

Licensing Committee

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 20 JUNE 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman),
Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Kevin Daley, Cllr Andrew Davis,
Cllr Ruth Hopkinson and Cllr Tim Trimble

Also Present:

Linda Holland (Licensing Manager), Tom Ince (Principal Compliance Officer), Sarah
Marshall (Principal Solicitor) and Lisa Pullin (Democratic Services Officer)

Members of the Public

Adrian Berridge
Steve Berridge

41 **Apologies/Substitutions**

Apologies were received from Cllrs George Jeans and Pip Ridout and from
Adrian Hampton (Head of Highway Operations).

There were no substitutions or membership changes.

42 **Minutes**

Apologies were received from Cllrs George Jeans and Pip Ridout and from
Adrian Hampton (Head of Highway Operations).

There were no substitutions or membership changes.

43 **Chairman's Announcements**

The Chairman gave details of the fire exits to be used in the event of the alarm
sounding and made the following announcements:

The Chairman referred to an update from DS Louise Morley which she gave on
30 March 2022 and confirmed that he would circulate it to the Committee
members following the meeting:

[Update from DS Louise Morley to Licensing Committee as at 30 March 2022](#)

Tom Ince and I caught up today to discuss information sharing between the police and the Compliance Team, I also invited DS Scott Barrett to the meeting as he runs the Exploitation Desk in our Intelligence Development Unit.

The three of us discussed how we can best share information and intelligence both ways whilst ensuring GDPR, the necessity for information sharing and accurate record keeping.

Scott's Intelligence desk focuses at Child Exploitation, Adult Sexual exploitation and another team in Intel focuses on County Lines, I felt it would be of benefit to all of us to build a closer working relationship.

The Plan:

- 1 I have provided Tom with the link to our 'Partner agency intelligence sharing form'. Tom will share this with his team and plans to share information such as complaints of inappropriate behaviour of drivers.
- 2 I have also invited Tom to our Joint Intelligence Cell that occurs on the first Wednesday of every month. This meeting enables partners to discuss current matters of interest and to seek intelligence/support from each other.
- 3 I have agreed that myself and a member of the Intelligence Development Unit will accompany Toms Team the next time they are tasked with night time enforcement. This will be an opportunity for us to engage with the taxi drivers to spread awareness of VAWG, CSE, ASE and County Line and to encourage the reporting of concerning behaviour.

It was a very productive meeting and I'm sure we will come up with more ideas as we progress. Will update the Licensing Committee on 12 September 2022.

Platinum Jubilee Celebrations

The Chairman wished for congratulations and thanks to be passed on to all Council Officers involved with the licensing and other arrangements involved with the Queen's Platinum Jubilee celebrations in June.

Cllr Pip Ridout

The Committee wished to pass on their thoughts and best wishes to Cllr Pip Ridout who was currently unwell.

44 **Declarations of Interest**

There were no declarations of interest.

45 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting.

Adrian Berridge of Starline Taxis in Warminster attended the meeting to make a statement in relation to Agenda item 9 (Proposed Changes to Wiltshire Council's Hackney Carriage Fee Structure). This statement was heard just prior to the item being discussed is shown below in the minutes.

46 **Licensing Appeals Update**

Linda Holland (Licensing Manager – Public Protection) reported that there were currently no valid appeals that had been lodged in relation to any decisions made by the Licensing Sub Committees. Linda was aware that some hearings could take between 6 and 9 months to be heard by the Magistrates Court.

The Chairman asked Linda Holland to give a brief update on licensing activity. Linda highlighted the following:

- The number of TEN's applications to date was 506 which was 80% up on the same time last year and higher than pre-Covid levels – the majority of these TENS were for events over the Platinum Jubilee weekend;
- Feedback from those in the licensing trade was that for the Platinum Jubilee weekend their premises were not as busy as they anticipated they would be;
- There were a number of large events coming up – Chalke Valley History Festival, live music events at Longleat and Bowood. Highways had been working hard with Longleat to ensure that previous traffic problems do not happen again after their large events;
- There had been 15 licensing Sub Committee hearings in the last 12 months – Officers wished to thank the Members involved with those hearings and particularly those who were involved with the Film Classification hearings;
- Officers were seeing an increase in the number of complaints of activities/events taking place at licenced premises, including residential complaints from those premises who were using their outside areas late into the evening and it would seem that there was now less tolerance for events in residential areas;

A Committee Member asked if Linda could arrange for there to be some publicity and awareness raising in relation to the Temporary Events Notices (TEN's) and suggested that the Area Boards could be used to share this information and for the public to be made aware of how little control the Council have in relation to TEN's unless an objection is made by the Police or Council's Environmental Health Team. Linda Holland agreed to look at getting some information out in time for autumn/Christmas events via the Area Boards.

The Chairman asked about the football World Cup. It was confirmed that this would be during November/December 2022 and it was suggested that

information could also be shared via the Area Boards to raise awareness of this too.

47 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committees were presented to the Licensing Committee:

Classification of a Film

- 10/05/22 Classification of a Film “You can’t get there from here”
- 16/05/22 Classification of Films for Ignite Film Festival, Marlborough
- 24/05/22 Classification of Films for Ignite Film Festival, Marlborough

Eastern Area Licensing Sub Committee

- 09/03/22 Application for a Premises Licence – Lower Park Farm, Whistley Road, Potterne, Devizes

Northern Area Licensing Sub Committee

- 05/04/22 Application for a Premises Licence – The Hop Garden, Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon
- 26/04/22 Application for a Premises Licence – Live at Lydiard, Park Farm, Lydiard, Swindon

Resolved:

That the above Licensing Sub Committee minutes be approved and signed as a correct record.

48 **Update on behalf of the Taxi Provision Working Group**

Cllr Allison Bucknell (Chair of the TPWG) reported that the Working Group had met on 14 March and 9 May 2022 and the notes of those meetings were attached to the Agenda. Cllr Bucknell highlighted the following:

- That when the Working Group last met on 9 May 2022 they had felt that Officers had a good handle on what was required to improve the numbers of taxi drivers in Wiltshire and following the targeted recruitment campaign this was seeing the number of applications rise. They had agreed to recommend that the Working Group be suspended for the time being and resurrected with the agreement of the Licensing Committee should the need arise;

- That the Working Group had raised concerns on the delays caused by DBS checks (usually by the local Police force) level. Cllr Steve Bucknell had been asked to raise this with the Police and Crime Panel;
- That the Working Group wished to ask the Licensing Committee to consider investigating the ways in which the provision of Wheelchair Accessible Vehicles could be extended for the public;

This was briefly discussed by the Committee and it was agreed to delegate this to Tom Ince (Principal Compliance Officer) to look into further and then share his observations with the Licensing Committee via email, taking into account the recent legislation changes.

Cllr Allison Bucknell then asked Tom Ince (Principal Compliance Officer) to give a brief update to the Committee on the progress made by the Working Group. Tom highlighted the following:

- There were concerns over the fulfilment of the SEN contracts and some contracts had been handed back to the Council. With the driver recruitment campaign they have certainly seen more interest and in fact the new driver levels were up to where they were before the pandemic. In May there were 32 applications received, although the overall driver numbers had risen by about 5 as there were a number of drivers also leaving the trade;
- They had also seen interest for the Passenger Transport Unit (PTU) contracts come from drivers and firms out of the County with some private hire interest. Whilst Officers were pleased that there had been interest to help the Council fulfil the contracts, the preference was to recruit Wiltshire drivers to keep the industry in Wiltshire going. Officers had been in contact with the Council's Communications Team and had agreed to keep the recruitment campaign going to continue to encourage more Wiltshire drivers join the industry;

A Committee Member asked if drivers needed to be licenced to be able to drive for the Wiltshire contracts? Tom Ince confirmed that drivers did need to be licensed as a private hire or hackney carriage vehicle to undertake contracts. Tom was also aware that some drivers operate under Section 19 permits but was not sure that this was the correct/preferred way to proceed. He felt that the preference would be for them to be a Public Service Vehicle operator or a hackney carriage licenced driver. Drivers for the contracts do not have to be working for an operator and can work on their own as long as they meet all off the licensing and vehicle requirements. The Committee member reported that he also had concerns about Section 19 permits and would feed those concerns back to Tom outside of the meeting.

A Committee Member expressed concern about hearing that some operators had handed back contracts to the Council as they were not financially viable with the rising fuel costs etc and asked what the extent of the problem was? Tom Ince reported that when he last met with the PTU Team he was told that it

was OK and that he hadn't flagged this but there was concern that from September with the rising fuel costs and the anticipated rise of numbers of passengers requiring transportation that this could be a struggle.

The Chairman asked for an update to be prepared by the Passenger Transport Unit for the next Licensing Committee meeting on 12 September 2022.

A Committee Member felt that we should be using our available contracts as a mechanism to attract people in to be taxi drivers for Wiltshire and they could also join to be part of our overall all taxi infrastructure fleet.

Resolved that:

- 1. That the Licensing Committee note the minutes of the meeting of the Taxi Provision Working Group held on 14 March and 9 May 2022 and the update received at the meeting.**
- 2. That the Licensing Committee agreed to suspend the meetings of the Taxi Provision Working Group and resurrect this with the agreement of the Licensing Committee if required.**
- 3. That Tom Ince be delegated to look into ways in which the numbers of Wheelchair Accessible Vehicles could be increased and report back to the Licensing Committee at their next meeting.**
- 4. That the Licensing Committee receive an update from the Passenger Transport Unit Team on the numbers of contracts being fulfilled/not fulfilled.**

49 **Proposed Changes to Wiltshire Council's Hackney Carriage Fee Structure**

Mr Adrian Berridge of Starline Taxis in Warminster attended the meeting to make a statement in relation to the proposed changes to the Hackney Carriage fee structure and highlighted the following:

- Their concern was the low 5% proposed tariff one increase which they did not feel would touch the sides to help them keep afloat with all of the rising costs and they would be suggesting an increase of 20%;
- If their losses continued they would only be able to use their overdraft for so long before they would be forced to make a hard decision as to whether they could continue to trade;
- They had been carrying out a number of PTU contracts since 1990 and they were aware that because of the low numbers of Wheelchair Accessible Vehicles (WAV) in Wiltshire it was the case that children were late for school because of the lack of vehicles. It was the case for them that they had to run empty from Warminster to Melksham to collect children and young people who required a WAV. Other operators who

had WAV's were quoting large fares. For each operator every 10th vehicle has to be a WAV and Starline were one of the main suppliers of WAV in a 20 mile radius

- Starline Taxis rely on the PTU contracts, but the Council's requirements for them to have a vehicle less than 5 years old means that this is a cost of approximately £15k for each vehicle and the costs associated with the driver obtaining a licence and the relevant checks;
- Starline currently worked across two counties and they were aware that Mendip put vehicles in Wiltshire and there was also the issue of the cost of second hand cars arising as a result of the Covid pandemic and for WAV there was a minimum spend of £25k per vehicle;
- With the current tariffs at 10:30pm Wiltshire is the most expensive provider, but from 11pm they are then not the most expensive;
- That they had only had a 30p increase in the last 7 years; and
- Because of the microchip shortages and then knock on effect of prices for cars, could the Council look at any possible leeway for the age of cars being admitted on first registration?

A Committee Member asked if the Council's current policy on cars having to be less than 5 years old on first registration could be reviewed as he was aware that the Police use cars that are older and can have 200k miles on the clock.

Tom Ince responded that Bristol City Council ask for 3 years at first registration and that allowing older vehicles would be contrary to the Council's climate emergency and would be a step backward. The Chairman encouraged Mr Berridge to put forward all of his concerns and suggestions into the consultation as if there was a request and rationale for a review of the Policy (collected via the consultation) then there would be more evidence of a need for this review to be undertaken.

The Chairman thanked Mr Berridge for his statement to the Licensing Committee.

Tom Ince referred to the report that was circulated with the Agenda which sought to provide the Licensing Committee with the relevant information to make an informed decision on whether hackney carriage fares in Wiltshire should be raised or remain at the same level and highlighted the following:

- A number of operators/drivers had approached the Taxi Team as the recent fuel crisis was having an effect on them and that they wished for the mileage rates to be increased, not having had such an increase since 2015. Officers had carried out a benchmarking exercise to see where Wiltshire sit compared with other neighbouring local authorities and if

there was scope to look to increase the taxi fares. After reviewing the data they found that Wiltshire was bang on average with them being neither the most expensive or cheapest;

- The research showed that at 10.30pm and at 2am the cost of a 3 mile journey in a standard vehicle saw them at the highest and top half of charges. They felt that there was scope to increase the tariff 1 fare as they would cover the largest percentage of journeys with tariff 1 covering 7am to 10pm. They had considered a rise of 2.5% but felt that there would not be much of an impact for this charge increase. They then agreed to put forward a suggested rise of 5%. The Committee were reminded that they also need to take into account the public feedback that and they would say that taxis are already too expensive. Whilst Mr Berridge had suggested a 20% increase it was felt that this was too high as there has to be a balance of the needs between operators and customers;
- It was felt that tariff 1 covered the bulk of the journeys and in current times there was less night time economy and need for taxis later on as people were not going out as much as they used to. The graphs shown on pages 73 and 74 showed that when the proposed 5% increase was added that Wiltshire was still not the most expensive, nor would they want to be. They wished for the taxi provision to be viable and sustainable for operators and cost effective for the public too. They would need to balance both sides of the argument and that is why they were recommending the 5% increase;

The Chairman wanted to raise that the Council don't legally have to consult with the taxi trade in relation to a fare increase, but thought that this was important in this case and would like to seek the views of the 800+ drivers but that they did need a starting position and at the present time this was a 5% increase. The Chairman would wish for Officers to go out to consultation later this week as it was hoped that any changes could be put in place as soon as possible.

A Committee Member stated that he would be concerned to vote against what the taxi service representative was saying as he would not wish for there to be a collapse of their services and that he felt common sense would be to go out to consultation at the figure of 20% as they suggest and that it was very important to consult with the trade.

Tom Ince felt that some operators/drivers would be in support of the rise and so would not be, and that if a 5% increase would not touch the sides then they may need to rethink that figure.

A Committee Member noted that the benchmarking was undertaken between March and May 2022 and that since then there had been a rapid fuel price increase having an impact and suggested that perhaps there could be some flexibility for exceptional circumstances for instance if fuel prices were to reach £x that could trigger an increase in fares and then they could fall again if fuel prices drop – would that be possible?

Tom Ince advised that for legal compliancy they would need to advertise any proposed changes for two weeks and also to consider that if the tariff 1 was to be increased by 20% this would also have to be factored into the PTU contracts so they would need to be aware and conscious of other knock ons of increases. So whilst there was flexibility to change the fares, this would have to be advertised and there was also the cost for drivers to change the meters. They did not wish to make this onerous for drivers but did want to get it right for as many as possible. There was scope to review the tariffs and it was suggested that this be done on an annual basis.

The Committee Member highlighted that the PTU contracts were subject to negotiation, but acknowledged that any increase to the costs of the Council would not be budgeted for and that they did not wish for this to undermine the consultation feedback.

A Committee Member felt that something needed to be done now and asked about the costs/practical aspects of implementing a change with the costs to the Council and the operators.

Tom Ince reported that for a Council owned fleet vehicle there was a cost of 33p per mile to run that vehicle. Taxis were able to charge £2.40 per mile on top of the flag rate. The Committee Member thought that it would be useful for operators to share their running costs with the Council as that would be more meaningful to Officers as they don't know what those costs are. Although Tom Ince felt that these would vary from operator to operator. There was a risk that if there was no increase there would be no taxis running as it become financially unviable for them or it could be that it rises would mean that some passengers could not afford to use a taxi.

A Committee Member suggested that a 10% increase proposed would give operators something decent to work with and of course that could be the maximum that they could charge, and they were able to agree a lower price for fares. He felt that only a 5% increase would see a similar request come to the Committee in 6 months time and that it would be better to put forward the 10% proposed increase now.

A Committee Member suggested that the use of older vehicles could bring down the operational costs. Tom Ince reported that the Council had declared a climate emergency and they wished to drive up the standards of vehicles and not use older cars with likely more emissions.

Tom Ince felt that they needed evidence from the trade, with figures based on their operational costs and would wish for them to make a suggestion on a percentage increase.

A Committee Member reported that one of his constituents that lives in rural area with no bus service was currently having to spend £90 on taxis. A 10% increase to that person who is disabled and on benefits could mean that taxi travel was no longer an option.

A Committee Member was concerned that there was not a level playing field issues with the issues. Because of the number of owner drivers, this was not helping with the provision of WAV as this is only needed for operators over 10 vehicles. Because we are the Local Authority responsible for providing the PTU journeys he was concerned that contracts could be returned and not being able to transport our young people and vulnerable adults. Whilst he was not happy with the proposed 5% he was not sure what he would be happy with and felt that this was a difficult decision.

The Chairman reminded that the consultation was a key element to all of this and then it would need to be given due consideration.

A Committee Member reminded that the proposed tariff increase only related to hackney carriage journeys and that was the maximum fare that could be charged. Journeys with private hire vehicles could be negotiated. Her priority was to consult with operators for the minimum of 2 weeks and then look to get something in place for operators which may impact residents – a fuller consultation to all residents would delay any changes and that would be a whole new piece of work to start. She felt that it was prudent to do something now and consider that there may be more work to do, this could be phase 1 and phase 2 could be a deep dive to look at the work and consider the a relaxation on the age or mileage of vehicles and look at other factors to make the Wiltshire taxi offer more sustainable.

A Committee Member asked about the consultation timescale. Tom Ince reported that they would look to work with the Communications Team to get the consultation out as soon as possible, but that it would be at least July before they would be reviewing any responses.

A Committee Member felt that an evidence led consultation should be carried out and that the Licensing Committee should review the findings as it was acknowledged that different operators would have different costs. She felt that something should be done now and then a date set for a detailed report to come back to the Licensing Committee to consider.

Tom Ince reminded of the cost to the Council to implement any changes (advertising of proposed changes etc) and the cost to operators to make those changes on their meters.

A Committee Member felt that the Council were reacting slowly and after hearing that one of Wiltshire's providers is losing £5k a month it may be that operators will be lost if there is a delay. He felt that it was important to make the right decision as soon as possible. Tom Ince agreed that the any decision made has to work for the licensing trade.

A Committee Member asked for there to be a second part to the recommendation to include asking the trade/operators/drivers for ideas on how running costs could be reduced and then consideration could be given to what

changes could be made to our policies/procedures to assist taxi drivers with this.

A Committee Member proposed that the consultation be carried out on the basis of a recommendation to raise tariff 1 fares by 10% and this was duly seconded.

After it was put to the vote it was

Resolved:

1. That the Licensing Committee ratifies the Taxi Licensing team decision to increase Tariff 1 fares by up to and including 10% for Hackney Carriages and that this proposal is put out to a 14 day consultation.
2. That the Taxi Licensing Team look at what additional support they can provide to help operators reduce their operating costs with possible amendments to the Council's policies and procedures.

50 **Dates of Future Committee Meetings**

Members noted the future meetings of the Licensing Committee, all to commence at 10.30am:

12 September 2022
5 December 2022
6 March 2023.

51 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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