b>		Waiting period for each period of 55 seconds or uncompleted part thereof	<b>10p</b>
If the distance does not exceed 672 metres (735 yards) for the whole thereof	<b>£3.50</b>		
If the distance exceeds 672 metres (735 yards) for the first 672metres	<b>£3.50</b>	<b>Additional charges</b> a) Articles of luggage conveyed outside the passenger compartment of the Hackney Carriage	<b>Free</b>
For each subsequent 77.7 metres (85 yards) or lesser portion thereof	<b>10p</b>	b) For the first person in excess of one conveyed	<b>Free</b>
<b>For Hiring between 10.00 pm and 6.00 am Monday to Sunday</b>		For each subsequent person conveyed	<b>Free</b>
		Wheelchairs for disabled persons	<b>Free</b>
If the distance does not exceed 634 metres (693 yards) for the whole thereof	<b>£3.50</b>	Assistance dogs	<b>Free</b>
		Pets, Dogs and Cats	<b>£1</b>
If the distance exceeds 634 metres (693yards) for the first 634 metres	<b>£3.50</b>	Valet fee if vehicle fouled	<b>£20</b>
For each subsequent 68.5metres (75 yards) or lesser portion thereof	<b>10p</b>		

**For Hiring between 10.00 pm 24<sup>th</sup> December and 6.00 am 27<sup>th</sup> December  
and between 6.00 pm 31<sup>st</sup> December and 6.00 am 2nd January**

If the distance does not exceed 603 metres (660 yards) for the whole thereof	<b>£3.75</b>
If the distance exceed 603 metres (660 yards) for the first 731 metres	<b>£3.75</b>
For each subsequent 92 metres (101yards) or lesser portion thereof	<b>15p</b>

### **NO OTHER CHARGES MAY BE MADE**

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**Distance - The above fares apply throughout the whole of the Borough of Blackburn with Darwen Borough Council**

#### **UP-FRONT PAYMENTS**

Drivers may ask you to pay an estimated fare/deposit up- front.

**IF YOU DO NOT AGREE YOU MAY BE REFUSED TRAVEL**

#### **COMPLAINTS**

**In case of complaint, please contact the Public Protection Service, Licensing, Town Hall Blackburn, BB1 7DY (Telephone: 01254 267666) giving the number of the Hackney Carriage Licence and full details**

**BLACKBURN WITH DARWEN BOROUGH COUNCIL****LICENSED HACKNEY CARRIAGE FARES**

<b>For Hiring between 6.00 am and 10.00pm Monday to Saturday (excluding Bank Holidays)</b>		Waiting period for each period of 45 seconds or uncompleted part thereof	<b>10p</b>
If the distance does not exceed 672 metres (735 yards) for the whole thereof	<b>£2.50</b>	<b>Additional charges</b>	
If the distance exceeds 672 metres (735 yards) for the first 672metres	<b>£2.50</b>	a) Articles of luggage conveyed outside the passenger compartment of the Hackney Carriage	<b>Free</b>
For each subsequent 68.5 metres (75 yards) or lesser portion thereof	<b>10p</b>	b) For the first person in excess of one conveyed	<b>Free</b>
<b>For Hiring between 10.00 pm and 6.00 am Monday to Saturday, All day Sundays, and Bank Holidays</b>		For each subsequent person conveyed	<b>Free</b>
		Wheelchairs for disabled persons	<b>Free</b>
If the distance does not exceed 634 metres (693 yards) for the whole thereof	<b>£2.50</b>	Assistance dogs	<b>Free</b>
		Pets, Dogs and Cats	<b>£1</b>
If the distance exceeds 634 metres (693yards) for the first 634 metres	<b>£2.50</b>	Valet fee if vehicle fouled	<b>£25</b>
For each subsequent 68.5metres (75 yards) or lesser portion thereof	<b>10p</b>		

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Licence and full details

## APPENDIX 3

### Hackney Carriage Tariff – North West local authorities comparison in Oct 2022

<b>Licensing Area</b>	<b>2 mile T1 fee</b>	<b>Year changed</b>
Blackburn	£6.30 current £6.77 proposed	2019
Hyndburn	£6.42	2022
Burnley	£5.00	2022
Pendle	£4.40	2008
Rossendale	£5.00	2018
Ribble Valley	£8.00	2022
Preston	£6.00	2022
South Ribble	£6.30	2022
Chorley	£6.20	2022
West Lancs	£5.20	2022
Fylde	£6.70	2022
Wyre	£6.38	2022
Blackpool	£6.00	2021
Lancaster	£6.00	2022
Manchester	£6.70	2022
Bolton	£5.20	2008
Bury	£6.90	2022
Stockport	£6.00	2018
Rochdale	£5.50	2022
Salford	£6.00	2022
Oldham	£5.50	2012
Wigan	£5.80	2022

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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