

CHILTERN DISTRICT COUNCIL

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Licensing & Regulation Committee

Thursday, 1st March, 2012 at 6.00 pm

Please note the revised start time

**Large & Small Committee Room, King George V House, King George V Road,
Amersham**

REVISED AGENDA

- 1 Evacuation Procedures
- 2 Minutes
To sign the Minutes of the meeting held on 24 November 2011, previously circulated.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Minutes of the Licensing Sub Committee
To sign the Minutes of the meeting of the Licensing Sub Committee held on 1 March 2011 (previously circulated).
- 6 Street Trading Policy (*Pages 1 - 2*)
Appendix 1 (Pages 3 - 26)
- 7 Review of the Hackney Carriage and Private Hire Licensing Policy (*Pages 27 - 34*)

- 8 Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage Fare Increase (*Pages 35 - 44*)
Appendix 1 (Pages 45 - 50)
Appendix 2 (Pages 51 - 52)
- 9 Exclusion of the Public
To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.
- 10 Private Reports: (if any)

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Licensing & Regulation Committee

Councillors: P N Shepherd (Chairman)
D G Meacock (Vice-Chairman)
S P Berry
Mrs J A Burton
M J Cunnane
G K Harris
P J Hudson
P M Jones
D J Lacey
S A Patel
M Prince
C H Spruytenburg
N Stewert
H A Trevette
M Vivis

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**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE - 1ST MARCH 2012**

Background Papers, if any, are specified at the end of the Report

STREET TRADING POLICY

Contact Officer: Ian Snudden 01494 732057

RECOMMENDATIONS

- 1. That Members consider the Statement of Licensing Policy and give permission for it to be submitted to a 12 week consultation with local businesses and other relevant bodies.**
- 2. That the policy be amended following the consultation period and that a further report be submitted to the Licensing and Regulation Committee for approval of the final policy by Cabinet.**

Background

- 1 Under the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may impose limitations on Street Trading within its area. At a meeting of the Environmental Health Committee held on 31st May 1984, it was resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area with the result that a number of streets were designated as consent streets. This means that anyone who wishes to trade on these streets must hold a street trading consent. In May 2005, the A413 was designated as a prohibited street.
- 2 Local authorities are concerned not only with consumer protection but also with the suitability of those who are street traders, what they sell and also any nuisance and inconvenience or obstruction that they may occasion to those using the streets in question. The aim of the Council's street trading policy is to encourage a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.
- 3 Good practice dictates that a licensing authority should have a policy which would provide guidelines for potential applicants and advises members of the public and officers as to how Chiltern District Council will consider applications for street trading in the area.

- 4 A draft statement of policy has been prepared and is detailed in **Appendix 1**. It is proposed, with the Committee's approval, to formally consult on the policy over a 12 week period and report back on the outcome and present the final policy to the Committee in May 2012.

Background Papers: None

CHILTERN District Council



CHILTERN
District Council

Health and Housing Division

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

**STATEMENT OF
LICENSING POLICY
2012**

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1.0 Introduction

- 1.1 The aim of this policy is to set out Chiltern District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.3 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.4 In determining this policy, the Council has consulted the following people and bodies:
- a) Thames Valley Police;
 - b) Buckinghamshire Fire and Rescue;
 - c) Existing consent holders;
 - d) Representatives of businesses and residents in the Chiltern DC area;
 - e) Town and Parish Councils;
 - f) Chiltern DC Estates Officer
- 1.5 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.6 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy will be reviewed to take account of changes in legislation or Government guidance.

2 Legislation and current provision

- 2.1 At a meeting of the Environmental Health Committee held on 31st May 1984, it was resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area with the result that a number of streets were designated as consent streets. This means that anyone who wishes to trade on these streets must hold a street trading consent. In May 2005, the A413 was designated as a prohibited street.

- 2.2 Annex 1 and 2 list and map the streets in the District that are designated as prohibited streets or consent streets.
- 2.3 Street Traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.3 'Street Trading' is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 2.4 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without local authority consent
 - Licence Streets: where trading is prohibited without a local authority licence
- 2.5 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000. However, the Act makes certain activities exempt from the requirement to hold a consent. These are:
- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
 - b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
 - c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - d) news vendors selling only newspapers or periodicals
 - e) petrol filling stations
 - f) shops forecourts
 - g) rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
 - h) objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
 - i) operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980

3 The Licensing Process and Delegation of Functions

- 3.1 This part of the document sets out how applications for Street Trading Consents in the Chiltern District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.
- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the Licensing and Regulation Committee for determination.

4.0 Applications for a Street Trading Consent

Advice for New Applicants

- 4.1 New applicants are advised to contact the Council, Thames Valley Police and Transport for Bucks at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission or building control approval.

Applications

- 4.3 Applications will only be considered for sites in 'Consent Streets'. All applications must be made on the Council's prescribed application form.
- 4.4 Each application must be accompanied by the prescribed, non-refundable application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 4.5 The following will also be required to be submitted with the application:
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line. The map should also indicate the locations of other street traders and outlets trading in similar commodities to those proposed.
 - Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.

Processing of an Application

- 4.6 On receipt of the application form an acknowledgment will be sent to the applicant.
- 4.7 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.8 The application will either be:
- Granted and a trading consent will be issued with conditions attached, or
 - Refused.
- 4.9 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted:
- Thames Valley Police,
 - Bucks Fire and Rescue Service,
 - Transport for Bucks, Bucks County Council.
 - Environmental Health (Food, safety and noise)
 - Planning
 - Ward and Parish or Town Councillors
- 4.10 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the consent.
- 4.11 Written observations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

Key Considerations

- 4.12 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 4.13 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:
- a) Public Safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

 - b) Public Order
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

- c) The Avoidance of Public Nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
- d) Highway
The location and operating times will be such that the highway can be maintained in accordance with the Buckinghamshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

4.14 The Council will normally grant a street trading consent unless, in its opinion:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes *but note that competition issues will not be a consideration*;
- There is a conflict with Traffic Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Departure from Policy

- 4.15 In exercising its discretion in carrying out its regulatory functions, Chiltern District Council will have regard to this Policy document and the principles set out therein.
- 4.16 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.17 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Health and Housing may authorise a departure from the policy in accordance with

this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Members Services.

- 4.18 There is no right of appeal against a variation of a condition, or refusal to grant or renew a trading Consent.
- 4.19 Any proposed change to standard conditions will be consulted with consent holders and others, if relevant.

Consents

- 4.20 Consents may be issued for a period of up to consecutive 12 months or quarterly.
- 4.21 All Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.
- 4.22 Upon renewal, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 4.23 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the consent will be renewed.
- 4.24 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the Licensing and Regulation Committee.
- 4.25 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
- 4.26 Where an application is referred to the Licensing and Regulation Committee, it will determine each application on its own merits. Members of the Committee will consider all information attached to the application. If a member of the Committee has an interest in a neighbouring premise or knows an applicant personally, they must declare an interest in accordance with Local Authorities (Model Code of Conduct) Order 2007the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.
- 4.27 Following the determination of an application, the Head of Health and Housing will notify the applicant of the decision in writing as soon as possible after the decision.
- 4.28 There is no statutory right of appeal against refusal to issue a consent.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in Annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to revocation or non renewal of consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to consents or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a consent.

6 Fees

- 6.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the duration of the consent and the trading hours. Details of the current fees can be found on the Council's website or on application to the Licensing Section. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual consents should be accompanied by a non-refundable application fee. If the application is approved, the balance of the quarterly fee will be due in advance of the consent being issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.

Street Trading Consents for which fees are not payable

- 6.3 Chiltern District Council will not require the payment of fees for the following street trading activities:
 - fetes, carnivals or similar community based and run events
 - non-commercial or charitable events
 - farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
 - sales of articles by householders on land contiguous with their homes
 - the authorised street markets at Amersham and Chesham

7 Markets and Special Events

- 7.1 The Authorised Amersham and Chesham weekly markets are outside the scope of the street trading scheme.
- 7.2 For special events such as Christmas or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.
- 7.3 The Council will require that the company produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the company organising the event.
- 7.4 The Council will require the operating company to hold an insurance certificate covering all the individual traders.
- 7.5 If the event is being held on behalf of raising funds for a charity, etc the fee will be waived.

8 Enforcement

- 8.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 8.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 8.3 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 8.4 The responsibility for the overall supervision of street trading lies with the Head of Health and Housing.

9 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team

Chiltern District Council
King George V House
King George V Road
Amersham
Bucks HP6 5AW

T: 01494 732068

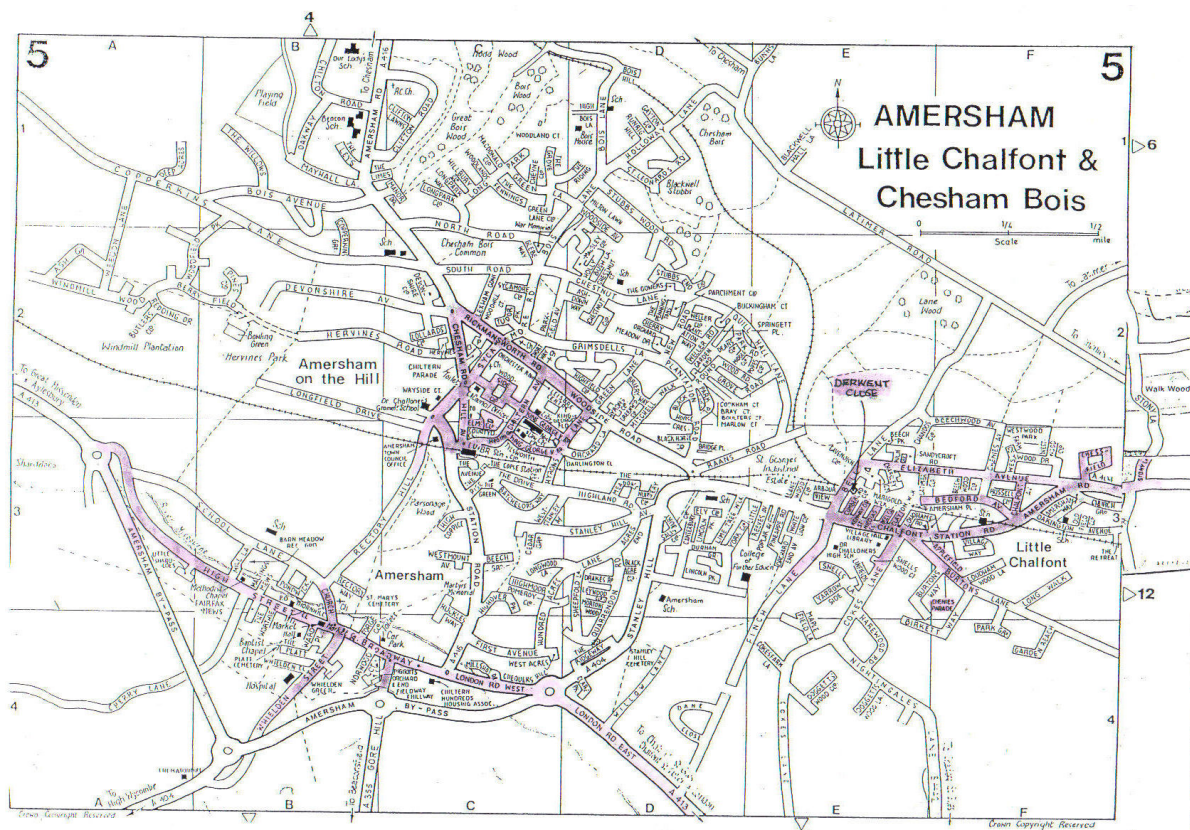
F: 01494 586504

E: licensing@chiltern.gov.uk

Website: www.chiltern.gov.uk

Annex 1 Consent Streets

Amersham



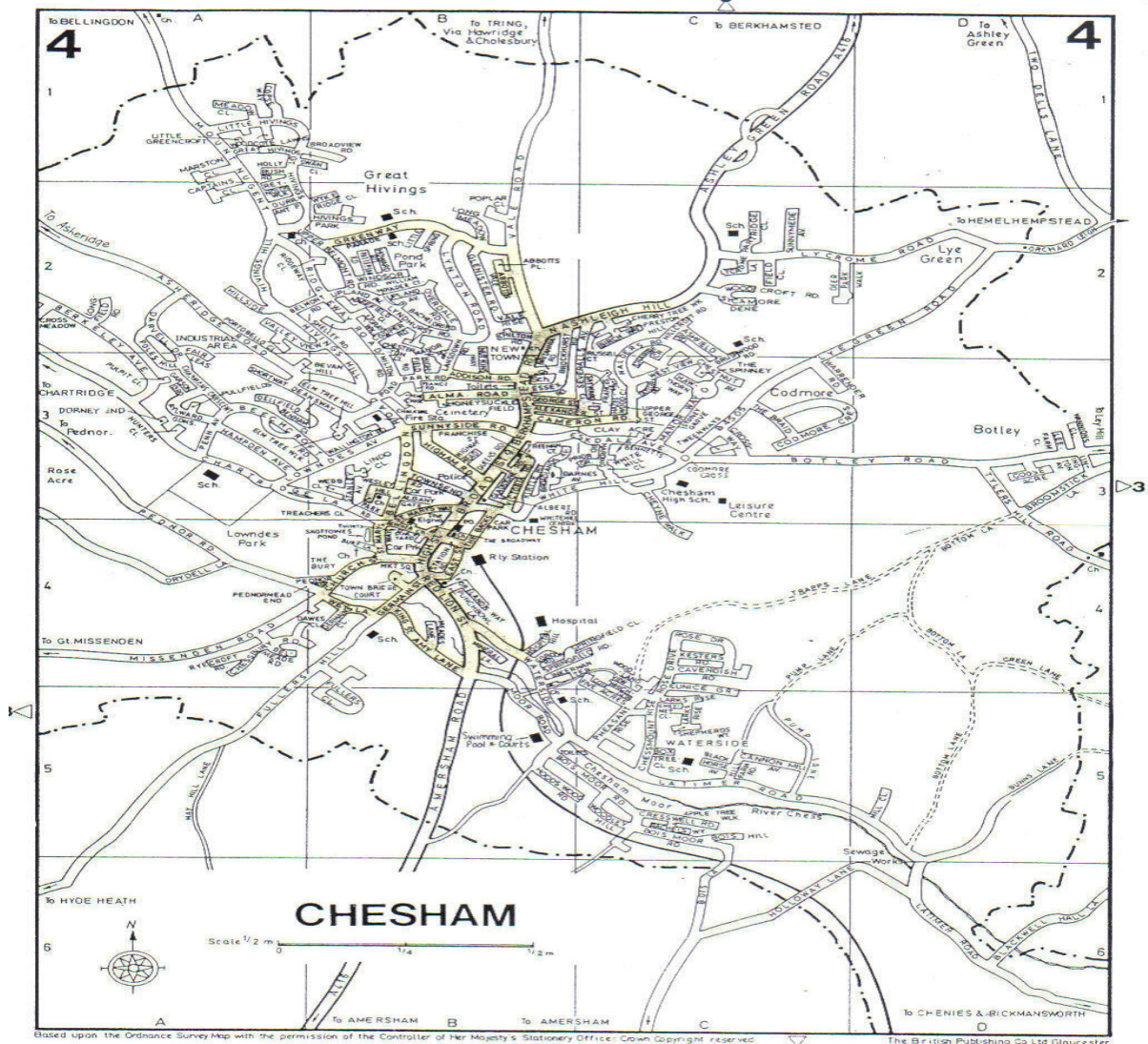
London Road West, also known in part as Chequers Hill;
 The Broadway;
 Market Square;
 High Street;
 Missenden Road (otherwise known as Wendover Road) all forming part of the traffic route A413 from the junction of Stanley Hill westwards to the point where the road passes over the River Misbourne west of the layby in front of the main entrance to the Shardeloes Estate;
 Church Street;
 Whielden Street/Whielden Lane from the junction of the A413 to a point opposite the Southern boundary of the Amersham Hospital Car Park;
 That section of Gore Hill from The Broadway to the junction with Fieldway.
 London Road (A413) towards Chalfont St Giles

Amersham-on-the-Hill

Chesham Road from the junction with Devonshire Avenue to the junction with Station Road;
 Rectory Hill from the junction with Station Road to LRT overbridge;
 Station Road from the junction of Chesham Road to the LRT overbridge;
 Station Approach, Hill Avenue;

Elm Close, Chiltern Avenue;
King George V Road;
Hyrons Lane from the junction of Woodside Road to the LRT overbridge;
Woodside Road from the junction of Hyrons Lane to Rickmansworth Road;
Woodside Close, Sycamore Close;
Sycamore Road;
Service Road off Sycamore Road leading to Car Park;
Short Way, Tudor Park;
Grimsdells Lane from the junction with Shortway to Sycamore Road;
Lexham Gardens;
Rickmansworth Road from the junction with Devonshire Avenue to Woodside Road.

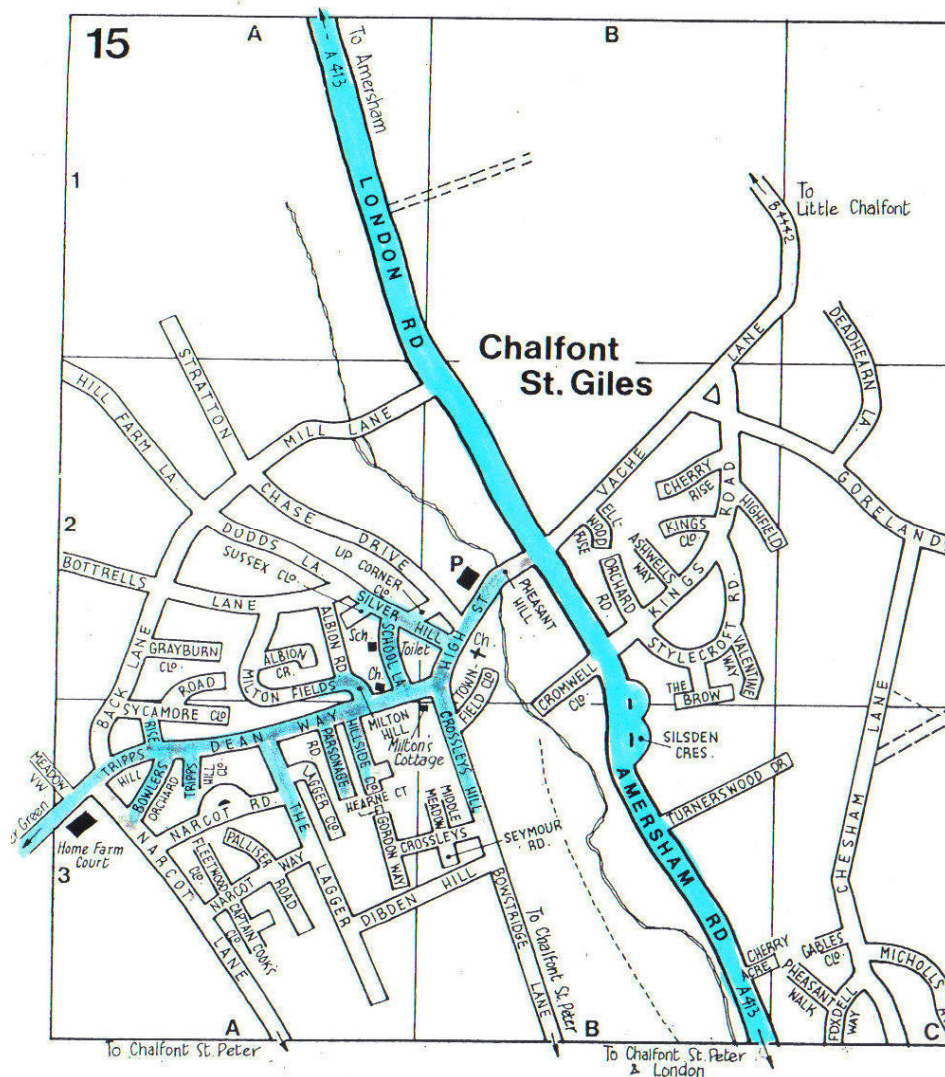
Chesham



Broad Street;
 High Street;
 Red Lion Street;
 Market Square;
 Waterside from the junction of Red Lion Street to the LRT overbridge;
 Moor Road from the junction of Amersham Road to the LRT overbridge;
 Amersham Road;
 Amy Lane;
 Meades Lane;
 Germain Street from the junction with Fullers Hill and Wey Lane to the junction with Red Lion Street and Market Square;
 Wey Lane;
 Church Street;
 St Mary's Way;
 Blucher Street;
 The Broadway;

Park Road from the junction of St Mary's Way to junction with Stanley Avenue;
Bellington Road from the junction of St Mary's Way to the junction with Sunnyside Road;
Sunnyside Road;
Higham Road;
Townsend Road;
Elgiva Lane;
Wesley Hill;
East Street;
Station Road;
The Backs;
White Hill from the junction of Victoria Road to the junction with Broad Street, High Street and St Mary's Way;
Townfield;
Gladstone Road;
Victoria Road;
Bury Lane;
Albert Road;
Abbotts Place;
Abbotts Vale;
Addison Road;
Alexander Street;
Alma Road;
Berkhampstead Road;
Birch Way;
Britannia Road;
Brockhurst Road;
Cameron Road (to junction with Stoney Grove);
Cherry Tree Walk;
Chilton Road;
Essex Road;
Frances Street;
George Street;
Greenway;
Nashleigh Hill (to junction with Preston Hill);
Nutkins Way;
Preston Hill;
Russell Court;
Sayward Close;
Severalls Avenue;
Treachers Close;
Vale Rise;
Vale Road (to junction with Greenway).

Chalfont St Giles



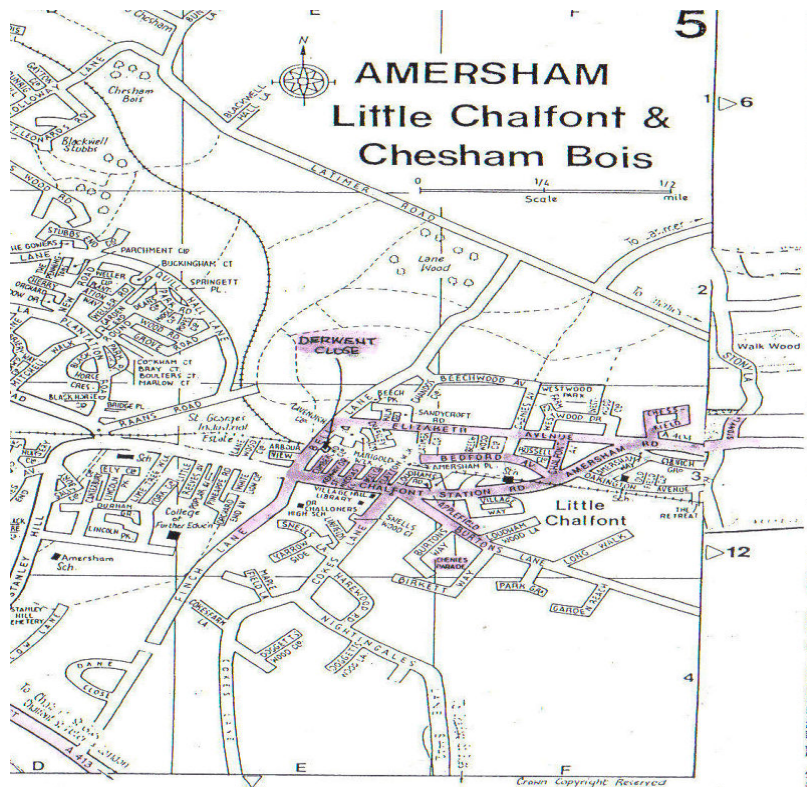
Pheasant Hill;
 High Street (including The Green);
 Silver Hill (from the junction with High Street to the junction with School Lane);
 Up Corner Close;
 School Lane;
 Bowstridge Lane (from the junction with High Street to the junction with Crossleys);
 Townfield Lane;
 Dean Way;
 Hillside Close;
 Parsonage Road;
 The Lager (from the junction with Dean Way to the junction with Narcot Road);
 Tripps Hill Close;
 Bowlers Orchard;
 Milton Hill;
 Sycamore Rise;

Narcot Lane (from the junction with Three Households to the junction with Narcot Road);

Three Households (from the junction with Narcot Lane to 10 metres beyond "Old Beams").

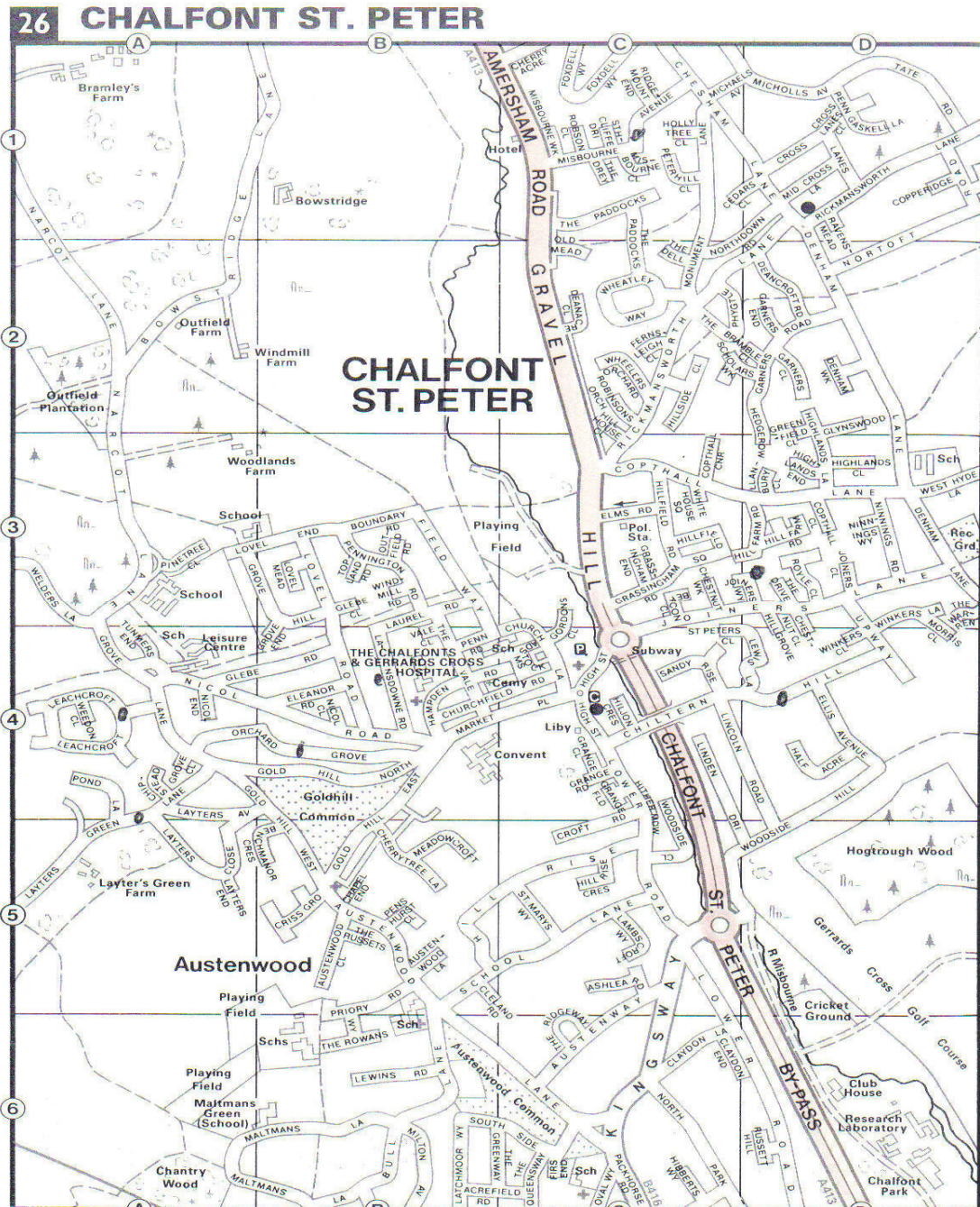
London Road/Amersham Road (A413) towards Chalfont St Peter

Little Chalfont



Amersham Place;
 Amersham Road;
 Amersham Way;
 Applefield;
 Arbour View;
 Bedford Avenue;
 Bell Lane (to junction with Elizabeth Avenue);
 Beel Close;
 Burtons Lane (to junction with Loudhams Wood Lane);
 Chalfont Avenue;
 Chalfont Station Road;
 Chenies Parade;
 Chessfield Park;
 Church Grove;
 Clayton Walk;
 Cokes Lane (to junction with Snells Wood Court);
 Cumberland Close;
 Derwent Close;
 Elizabeth Avenue;
 Finch Lane (200 yards from junction with White Lion Road);
 Kenway Drive;
 Loudhams Road;
 St Nicholas Close;
 Stoney Lane (200 yards from junction with Amersham Road);
 White Lion Road (to junction with Bell Lane).

Chalfont St Peter



Gravel Hill/Chalfont St Peter By-Pass to the district boundary

Annex 2 Prohibited Street

A413 from its junction with Stanley Hill, Amersham to the District Boundary at Chalfont St Peter

Annex 3 Standard Conditions Applicable to Street Trading Consents

General

- a) These Standard Conditions will apply to all licences unless disapplied or varied by the Head of Housing and Public Protection.

Standard Conditions

1. Definitions

- i) 'street' includes –

- [a] any road, footway, beach or other area to which the public have access ;and
- [b] all forecourts, roads, footways or other areas adjacent to a street for a distance of 7 metres; and
- [c] a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street;

- (ii) 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street;

2. The Consent granted by the Council is personal to the holder.
3. The street trading consent only relates to the vehicle/premises stipulated within the consent.
4. The consent holder can only trade in the goods stipulated in the consent.
5. Ancillary items can be sold where relevant to the goods being traded.
6. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
7. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
8. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
9. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.

10. The Consent may only be transferred to another person with the prior written consent of the Head of Health and Housing.
11. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
12. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
13. The consent holder will vacate the site within 15 minutes of the end of the permitted hours.
14. The consent holder shall not trade in any street designated by the Council as a prohibited street.
15. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
16. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
17. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - (a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - (b) Cause an obstruction to the vehicles or pedestrians in the street.
 - (c) Cause a danger to occupiers of adjoining property or to other users of the street.
18. The holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
19. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
20. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.

21. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
22. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
23. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
24. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
25. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
26. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Head of Health and Housing.
27. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
28. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
29. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
30. The holder shall notify the Head of Health and Housing at Council Offices, King George V House, King George V Road, Amersham, Bucks, HP6 5AW in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.

31. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
32. The Council may revoke the Consent at any time.
33. The holder will return the Consent to the Council immediately upon revocation or surrender.
34. In the event of the Consent being surrendered or revoked before the expiry date no refunds will be given.
35. The Council may at any time vary these Conditions without notice.

Additional Conditions Applicable To Special Events/Markets

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords and crossbows)
4. If the Public Conveniences are required to open beyond 20:00 a charge will be levied in accordance with the Council's fees and charges.
5. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE - 1st MARCH 2012**

Background Papers, if any, are specified at the end of the Report

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 –
REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING
POLICY.**

Contact Officer: Ben Coakley 01494 732060 and Stewart Broome

Matter for Consideration:

- 1 To consider suggested revisions to the Hackney Carriage and Private Hire Policy in respect of the licensing and control of Hackney Carriage and Private Hire vehicles, drivers, proprietors and operators. This report details items that are recommended for consideration and if approved, would be the subject of consultation with the public, trade and other agencies.
- 2 The recommendations are derived from best practice. In addition, Members may wish to ask for matters to be considered in the review.
- 3 A summary of the proposals is presented below.

For Immediate implementation

To amend the conditions of licensing to enable a ‘License Suspended’ notice to be displayed on licensed vehicles.

- 4 All licensed vehicles must be maintained in a roadworthy condition at all times whilst licensed. The Council has recently approved four VOSA registered garages to undertake the vehicle safety inspections. This was undertaken in the interests of public safety to improve both the consistency of vehicle inspection and to allow for the rapid ‘pass or fail’ notification to the Council of a vehicle test.
- 5 Since the contract implementation of 1st February 2012 the Council has received notification of 5 ‘fails’ due to the vehicle not being roadworthy. The reasons for failure range from illegal tyres, worn brakes, and transmission failure issues. These vehicles are currently licensed with the Council and have been required to attend the 6 monthly inspection.
- 6 Prior to the contract being in place, the Council did not receive notification of vehicle failures from the garages. Vehicle owners would undertake the relevant repairs and obtain a pass certificate. During the period to undertake the repairs it is possible that the vehicle was used for hire.
- 7 To prevent a failed vehicle being used, an Authorised Officer or Police Constable not satisfied as to the fitness of the vehicle may suspend the vehicle until such time as they are so satisfied.

- 8 The legislative procedure requires a notice to be served under Section 68, Local Government (Miscellaneous Provisions) Act 1976; this notice must suspend the vehicle licence and request the return of the licence plates. Section 58 then allows the licence holder a period of 7 days to return their plates.
- 9 This presents a risk that licence holders may continue to use a suspended vehicle for work during the 7 day period, as the vehicle would appear to still be licensed, and members of the public would have no idea that the vehicle had been suspended for being un-roadworthy.
- 10 Vehicle conditions cannot be used to over ride legislation and allow an authorised person to remove a licence plate with immediate effect. However, it is silent over the use of other enforcement methods to stop vehicles being used.
- 11 To prevent an un-roadworthy being used an adhesive 'Licence Suspended' notice could be positioned over the external plate, demonstrating to potential users that the vehicle is not licensed. Such a sticker could be applied by an authorised officer or police officer.

RECOMMENDATION

To amend the conditions of Hackney Carriage Vehicle licences, and conditions of Private Hire Vehicle licences to require a licence holder to display a "Licence Suspended" plate on the rear of the vehicle during the permitted seven day period provided by Section 58 following the service of a Section 68 notice on their vehicle.

To permit an Authorised Officer of the Council, to attach the "Licence Suspended" sign to the vehicle following its suspension

Options for Consideration:

Vehicles

All Hackney Carriage roof signs to be a minimum of 18 inches wide to clearly distinguish them from other road users

- 12 Hackney Carriages must have a roof sign stating the word "TAXI" securely attached to their vehicle at all times.
- 13 However, the size of the signs used by the trade varies. To help members of the public clearly identify an approaching Hackney Carriage, the Licensing

Authority proposes to make the minimum size of "TAXI" roof signs 18 inches wide.

- 14 Although Best Practice guidance does not stipulate that roof signs should be a certain size, it does state that it is important to distinguish between a Hackney Carriage and a Private Hire vehicle.

RECOMMENDATION

To amend the existing conditions to require roof signs for a Hackney Carriage to be a minimum of 18 inches wide and /that only the words TAXI on the front and rear of the roof sign may be displayed. (save for purpose built Hackney Carriages with inbuilt roof signs)

Age of Vehicle

- 15 The current policy states all vehicles must be less than 4 years when first licensed, and no older than 10 years in the case of subsequent renewals. However, the ability to exceed these limits if the vehicle complies with the standards of conditions of appearance and passes an MOT and Compliance test exists
- 16 In order to help provide a modern fleet that complies with Euro standards on safety and on emissions it is proposed that vehicles should be no older than 4 years at initial application and no older than 10 years on subsequent renewal. The appearance condition would help inform proprietors of the vehicle standard that must be maintained at all times whilst licensed, and would no longer be a reason to licence an older vehicle.
- 17 Furthermore, it is recommended that no application to change an existing licensed vehicle will be granted where the proposed vehicle is older than the vehicle being replaced. This would ensure that the fleet's age does not regress.

RECOMMENDATION

To amend the conditions to require that licensed vehicles should be

- 1) no older than 4 years at initial application and**
- 2) no older than 10 years on subsequent renewal.**

AND

To amend the Policy to refuse to grant a change of vehicle where the proposed vehicle is older than the existing vehicle.

Clarification of requirements to be eligible for executive exemption

- 18 Our current policy requires all Private Hire vehicles to carry door signs during the currency of the licence, unless the licence holder can satisfy the licensing authority that the work they carry out is executive in nature. At present there is no formal framework guiding how this decision is made.
- 19 In order to enable licence holders to obtain an executive plate it is now recommended that the information listed below is submitted to the licensing officer prior to the granting of any exemption certificate.
- 20 It is suggested that the information is reviewed on an annual basis during the licence renewal period, with the licensing team making a decision as to whether the exemption is still valid. The Licensing Authority's decision will be final in all cases.
- **Identification of vehicle/s involved.** Full details of the vehicles being used, including make and model of vehicle, vehicle registration, licence details, owner's details and full name and address of the driver using the vehicle.
 - **Nature of work carried out by each vehicle** (which must be work of a prestigious nature, as opposed to ordinary Private Hire work) detailing each of the contracts and information on the number of journeys used as part of each contract. The predominant use (80%) of the car must be for contract Private Hire for which a written contract is in existence.
 - **Identities of all business clients** served by the vehicle(s) identified. Full name, address and details of business clients including contact name, telephone number and website address and companies house registration number. A copy of the contract between the parties must be provided.
 - **Proportion of each vehicle's work, which is derived from each, named business client.** i.e. on a weekly basis how often will you be working for each individual client
 - **Written confirmation from the business clients named.** A letter will be required confirming use of your services and confirming reasons why normal licence plates are not to be displayed.

RECOMMENDATION

To amend the Policy to clarify when a vehicle will be considered for executive exemption.

Limousines, Vintage, and Novelty Vehicles

- 21 The Authority has been approached on a number of occasions by individuals wishing to licence stretched limousines, and unusual vehicles like fire engines for Private Hire work.
- 22 Any stretching of a vehicle, or use of a vehicle for a purpose other than its intended use generally takes it outside of the manufacturer's original specification, and safety testing that may have been conducted. Therefore, there are significant public safety issues to be addressed when licensing such vehicles. Our current requirements and conditions of licence rule out the possibility of licensing these types of vehicles due to a number of reasons.
- 23 Any change to conditions may open the Council's standard requirements to only allow a vehicle with a type approval certificate to be challenged.
- 24 Department of Transport's Best Practice Guide 2010 states that such vehicles have a legitimate role to play within the Private Hire trade. The DoT suggests licensing such vehicles to bring the vehicle, operators and drivers within the licensing provisions enabling controls.
- 25 Member's views are sought on amending the conditions to permit the licensing authority to licence these vehicles.

RECOMMENDATION

To consider amendment to the policy to introduce a "Non-Standard" Private Hire Vehicle category.

Options for Consideration:

Drivers

To consider introducing a new three year badge for Private Hire and Hackney Carriage drivers.

- 26 The current policy of the Authority is to licence both vehicles and drivers for a maximum period of one year.
- 27 Legislation requires that vehicles must be licensed every year. However, driver's badges can be issued for up to a maximum of 3 years.
- 28 The trade has requested that we introduce 3 year driver's badges for all issued licences.
- 29 Best Practice Guidance suggests that where an Authority is minded to introduce 3 year licences, it should also consider continuing to offering annual licences.

- 30 The introduction of the 3 year licence may lower the Council's administrative costs, but may have an adverse impact on the level of income generated.
- 31 Any change would require a review of fees and charges.

RECOMMENDATION

To consider the introduction of a three year licence for Private Hire and Hackney Carriage driver's badges and to review the fees charged

All applicants registered in the UK for less than 5 years be required to submit a certificate of good faith from their national embassy - Best Practice Guidance Recommendation

- 32 The authority conducts enhanced Criminal Records Bureau checks on all applicants. However, these checks only verify convictions or cautions registered within the United Kingdom, and so there is no knowledge of any possible criminal history from elsewhere in the world.
- 33 The Licensing Authority proposes to amend its licensing policy to include the Department of Transport's Best Practice recommendation to require all new applicants registered in the UK for less than 5 years to submit a certificate of good faith from their National Embassy as part of their application for a driver or operator licence.

RECOMMENDATION

To amend the policy to require all new applicants registered in the UK for less than 5 years to submit a certificate of good faith from their national embassy as part of their application for a driver or operator licence.

To relax the current medical requirements

- 34 The taxi licensing policy currently requires as part of the Fit and Proper Person test that a medical certificate is required with any application for a Hackney Carriage or Private Hire driver's badge.
- 35 The trade have suggested that this requirement is over burdensome and requested a change to the condition, to allow drivers holding a current licence to apply for a Private Hire or Hackney Carriage driver's licence without an additional medical costing between £70 and £120.

- 36 Whilst under licence a driver is duty bound via conditions to notify us of any changes in their personal medical status. Section 57 (2)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 states a licensing authority may require an applicant to produce a medical certificate signed by a registered medical practitioner to accompany any application.
- 37 The impact of relaxing this particular requirement of an application is that the Authority would have to rely on an old medical examination when issuing an alternative licence or on the honesty of the individual to self declare a change in their medical status upon application.
- 38 Alternative approaches include the issue of a dual licence to all drivers applying for a Hackney Carriage and a Private Hire driver's licence. This would not reduce the Council's administrative costs, but would reduce the licensing income. Any change would require a review of fees and charges.
- 39 Alternatively, the Council could commission a medical advisor to issue all medical examinations and charge a standard fee.

RECOMMENDATION

To consider the approach to be adopted.

Disability Awareness Training – Best Practice Guidance Recommendation

- 40 The Licensing Authority is increasingly in receipt of complaints relating to the treatment of persons with various mental and physical disabilities.
- 41 This treatment is usually born out of ignorance of the person's condition, and of the law itself. This matter was also raised by disabled persons at the NHS transport symposium on Better Healthcare in Buckinghamshire. It was considered that Hackney Carriage drivers should be trained in dealing with disabled persons.
- 42 A disability awareness test and training could be introduced via the DSA or other suitable organisation to new and existing applicants, and drivers asked to pass the test within a suitable timeframe.

RECOMMENDATION

To consider amending the policy to introduce a disability awareness test

To consider amendments to the Hackney Carriage and Private Hire Enforcement policy

- 43 The current enforcement policy has regard to the Home Office guidance on the consideration of offences committed by applicants and licence holders.
- 44 The guidance enables the consideration of the penalty to be applied to licence holders or the period that must elapse before an application may be permitted from a new applicant. The policy however has little advice on how consideration may be given to an applicant who has committed multiple offences over a period of time.
- 45 It is recommended that the policy is reviewed to address how multiple offences may be applied to new applicants.
- 46 The policy also does not contain a system to guide the application of enforcement outcomes.
- 47 Several authorities have devised a “points system” that may be applied to existing licence holders for breaches of conditions. This enables a gradual application of standards and avoids the risk of appeal if a suspension is determined for minor infringements whilst providing a greater degree of control that a verbal or written warning would do.

RECOMMENDATION

To consider the introduction of a penalty points system

To consider the impact of multiple offences on applicants for licences.

Background papers: None

CHILTERN DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE

1ST MARCH 2012

Background Papers, if any, are specified at the end of the Report

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE FARE INCREASE**

Contact Officer: Stewart Broome 01494 732060 and Martin Holt 01494 732055

RECOMMENDATION

That Members consider:

A) If an increase in the fares is appropriate at this time

If it is considered appropriate;

B) Recommend to the Head of Health and Housing a percentage change in the Table of Fares to be charged and agree that Officers consult with the taxi meter companies and advertise the rate accordingly.

Matter for Consideration

- 1 The table of fares were last considered on the 2nd June 2011 where it was concluded that they should remain at their existing levels. It was noted that 12 months should elapse before they are considered again.
- 2 This report therefore represents a new request from the Chiltern District Drivers' Association (CDDA) for an increase the Hackney Carriage Table of Fares (**Appendix .1**).

Background

- 3 The Fares charged by Hackney Carriages may be considered annually (Minute 6 Licensing and Regulation Committee 27th June 2002), in accordance with the policy. A report is brought at this time to consider the request from the CDDA and if deemed appropriate, ensure that any new fares are set ahead of the renewal process to enable the taxi meter companies and proprietors opportunity to recalibrate the meters in line with renewal.
- 4 In summary the Head of Health and Housing consults with the Licensing and Regulation Committee to determine the table of fares, and advertises the proposals in the local press, in accordance with legislative requirements. An information item is then circulated to Members of the decision. A copy of the proposed table of fares is sent to all Hackney Carriage licence holders and the

trade organisation representing them. If no objections are received the fares automatically come in to effect on the advertised date.

- 5 Any objections to the changes received within the statutory period will be referred back to this Committee for further consideration.
- 6 A final recommendation is then made to the Head of Health & Housing on whether to confirm or amend the proposed changes to the Table of Fares including the date it is to come in to force and notification of the decision in the local press.

Information

- 7 The Hackney Carriage fares were last increased on 1st November 2008 by 10%, bringing the cost of a two mile journey to £5.20. The request in June 2008 by the trade followed a significant increase in fuel prices that started in January 2008. Immediately after this fare increase in 2008, motoring expenditure fell sharply with significant decreases in oil and fuel prices. Since that point, fuel has risen again and in February 2012 exceeds the 2008 high.
- 8 This is demonstrated on the graph below showing average fuel price variations from 2007 to 2012.

Figure 1: Diesel Price Comparison

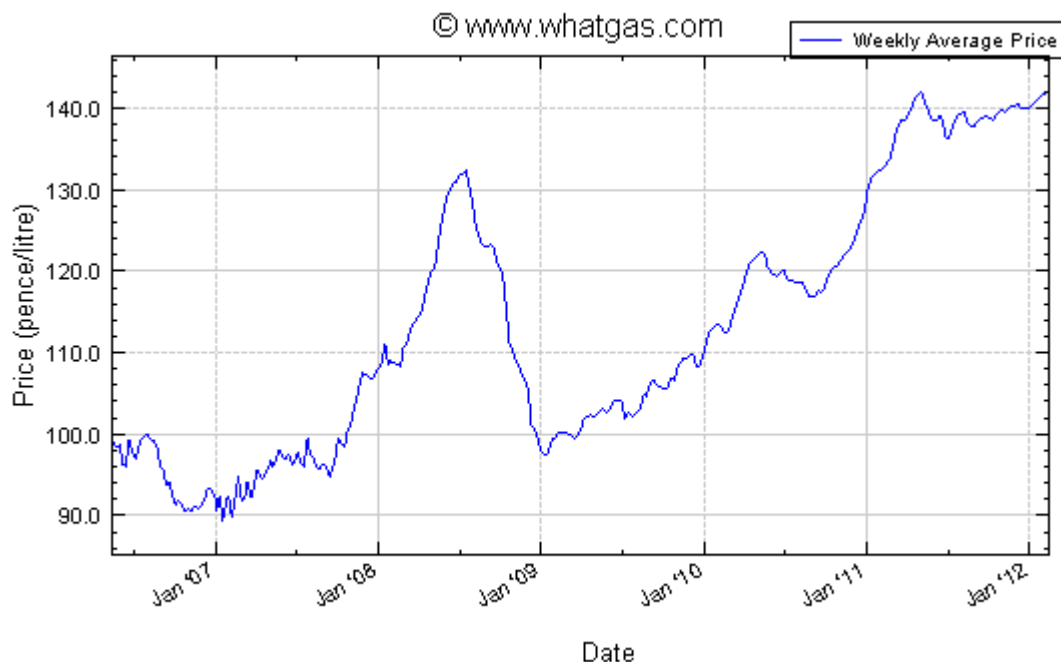
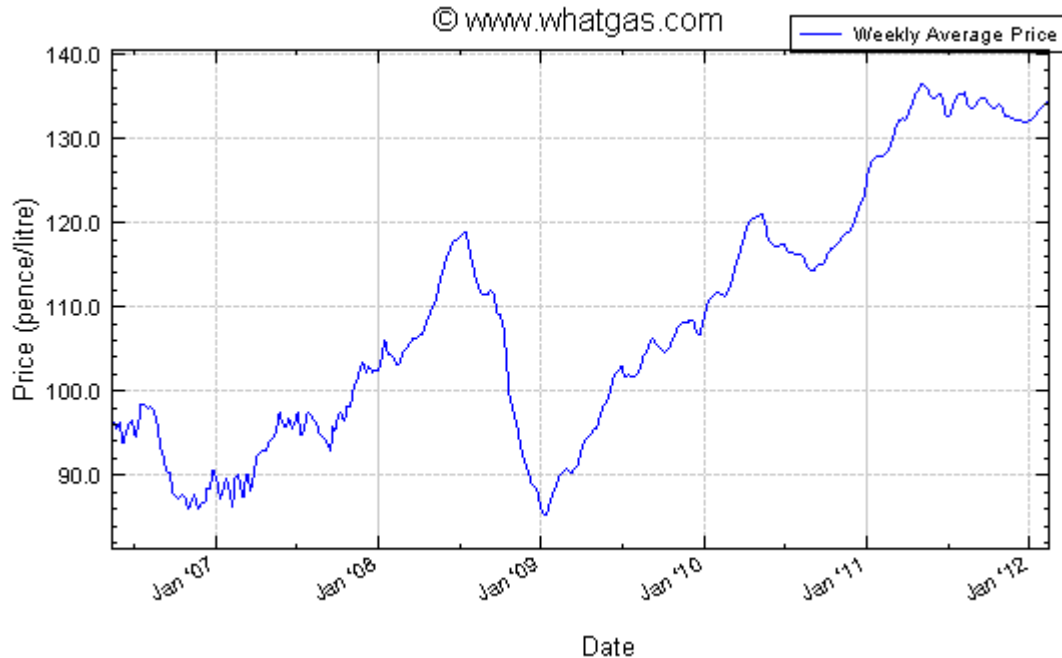


Figure 2: Petrol Price Comparison



9 The following table illustrates the increase and decrease in petrol and diesel prices since June 2008.

	June 08	June 09	June 10	June 11	Jan 12
Petrol	116.9	102.7	118.1	136.1	133.5
Diesel	130.3	104.8	120.5	139.8	141.9

Source: Automobile Association.

10 At the time of writing this report, the price of diesel has now overtaken the peak of June 2008 when the 10% increase to fares was put in place. From June 2008 to January 2012 the graph and table show that diesel costs have now overtaken the 2008 peak by 11.6 pence and unleaded by 16.6 pence.

11 Information from the Office for National Statistics indicates :

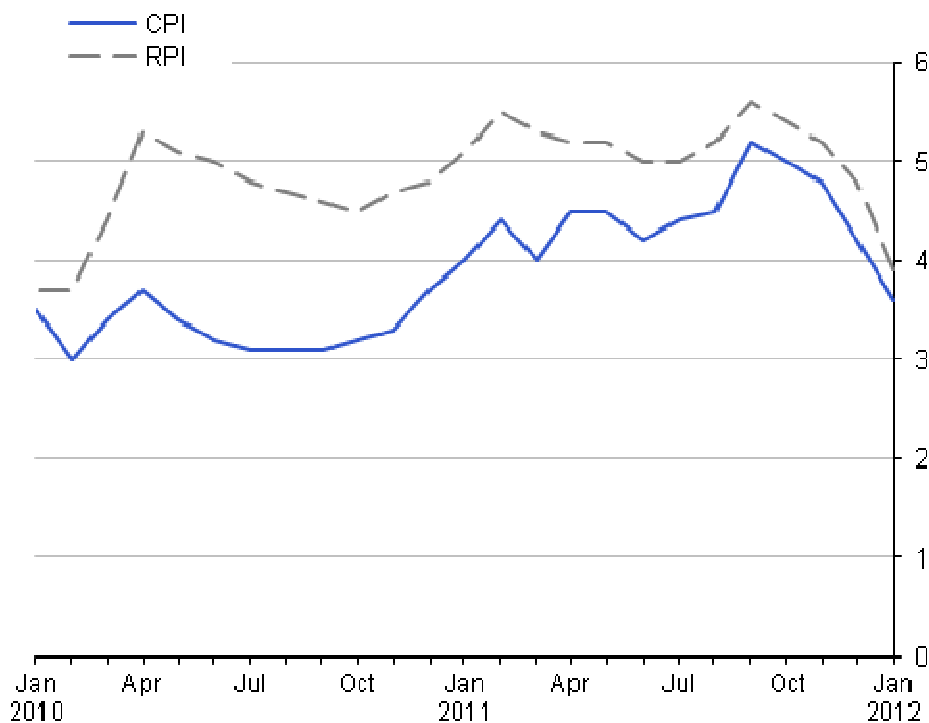
The consumer prices index (CPI) is the main United Kingdom domestic measure of consumer price inflation for macroeconomic purposes. The headlines for the March 2011 consumer prices index (CPI) are:

- CPI annual inflation stands at 3.6 per cent in January 2012, down from 4.2 per cent in December 2011.
- The largest downward pressures to this change came from fuels & lubricants, products bought in restaurants & cafes, tobacco, vehicle maintenance & repair, the purchase of new vehicles and alcoholic beverages.

The retail prices index (RPI) is the most long-standing general purpose measure of inflation in the United Kingdom and is available from June 1947.

•Annual inflation as recorded by the retail prices index (RPI) stands at 3.9 per cent in January 2012, down from 4.8 per cent in December 2011 and is the lowest it has been since February 2010 when it stood at 3.7 per cent.

Figure 3: Inflation



Source: Consumer price indices accessed on the 16 February 2012
Coverage: United Kingdom, <http://www.statistics.gov.uk/cci/nugget.asp?id=19>

- 12 **The percentage change in retail prices (RPI) since the Committee last considered the fares in June 2011 is -14.29%.**

*Calculated by the following formula: ((later date index minus earlier date index) divided by earlier date index) times 100 e.g.: ((401.6 [July 1987] - 384.7 [July 1986]) / 384.7 [July 1987]) * 100 = 4.4%. If we consider the last time the fares were considered, therefore, 4.2 [June 2011] - 3.6 [January 2012] / 4.2 [June 2011] * 100 = -14.29%*

- 13 Using the Baxter formula which considers labour, fuel and vehicle costs, a 6% per cent increase in costs over the last 12 months could be considered. This would equate to a rise of £0.32 pence on a two mile journey resulting in a charge of £5.52. (**Appendix .2**)

- 14 In terms of the Bucks Authorities, each has revised their fares since we last set our fees. The present comparative costs of a two mile journey in neighbouring authorities are (at the time of writing this report):

Buckinghamshire Local Authorities:

Authority	Cost of two mile journey	Date introduced	Current League Position
Aylesbury Vale DC	£4.30	July 2010	350
Wycombe DC	£5.10 £5.35	April 2011 From April 2012	244
South Bucks DC	£5.00	Aug 2010	256
Current Chiltern	£5.20	November 2008	216

Other Local Authorities:

Dacorum BC	£5.44	Aug 2011	164
Windsor & Maidenhead	£5.25	Nov 2011	211

Data Sourced from National Private Hire Association (Feb 2012 – Latest available at time of writing report)

- 15 The fare can be calculated by either an increase in the flag fall (the initial fare) or by a reduction in the distance. The current flag (minimum fare) for Chiltern is £3.00. There are currently only 53 Councils with a higher flag (out of 380 Council areas). However, only 34 of these Councils have a higher 1 mile day rate. This is the result of differing flag fall distances and/or rolling mile fees.
- 16 **The licence fees charged to applicants have not been increased by this authority since the existing fees were agreed in April 2007 and prior to this the last increase was in 2003.**
- 17 Based on a two-mile journey, Chiltern is ranked at 216 out of 363 Councils, in the Private Hire Association League Tables. The national average is a rank of 193 (with the more expensive the fare, the lower the ranking number). The full table will be available at the meeting.
- 18 The last time Members considered a fare increase Chiltern was ranked 171 out of 363 Councils based on a two mile journey; to restore Chiltern to this position would require a £0.20 increase on the existing two mile levels. From the following table Members may note that this could be achieved by applying an RPI increase to the table of fares or reducing the flag fall distance by 1/9th mile. The current rolling mile rate of £1.80 is £0.02 above the national average.
- 19 The table below details the existing tariff charged, the proposal from the CDDA and some other possible alternatives.

Item 8

			(i)	(ii)	(iii)	(iv)	(v)
Tariff	Distance	Existing Fare	1% increase	2% increase	RPI increase (3.9 %)	Baxter Increase (6%)	Driver's proposal for increase (approx 12%)
1	One mile day	£3.40	£3.43	£3.47	£3.54	3.60	£3.80
1	Two mile day	£5.20	£5.25	£5.30	£5.40	5.51	£5.70
2	One mile night/ bank holiday	£5.10	£5.15	£5.20	£5.30	5.41	£5.70
2	Two mile night/ bank holiday	£7.80	£7.88	£7.96	£8.10	8.27	£8.70
4	1 mile bank holiday night, and Xmas day, Boxing day New Years day	£6.80	£6.87	£6.94	£7.07	£7.21	£7.60
4	2 mile bank holiday night, and Xmas day, Boxing day New Years day	£10.40	£10.50	£10.61	£10.81	11.02	£11.60

(N.B although the percentage figures are shown above, final operational figures will require further calculation to enable them to work mathematically)

- 20 In addition, in 2011 the trade included in their letter, a request for a new 'MPV' Tariff when 5-8 passengers are carried to add 50% of the metered fare for any journey. For example, currently a 5 mile journey at 11.15pm at night would cost £15.90. In effect this would increase the overall fare if an MPV was used to £23.85 for 5 miles when 5-8 passengers are carried.
- 21 Officers presented this request to the Licensing and Regulation Committee on 24th November 2011. Members at that time recommended to the Head of Health and Housing the following:

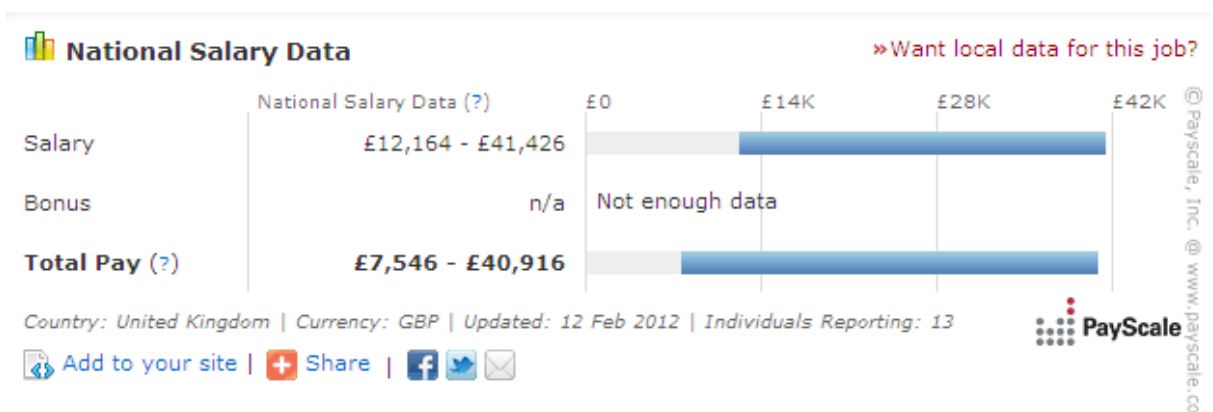
That the extra charges section of the Hackney Carriage Table of Fares be amended as follows, and the Head of Health and Housing asked to consult with the taxi meter companies accordingly:

- i) The ‘each passenger in excess of one’ charge be amended to reflect the following: “where the combined human and/or canine* passenger total exceeds four each additional passenger will be charged £1, regardless of journey day/time/duration/distance”.
* Assistance dogs shall not count towards this total.
- ii) The existing charge for each dog (excluding seeing and hearing dogs) shall be removed from the fares list.
- iii) The existing charge for shopping bags or luggage shall be removed from the fares list.

That the soiling charge be reviewed when the Table of Fares is next considered.

At the meeting officers advised that as this amendment to the charges was less than £25 it would not need to be advertised. However, following reflection and legal opinion this change is a material change to the ‘Table of Fares’. Any change to the Table of Fares is required to be advertised and objections if made heard by the committee. Due to the need to review the current Table of Fares, the Head of Health and Housing’s opinion was that the matter should be referred back to the Licensing and Regulation Committee for consideration. Following recommendation, the proposed Table of Fares would then be advertised and objections heard at a future meeting.

- 22 When the fares were considered in 2010, a Member of the Committee asked if Officers could try to provide some example profiles for a typical person working in the taxi trade such as typical earnings and costs of running vehicles.
- 23 It has proved quite challenging as exact circumstances are different for each person. Officers contacted the National Taxi Association and the Private Hire Association and they confirmed that earnings range widely from £6.50 per hour up to £160 per day (in a very small number of cases) to drive for a taxi company.



Source:
http://www.payscale.com/research/UK/Job=Taxi_Driver_or_Chauffeur/Salary.

Accessed 16 February 2012

24 In terms of the latest insurance costs, Asprey Harris provided some approximate figures by phone (16th February 2012), with “a standard premium for a new driver starting at approx £2,600. A driver who had been a taxi driver for a while would be around £1,280 to £1,536 per year” and an “increase of between 25% for most drivers since last year”.

25 A large proportion of drivers work for themselves. As such the following costs may be considered for a typical driver (approximately - based on driver with 5 years experience) in the Chiltern District:

Cost Elements	Rates(2011)	Annualised	Rates(2012)	Annualised
Taxi vehicles Renewal - Driver	£300	£300	£300	£300
Renewal -	£95	£95	£95	£95
Medical Certificate	(Every 1,3 or 5 years) – approx £100 (Variable)	Approx £25	(Every 1,3 or 5 years) – approx £100 (Variable)	Approx £25
CRB Check	(Every 3 years) - £51	£17	(Every 3 years) - £51	£17
Compliance Test	£40-60 (annual or twice annually depending on age of vehicle)	£40-60	£40-60 (annual or twice annually depending on age of vehicle)	£40-60
MOT	£45 approx (variable)	£45 (but can be discounted if done with compliance test)	£45 approx (variable)	£45 (but can be discounted if done with compliance test)
Car Tax	Variable from £0 to £450 approx	£220 approx	Variable from £0 to £450 approx	£220 approx
Insurance	£1000 - £1200 approx	£1000-£1200	£1280 - £1536 approx	£1280-£1536
TOTAL	-	£1852(approx)	-	£2142 (approx)

26 From the above table it can be seen that since Members last considered the fares, insurance is the only significant increase in expenditure excl. derv, and normal household expenditure.

27 In determining the level of fares to be set it is also necessary to take into account the effect on those persons less able to afford the fares and who may not be able to access other forms of transport. Any increase in fares will reduce the ability of those on lower incomes to travel by taxi. The Community Transport Hub has identified over 70 vulnerable persons seeking assistance with travel since October. The majority of which have accessed one of the 30+ community transport schemes or dial a ride service that operate in the district and provide low cost travel.

- 28 It is important to note that without any additional increase at this time we would remain more expensive than each of the other Bucks Authorities (Evidence: Table in point 14).
- 29 If fares are set in excess of our neighbouring authorities there is a greater risk that in the long term, overall trade may decrease in our District as customers look for cheaper alternatives. There has been an increase in the reports of externally licensed vehicles dropping or picking customers up.

Decision to be Made

- 30 Members are asked to recommend if an increase in fares is deemed appropriate at the current time.

-If Members feel that the current fares are reasonable and fair, they would continue to remain in force with no changes.

-If Members feel that a change is appropriate, any proposed increases or decreases should take effect from the 1st August 2012, enabling the advertisement and any appeal to be considered following the decision.

Officers will then consult with the taximeter installers to ensure the correct calibration to be applied to meters, publish the proposed rates and consult with the trade accordingly. This should also include consideration of whether to introduce a new MPV tariff at a 50% premium as discussed in the main report.



CHILTERN DISTRICT DRIVERS
ASSOCIATION

Mr Stewart Broome
Licensing Officer
Chiltern District Council

17 February 2012

Dear Stewart

Request for an increase in the maximum fare that can be charged

In view of the increases in the price of fuel, insurance, maintenance and associated running costs together with the increase in other day to day living expenses, members of the above mentioned association have instructed me to apply to the L&R committee for a fare increase.

I, now, submit proposals for a tariff change to be achieved by a reduction of the distance travelled for the initial hiring charge from 1368 yards (7/9ths of a mile) to 1056 yards (6/10ths of a mile) with changes to the subsequent units as set out below.

Tariff 1

For the first 1056 yards or 270 seconds or any part thereof	£3.00
For each additional 176 yards or 45 seconds	£0.20

Tariff 2

For the first 1056 yards or 270 seconds or any part thereof	£4.50 Rate 1 + 50%
For each additional 176 yards or 45 seconds	£0.30

Tariff 3 Sunday Rate

For the first 1056 yards or 270 seconds or any part thereof	£4.50 Rate 1 + £1.50
For each additional 176 yards or 45 seconds	£0.20

Tariff 4

For the first 1056 yards or 270 seconds or any part thereof	£6.00 Rate 1 = 100%
For each additional 176 yards or 45 seconds	£0.40

Extra Charges

Extra Passengers and dogs still being reviewed	
Soiling charge	£50.00
Congestion charge or any tolls incurred during the hiring	As required

Please will you submit these proposals to the L&R committee as soon as possible?

Kind regards

Jim Tilbury (Secretary)

FLAG	DISTANCE	AMOUNT	CLICK DISTANCE	AMOUNT	SELECTED MILE POINTS TARIFF	1	2	3	4	5	10
CURRENT	1369	£ 3.00	196	£ 0.20	1	£ 3.40	£ 5.20	£ 7.00	£ 8.80	£ 10.60	£ 19.60
PROPOSED	1056.00	£ 3.00	176.00	£ 0.20	1	£ 3.80	£ 5.80	£ 7.80	£ 9.80	£ 11.80	£ 21.80
		% DIFFERENCE				11.76%	11.54%	11.43%	11.36%	11.32%	11.22%
		22.86%	10.20%	0.00%							
Initial yardage for flag fall (yds):	1056.00										
Unit of measurement or increment thereafter (yds):	176.00										
Price unit (£):	0.20	D	SOUTHERN AREA CHILTERN PROPOSED % Difference								
Initial Time	270	seconds	AVERAGE								
Waiting	45	seconds	1 mile fare	£ 3.93	1 mile fare	£ 3.80					
Rate per running mile	2.00		2 mile fare	£ 5.84	2 mile fare	£ 5.80					
			Running mile	£ 1.92	Running mile	£ 2.00					
Time bought for initial charge	4.5	mins	Up to								
Waiting per hour	£ 16.00	T1	1056.00	£ 1056	£ 3.00	£ 4.50	£ 6.00	£ 8.00	£ 10.00	£ 18.00	£ 36.00
Waiting per hour	£ 24.00	T2	1232.00	£ 1232	£ 3.20	£ 4.80	£ 6.40	£ 8.40	£ 10.40	£ 18.40	£ 36.40
Waiting per hour	£ 16.00	T3	1408.00	£ 1408	£ 3.40	£ 5.10	£ 6.80	£ 8.80	£ 10.80	£ 18.80	£ 37.20
Waiting per hour	£ 32.00	T4	1584.00	£ 1584	£ 3.60	£ 5.40	£ 7.20	£ 9.20	£ 11.20	£ 20.00	£ 39.60
			1760.00	£ 1760	£ 3.80	£ 5.70	£ 7.60	£ 9.60	£ 11.60	£ 20.40	£ 40.00
			1936.00	£ 1936	£ 4.00	£ 6.00	£ 8.00	£ 10.00	£ 12.00	£ 20.80	£ 40.80
			2112.00	£ 2112	£ 4.20	£ 6.30	£ 8.40	£ 10.40	£ 12.40	£ 21.20	£ 41.20
			2288.00	£ 2288	£ 4.40	£ 6.60	£ 8.80	£ 10.80	£ 12.80	£ 21.60	£ 41.60
			2464.00	£ 2464	£ 4.60	£ 6.90	£ 9.20	£ 11.20	£ 13.20	£ 22.00	£ 42.00
			2640.00	£ 2640	£ 4.80	£ 7.20	£ 9.60	£ 11.60	£ 13.60	£ 22.40	£ 42.40
			2816.00	£ 2816	£ 5.00	£ 7.50	£ 10.00	£ 12.00	£ 14.00	£ 22.80	£ 42.80
			2992.00	£ 2992	£ 5.20	£ 7.80	£ 10.40	£ 12.40	£ 14.40	£ 23.20	£ 43.20
			3168.00	£ 3168	£ 5.40	£ 8.10	£ 10.80	£ 12.80	£ 14.80	£ 23.60	£ 43.60

YARDS																					
	1760	1 mile	3138.001	3324.000	£5.60	£	87.00	£	77.10	£	11.20										
	3520	2 miles	3520.001	3696.000	£5.80	£	87.70	£	77.30	£	11.60										
	5280	3 miles	3696.004	3872.000	£6.00	£	9.00	£	77.50	£	12.00										
	7040	4 miles	3872.001	4048.000	£6.20	£	9.30	£	77.70	£	12.40										
	8800	5 miles	4048.001	4224.000	£6.40	£	9.60	£	77.90	£	12.80										
	10560	6 miles	4224.001	4400.000	£6.60	£	9.90	£	87.10	£	13.20										
	12320	7 miles	4400.001	4576.000	£6.80	£	10.20	£	87.30	£	13.60										
	14080	8 miles	4576.001	4752.000	£7.00	£	10.50	£	87.50	£	14.00										
	15840	9 miles	4752.001	4928.000	£7.20	£	10.80	£	87.70	£	14.40										
	17600	10 miles	4928.001	5104.000	£7.40	£	11.10	£	87.90	£	14.80										
			5104.001	5280.000	£7.60	£	11.40	£	97.10	£	15.20										
			5280.001	5456.000	£7.80	£	11.70	£	97.30	£	15.60										
			5456.001	5632.000	£8.00	£	12.00	£	97.50	£	16.00										
			5632.001	5808.000	£8.20	£	12.30	£	97.70	£	16.40										
			5808.001	5984.000	£8.40	£	12.60	£	97.90	£	16.80										
			5984.001	6160.000	£8.60	£	12.90	£	107.10	£	17.20										
			6160.001	6336.000	£8.80	£	13.20	£	107.30	£	17.60										
			6336.001	6512.000	£9.00	£	13.50	£	107.50	£	18.00										
			6512.001	6688.000	£9.20	£	13.80	£	107.70	£	18.40										
			6688.001	6864.000	£9.40	£	14.10	£	107.90	£	18.80										
			6864.001	7040.000	£9.60	£	14.40	£	117.10	£	19.20										
			7040.001	7216.000	£9.80	£	14.70	£	117.30	£	19.60										
			7216.001	7392.000	£10.00	£	15.00	£	117.50	£	20.00										
			7392.001	7568.000	£10.20	£	15.30	£	117.70	£	20.40										
			7568.001	7744.000	£10.40	£	15.60	£	117.90	£	20.80										
			7744.001	7920.000	£10.60	£	15.90	£	127.10	£	21.20										
			7920.001	8096.000	£10.80	£	16.20	£	127.30	£	21.60										
			8096.001	8272.000	£11.00	£	16.50	£	127.50	£	22.00										
			8272.001	8448.000	£11.20	£	16.80	£	127.70	£	22.40										
			8448.001	8624.000	£11.40	£	17.10	£	137.10	£	22.80										
			8624.001	8800.000	£11.60	£	17.40	£	137.30	£	23.20										
			8800.001	8976.000	£11.80	£	17.70	£	137.50	£	23.60										
			8976.001	9152.000	£12.00	£	18.00	£	147.10	£	24.00										
			9152.001	9328.000	£12.20	£	18.30	£	147.30	£	24.40										
			9328.001	9504.000	£12.40	£	18.60	£	157.10	£	24.80										
			9504.001	9680.000	£12.60	£	18.90	£	157.30	£	25.20										
			9680.001	9856.000	£12.80	£	19.20	£	167.10	£	25.60										
			9856.001	10032.000	£13.00	£	19.50	£	167.30	£	26.00										
			10032.001	10208.000	£13.20	£	19.80	£	177.10	£	26.40										
			10208.001	10384.000	£13.40	£	20.10	£	177.30	£	26.80										
			10384.001	10560.000	£13.60	£	20.40	£	187.10	£	27.20										
			10560.001	10736.000	£13.80	£	20.70	£	187.30	£	27.60										
			10736.001		£14.00	£	21.00	£	197.10	£	28.00										

CHILTERN

CURRENT TARIFF

Appendix		TARIFF 1		TARIFF 2		TARIFF 3	
Name :	TARIFF 1	Name :	TARIFF 2	Name :	TARIFF 3	Name :	TARIFF 3
Date:	17/09/2008	Date:	17/09/2008	Date:	17/09/2008	Date:	17/09/2008
Soiling charge:	£50.00	Soiling charge:	£50.00	Soiling charge:	£0.00	Soiling charge:	£0.00
Wait:	45 (secs)	Wait:	45 (secs)	Wait:	45 (secs)	Wait:	45 (secs)
Flag fall:	£3.00 A	Flag fall:	£4.50 A	Flag fall:	£6.00 A	Flag fall:	£6.00 A
Initial yardage:	1368,888 B	Initial yardage:	1368,888 B	Initial yardage:	1368,888 B	Initial yardage:	1368,888 B
Unit thereafter:	195,555 C	Unit thereafter:	195,555 C	Unit thereafter:	195,555 C	Unit thereafter:	195,555 C
Price unit :	0.2 D	Price unit :	0.3 D	Price unit :	0.4 D	Price unit :	0.4 D
Initial Waiting Time (secs):	315	Initial Waiting Time (secs):	315	Initial Waiting Time (secs):	315	Initial Waiting Time (secs):	315

PROPOSAL 3 - NEW TARIFF

Name :	TARIFF 1	Name :	TARIFF 2	Name :	TARIFF 3
Wait:	45 (secs)	Wait:	45 (secs)	Wait:	45 (secs)
Flag fall:	£3.00 A	Flag fall:	£4.50 A	Flag fall:	£6.00 A
Initial yardage:	1056 B	Initial yardage:	1056 B	Initial yardage:	1056 B
Unit thereafter:	176 C	Unit thereafter:	176 C	Unit thereafter:	176 C
Price unit :	0.2 D	Price unit :	0.3 D	Price unit :	0.4 D
Initial Waiting Time (secs):	270	Initial Waiting Time (secs):	270	Initial Waiting Time (secs):	270

Distance (miles)	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£3.00	£3.00	0.00%	£4.50	£4.50	0.00%	£6.00	£6.00	0.00%
1	£3.40	£3.80	11.76%	£5.10	£5.70	11.76%	£6.80	£7.60	11.76%
2	£5.20	£5.80	11.54%	£7.80	£8.70	11.54%	£10.40	£11.60	11.54%
3	£7.00	£7.80	11.43%	£10.50	£11.70	11.43%	£14.00	£15.60	11.43%
4	£8.80	£9.80	11.36%	£13.20	£14.70	11.36%	£17.60	£19.60	11.36%
5	£10.60	£11.80	11.32%	£15.90	£17.70	11.32%	£21.20	£23.60	11.32%
6	£12.40	£13.80	11.29%	£18.60	£20.70	11.29%	£24.80	£27.60	11.29%
7	£14.20	£15.80	11.27%	£21.30	£23.70	11.27%	£28.40	£31.60	11.27%
8	£16.00	£17.80	11.25%	£24.00	£26.70	11.25%	£32.00	£35.60	11.25%
9	£17.80	£19.80	11.24%	£26.70	£29.70	11.24%	£35.60	£39.60	11.24%
10	£19.60	£21.80	11.22%	£29.40	£32.70	11.22%	£39.20	£43.60	11.22%

113.68%

113.68%

113.68%

FEBRUARY 2012

THE NATIONAL AVERAGE FARE

Flag at T1 is now	£2.64	2 mile fare T1 is now	£5.37	10 mile fare T1 is now	£19.00
Flag at T2 is now	£3.50	2 mile fare T 2 is now	£7.10	10 mile fare T 2 is now	£25.00
1 mile fare T1 is now	£3.60	5 mile fare T1 is now	£10.73	Running mile on T1 is now	£1.00
1 mile fare T 2 is now	£4.76	5 mile fare T 2 is now	£14.02	Running mile on T2 is now	£2.00

TARIFF ONE

FLAGFALL AVERAGE BY AREA	
EAST ANGLIA	£2.87
MIDLANDS	£2.63
NORTH	£2.37
SOUTH	£2.82
SOUTH WEST	£2.63
SCOTLAND	£2.55
WALES	£2.80
TWO MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£5.37
MIDLANDS	£5.18
NORTH	£5.00
SOUTH	£5.84
SOUTH WEST	£5.90
SCOTLAND	£4.97
WALES	£5.12
TEN MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£18.74
MIDLANDS	£18.52
NORTH	£18.14
SOUTH	£21.53
SOUTH WEST	£22.17
SCOTLAND	£18.27
WALES	£19.61

ONE MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£3.71
MIDLANDS	£3.50
NORTH	£3.36
SOUTH	£3.93
SOUTH WEST	£3.85
SCOTLAND	£3.31
WALES	£3.30
FIVE MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£10.35
MIDLANDS	£10.18
NORTH	£9.92
SOUTH	£11.55
SOUTH WEST	£12.50
SCOTLAND	£9.96
WALES	£10.55
RUNNING MILE AVERAGE BY AREA	
EAST ANGLIA	£1.67
MIDLANDS	£1.67
NORTH	£1.65
SOUTH	£1.92
SOUTH WEST	£2.03
SCOTLAND	£1.67
WALES	£1.81

TARIFF TWO

FLAGFALL AVERAGE BY AREA	
EAST ANGLIA	£3.80
MIDLANDS	£3.54
NORTH	£2.94
SOUTH	£3.93
SOUTH WEST	£3.61
SCOTLAND	£3.26
WALES	£3.55
TWO MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£6.95
MIDLANDS	£6.92
NORTH	£6.27
SOUTH	£8.16
SOUTH WEST	£7.99
SCOTLAND	£5.93
WALES	£6.53
TEN MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£24.35
MIDLANDS	£25.07
NORTH	£23.03
SOUTH	£29.22
SOUTH WEST	£30.06
SCOTLAND	£20.58
WALES	£25.23

ONE MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£4.00
MIDLANDS	£4.00
NORTH	£4.00
SOUTH	£5.00
SOUTH WEST	£5.00
SCOTLAND	£4.00
WALES	£4.00
FIVE MILE FARE AVERAGE BY AREA	
EAST ANGLIA	£13.00
MIDLANDS	£13.00
NORTH	£12.00
SOUTH	£15.00
SOUTH WEST	£16.00
SCOTLAND	£11.00
WALES	£13.00
RUNNING MILE AVERAGE BY AREA	
EAST ANGLIA	£2.00
MIDLANDS	£2.00
NORTH	£2.00
SOUTH	£2.00
SOUTH WEST	£2.00
SCOTLAND	£1.00
WALES	£2.00

TWELVE AND A HALF YEAR AREA AVERAGES COMPARED WITH THE NATIONAL AVERAGE

NATIONAL AVERAGE		EAST ANGLIA		MIDLANDS		NORTH		SOUTH		SOUTH WEST		SCOTLAND		WALES	
1999	£3.12	1999	£3.14	1999	£3.02	1999	£2.93	1999	£3.44	1999	£3.37	1999	£2.92	1999	£2.00
2000	£3.40	2000	£3.21	2000	£3.06	2000	£3.00	2000	£3.48	2000	£3.39	2000	£2.92	2000	£3.00
2001	£3.50	2001	£3.58	2001	£3.46	2001	£3.28	2001	£3.83	2001	£3.85	2001	£3.21	2001	£3.00
2002	£3.72	2002	£3.76	2002	£3.66	2002	£3.45	2002	£4.08	2002	£4.09	2002	£3.35	2002	£3.00
2003	£3.97	2003	£3.97	2003	£3.86	2003	£3.73	2003	£4.27	2003	£4.20	2003	£3.55	2003	£3.00
2004	£4.01	2004	£4.01	2004	£3.94	2004	£3.78	2004	£4.39	2004	£4.33	2004	£3.60	2004	£3.00
2005	£4.19	2005	£4.18	2005	£4.14	2005	£3.92	2005	£4.57	2005	£4.54	2005	£3.74	2005	£3.00
2006	£4.48	2006	£4.49	2006	£4.43	2006	£4.22	2006	£4.82	2006	£4.91	2006	£4.05	2006	£4.00
2007	£4.67	2007	£4.68	2007	£4.57	2007	£4.39	2007	£5.06	2007	£5.10	2007	£4.27	2007	£4.00
2008	£4.78	2008	£4.81	2008	£4.67	2008	£4.53	2008	£5.19	2008	£5.18	2008	£4.33	2008	£4.00
2009	£5.06	2009	£5.04	2009	£4.93	2009	£4.78	2009	£5.48	2009	£5.55	2009	£4.61	2009	£4.00
2010	£5.08	2010	£5.22	2010	£4.94	2010	£4.79	2010	£5.51	2010	£5.62	2010	£4.63	2010	£4.00
2011	£5.37	2011	£5.37	2011	£5.18	2011	£5.00	2011	£5.84	2011	£5.90	2011	£4.97	2011	£5.00

TWELVE AND A HALF YEAR PERCENTAGE INCREASES PER AREA

NATIONAL AVERAGE	EAST ANGLIA	MIDLANDS	NORTH	SOUTH	SOUTH WEST	SCOTLAND	WALES
72.12%	71.02%	71.52%	70.65%	69.77%	75.05%	70.21%	77.78%

Remember If you are going for a rise and you would like to see your financial percentage you know where to call - 0161 280 2800 - or e-mail npha@btconnect.com

Appendix 2: Baxter Rates from September 2010 to 2011 (Accessed 16 February 2012- BCIS)

BAXTER INDEX

Calculation for increase in Table of Fares charged by Hackney Carriages

Indexing of rates

Sources:-

DETR Price Adjustment Formulae for Construction Contracts
(Civil Engineering Formulae, Indices nos. 1, 2 & 8)

Proportions	%	Base Indices (September 10)	New Indices (September 11)
Labour (No.1)	50	1869	1913
Plant provision and maintenance (No. 2)	20	1274	1303
Derv (No. 8)	30	2129	2450
Total	100		

Calculation for increase in Table of Fares charged by Hackney Carriages

Labour (No.1)	0.5	x	1913	-	1869	1.1771001
				1869		
Plant (No. 2)	0.2	x	1303	-	1274	0.4552590
				1274		
Derv (No. 8)	0.3	x	2450	-	2129	4.5232504
				2129		
						6.15560943

or 6

Proposed increase in two mile journey as charged by Table of Fares for Hackney Carriages

£				£
5.20	x	6%		0.32

