

AGENDA

LICENSING COMMITTEE

WEDNESDAY, 10 JULY 2024

1.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Linda Albon
Tel: 01354 622229
e-mail: memberservices@fenland.gov.uk

- 1 Appointment of the Chairman for the Municipal Year
- 2 To receive apologies for absence.
- 3 Appointment of a Vice-Chairman for the Municipal Year
- 4 Previous Minutes (Pages 3 - 4)

To confirm and sign the minutes of the previous meeting held 17 May 2022.
- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified.
- 6 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 7 Proposed increase to current Hackney Carriage Vehicle Table of Fares (Pages 5 - 18)

To approve the proposed increase of the Hackney Carriage Vehicle table of fares.
- 8 Business and Planning Act 2020 - Pavement Licence (Pages 19 - 30)

To explain the changes to the temporary pavement licensing regime under the Business and Planning Act 2020

9 Items which the Chairman has under item 5 deemed urgent.

Tuesday, 2 July 2024

Members: Councillor J Carney, Councillor D Cutler, Councillor A Gowler, Councillor S Harris, Councillor A Hay, Councillor P Hicks, Councillor Miss S Hoy, Councillor M Humphrey, Councillor N Meekins, Councillor A Miscandlon, Councillor P Murphy, Councillor D Oliver and Councillor Woollard

LICENSING COMMITTEE



TUESDAY, 17 MAY 2022 - 10.00 AM

PRESENT: Councillor M Humphrey (Chairman), Councillor D Connor, Councillor Miss S Hoy, Councillor A Maul, Councillor Mrs K Mayor and Councillor N Meekins

APOLOGIES: Councillor R Skoulding (Vice-Chairman), Councillor A Lynn and Councillor W Rackley

OFFICERS IN ATTENDANCE: Michelle Bishop (Licensing Manager) and Linda Albon (Member Services & Governance Officer)

LIC1/22 PREVIOUS MINUTES

The minutes of the meeting of 20 April 2022 were approved and signed.

LIC2/22 SETTING OF TAXI FEES FOR VEHICLES & OPERATORS FOR 2022/23

Members considered the Setting of Taxi Fees for Vehicles and Operators for 2022/23 report presented by Michelle Bishop.

Members made comments, asked questions, and received responses as follows:

- Councillor Mrs Mayor said that although she agrees that the Council cannot keep prices back, residents are already concerned about a lack of taxi provision with Fenland, therefore she wonders whether it will create a bigger problem by putting prices up.
- Councillor Hoy said it was agreed at Full Council that there would be a wider review into taxi services within Fenland. She could understand Councillor Mrs Mayor's concern, but drivers do have ongoing costs to consider. We need to investigate the issues and concerns of those in the trade.
- Councillor Humphrey said that most drivers are self-employed, they can work as and when they choose. If they have been working late over Friday and Saturday, perhaps they do not want to work on Sundays. He does not know what the answer is, but he welcomes the review.
- Councillor Hoy said that Covid-19 affected the night-time economy as people did not go out so much. There are some causes affecting taxi provision that the Council has no ability to impact upon and she had not been aware until the previous meeting that the Council does not have to set a maximum fare. It would be interesting to see, as part of the review, what the outcome would be if we did that.
- Councillor Connor stated that he welcomed the review, people need taxis, and the Council should do all it can to help the trade as well as alleviate problems for the public. However, the Committee are here today to discuss the setting of fees for the trade.
- Councillor Maul stated that he does not think an increase in the taxi fees charged for vehicles and operators will help at this time, so he is not looking to recommend that and will not support an increase, but he is looking forward to the outcome of the review.
- Councillor Mrs Mayor asked if any objections had been raised by drivers in Whittlesey. She expressed her concern that Council notices, which are all published in the Fenland Citizen, are not seen in Whittlesey, therefore are private hire drivers notified by other means so they can comment?


- Michelle Bishop responded that all drivers and operators are notified of any notifications or proposed increases via email as the main method of communication, so yes, they will all be aware of the proposals. She added that it would not be right to comment on individual responses within this meeting, but should any company or driver feel that they are not being consulted in the right way, please let her know and she will look into this.
- Councillor Humphrey referred to Appendix B of the report and noted that some of these fees are not about making money but involve cost recovery. It is his view that the proposed fee increase for hackney carriage and private hire licences should be implemented today in line with the budget, but there is the option to defer. Officers are being asked to conduct a review into taxi provision only; that will bring out the underlying reason why availability is not there, but it is his view that the proposed fee increases should be approved to keep in line with other council services.
- Councillor Meekins asked how many taxi drivers there are within Fenland. Michelle Bishop stated that this increase affects the operators, not the drivers. However, Fenland currently has 134 taxi vehicles and 19 operators.
- Councillor Meekins responded that in this case, if only six objections have been received, does that mean the other 95% find the proposed increase acceptable or is it apathy? In his view, the increase is not much over a year.
- Councillor Hoy commented that Cabinet and Council set the budget before Licensing Committee had the chance to look at these fees, which puts members in a difficult situation. If the Committee chooses today not to accept the fee increases, this upsets the budget that has already been set. Councillor Hoy then asked how long the review will take because if there are recommendations that need to be implemented, they will need to be undertaken swiftly.
- Councillor Humphrey said it was his understanding that the need to consult on the fee increase was because there had been no increase since 2018.
- Michelle Bishop said that was correct, but Councillor Hoy was right in that going forward the process should be streamlined, and she will work with Member Services and Finance so that any future consultation on increases sits in line with Cabinet and Council budget setting. In terms of the review, she will now commence work on that although she cannot currently say how long it will take.

Proposed by Councillor Connor, seconded by Councillor Meekins, Members considered the consultation responses in relation to the proposed increase in hackney carriage and private hire licence fees from those set out in Appendix A to those in Appendix B of the report and AGREED that they should be implemented.

10.22 am

Chairman

Agenda Item 7

Agenda Item No:	7	
Committee:	Licensing	
Date:	10 July 2024	
Report Title:	Proposed increase to current Hackney Carriage Vehicle Table of Fares	

Summary

- To approve the proposed increase of the Hackney Carriage Vehicle table of fares.

Key Issues

- There has been one request with support by others from the taxi trade for an increase to the tariff rate.
- The initial proposed tariff from the trade (option A), received 13 responses during the consultation period. Both option A and the responses can be seen at **Appendix A** to this report.
- Following discussion with the Licensing chairman and Portfolio Holder, it was agreed to formally discuss the tariff increase request and also to include an officer recommendation based on the original consultation responses.
- The officer recommendation which is option B also went out for a consultation with the trade. Both option B and the responses can be seen at **Appendix B** to this report
- The last table of fares increase was in 2022.

Recommendations

- The Licensing Committee to consider either option A or B for a taxi fare increase.
- Following any increase in the Taxi tariff, this would then be subject to a 14-day notice period in the newspaper.
- Any comments and/or objections raised from the public during this period would be presented to the Licensing Chairman and Portfolio Holder for them to consider and decide on the next steps.

Wards Affected	All
Forward Plan Reference	

Portfolio Holder(s)	Councillor Sam Hoy, Portfolio holder with responsibilities for licensing shoy@fenland.gov.uk
Report Originator(s)	Andy Fox - Senior Licensing & Compliance Officer, 01354 602162, afox@fenland.gov.uk
Contact Officer(s)	Amy Brown, Assistant Director abrown@fenland.gov.uk Peter Catchpole, Corporate Director, 01354 654321, pcatchpole@fenland.gov.uk
Background Papers	Local Government Miscellaneous Provisions Act 1976 Part Two -

Report:

1 BACKGROUND AND INTENDED OUTCOMES

- 1.1 The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by Hackney Carriage vehicles licensed to operate within the district.
- 1.2 Hackney Carriage (“Taxi”) fares are made up of an initial hiring charge and a “mileage” rate, both of which are expressed in terms of distance and/or time per unit cost. This is because when a hired taxi is stationary or moving slowly in traffic the meter continues charging, but by time, instead of distance.
- 1.3 The table of fares applies only to Hackney Carriage vehicles. Private Hire Operators can agree their hiring charges in advance with their customers at the time of booking the journey.
- 1.4 The current table of fares which was approved by Council on 12th May 2022 and is attached at **Appendix C**.
- 1.5 In February 2024 officers received written correspondence from a representative of the Fenland Taxi Trade, in which a request was put forward for the Council to consider increasing the current table of fares. In June 2024 it was decided to offer an Officers recommendation considering comments from the Option A consultation.
- 1.6 The Taxi Trade representative request is shown below alongside a list of the current fees and charges as Option A,
Option B is the suggested Officer alternative recommendation.
- 1.7 The Private Hire and Taxi Monthly (PHTM), a national taxi trade publication, produces a monthly league table of all UK Council hackney carriage fares. This league table shows that Fenland District Council’s current fare tariff (**Appendix C**), for a 2-mile journey, sits in 283rd place out of 341 licencing authorities listed.

- 1.8 When drawing comparisons between hackney carriage fares in different areas, the normal method used is to compare the cost of a 2-mile journey. Officers have researched and produced a table showing a comparison of the hackney carriage fares charged in neighbouring local authority areas for a 2-mile journey, which can be seen below:

Local Authority	2-mile fare - £	Last Increase	Ranked out of 341
Fenland	6.20	2022	283
Cambridge City	7.30	2022	134
South Cambs	7.30	2022	139
Huntingdonshire	8.30	2022	36
South Holland	6.30	2019	275
East Cambs	6.80	2022	198
Kings Lynn and WN	7.00	2022	176
Breckland	8.00	2022	58
Peterborough	6.00	2022	302

Using the table above and depending on which option is chosen, the below highlights where we would sit in the comparison table and neighbouring authority:

	2 mile - £	Rank
Current Fare	6.20	283
Option - A	6.80	218
Option - B	7.50	115
Nat Average	7.15	156

- 1.9 According to the AA, the cost of fuel has reduced, this is only one factor that members should consider when determining whether it is appropriate to vary the table of fares. Also, of relevance will be other general increases in the cost of living for hackney carriage proprietors.
- 1.10 According to the data compiled by the Office for National Statistics (ONS), the Consumer Prices Index (CPI) rose by 3.0% in the 12 months to April 2024, down from 3.8% in the twelve months to March. Inflation is still predicted to rise in 2024 and expected to be around 2.2%.
- 1.11 According to the Bank of England's "Inflation Calculator" goods and services that cost £100 in 2024 would have cost £83.30 in 2021.

- 1.12 Fenland District Council has 145 Licensed Drivers of which 92 are Hackney Carriage Drivers.

2 REASONS FOR RECOMMENDATIONS

- 2.1 Committee are asked to consider the information within this report, including the two options that have been set out, for the Council to vary and increase the current Hackney Carriage Fare Tariff.
- 2.2 When considering what is an appropriate amount to increase the current hackney carriage fare tariff by, information has been provided within this report to support the Committee in making an informed decision having regard to the taxi trade and that of paying customers.
- 2.3 Following any approval granted by the Licensing Committee, officers will ensure that the increase is properly advertised in a local Newspaper and if any issues arise from this then a further report would be presented to the Licensing Chairman and Portfolio Holder for them to consider and decide on the next steps.

3 CONSULTATION

- 3.1 Consultation has taken place in accordance with the regulations.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 This report presents two options for members to consider, they can also choose to take no action and the Taxi Tariff remains as it currently set.

5 IMPLICATIONS

5.1 Legal Implications

- 5.2 Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.
- 5.3 Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 goes onto state:
- a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice,

within which and the manner in which objections to the table of fares or variation can be made.

b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.

5.4 If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in section 65 (2), or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

5.5 If objections are made and are not withdrawn, the district council must set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

5.6 Financial Implications

5.7 The costs of carrying out the required statutory consultation on the proposed variations and implementation of the Taxi tariff increase would be met by existing budgets held by Fenland District Council Licensing.

5.8 The cost of re-calibrating individual meters will be met by individual hackney carriage proprietors and the meters will then be checked by Licensing Officers as part of the compliance checks. This is a normal part of the work undertaken by Officers

5.9 Equality Implications

5.10 The Licensing Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity.

6.0 Social, Environmental and Economic Implications

6.1 This report has set out two options for Member's consideration and has acknowledged the increased costs that the taxi trade has faced in the last twelve months.

6.2 In addition, the report has identified the balance that is required to be struck by supporting our taxi trade and not exposing users of taxis to such an increase in fares, that would lead to journeys becoming too expensive, thus having social implications linked to a lack of social mobility, and economic implications by additional money having to be spent on transport.

6.3 Members should note that the tariff is the maximum permitted fare that can be charged, and that vehicle proprietors can choose to charge less should they wish. The tariff is only applicable to Hackney Carriages, and not Private Hire Vehicles.

7 SCHEDULES

APPENDIX A – Option from the Trade including consultation responses.

APPENDIX B – Option recommended by officers including consultation responses.

APPENDIX C – Current Table of fares

APPENDIX A

Shows Option A (Taxi Trade recommendation) and consultation responses.

TABLE OF FARES FARES FOR DISTANCE (inclusive of VAT) For vehicles carrying no more than 8 Passengers		Proposal – Option A	
Tariff 1: Between 07:00 – 23:00 Mon – Sat inclusive If the distance does not exceed 1609m (one mile) for the whole distance If a distance exceeds 1609m (one mile), first 1609m (one mile) For each subsequent 146.2m (1/11 mile) or part thereof	£4.00 £4.00 £0.20	Tariff 1: Between 07:00 – 23:00 Mon – Sat inclusive If the distance does not exceed 1289.48m for the whole distance If a distance exceeds 1289.48m first 1289.48m For each subsequent 139.43m or part thereof	£4.00 £4.00 £0.20
Tariff 2: Between 23:00 – 07:00 Mon – Sat inclusive & all-day Sundays If the distance does not exceed 1609m (one mile) for the whole distance If a distance exceeds 1609m (one mile), first 1609m (one mile) For each subsequent 146.2m (1/11 mile) or part thereof	£6.00 £6.00 £0.30	Tariff 2: Between 23:00 – 07:00 Mon – Sat inclusive & all-day Sundays If the distance does not exceed 1289.48m for the whole distance If a distance exceeds 1289.48m first 1289.48m For each subsequent 139.43m or part thereof	£6.00 £6.00 £0.30

<p>Tariff 3: to come into force from 18:00hrs for Public bank Holidays including Christmas, New Year Period</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p>£8.00</p> <p>£8.00</p> <p>£0.40</p>	<p>Tariff 3: to come into force from 18:00hrs for Public bank Holidays including Christmas, New Year Period</p> <p>If the distance does not exceed 1289.48m for the whole distance</p> <p>If a distance exceeds 1289.48m first 1289.48m</p> <p>For each subsequent 139.43m or part thereof</p>	<p>£8.00</p> <p>£8.00</p> <p>£0.40</p>
<p>Waiting Time</p> <p>For each period of 114.2 seconds or part thereof</p>	<p>£0.40</p>	<p>Waiting Time</p> <p>For each period of 96 seconds or part thereof</p>	<p>£0.40</p>
<p>Extra Charges:</p> <p>For each person carried in excess of four (two children under 16 years old shall count as one person and children under the age of 3 years shall not be counted)</p>	<p>£0.50</p> <p>(Maximum charge of £2.00)</p>	<p>Extra Charges:</p> <p>For each person carried in excess of four (two children under 16 years old shall count as one person and children under the age of 3 years shall not be counted)</p>	<p>£1.00 per person in excess of 4 (maximum charge of £4.00)</p>
<p>Extra Charges: not calculated by taximeter</p> <p>For persons soiling the carriage resulting in cleaning of vehicle, the maximum sum of</p>	<p>£80.00</p>	<p>For persons soiling the carriage resulting in cleaning of vehicle, the maximum sum of</p>	<p>£80.00</p>
		<p>Extra Charges: No calculated by the taximeter</p> <p>Non Assistance Dogs</p>	<p>£2.00 per dog</p>

Option A – Consultation responses

For	Against	Comments
ü		Good afternoon, I would like to say that i am not opposed to an increase however i think the focus should be concentrated more on those who carry card machines for the convenience of the customer who lose a percentage per transaction. I am aware card readers are not compulsory but not having them cost the drivers a fare. However on a £4 fare the drivers are taking a real time pay cut once the card company takes a percentage. I would propose that a standard extra charge would be made for card payments as an incentive for drivers to use card machines.
		Since covid less people carry cash so drivers are forced to accept card or lose the job. I think a standard fee would help with this. All of my drivers agree. Thanks.
	ü	I personally think an increase in the taxes fare will be another nail in the coffin . So I am against an increase .
	ü	Hi .I consider that the current tariff is ok and does not need any changes. Thank you
ü		I am all for an increase in the taxi rates it isn't getting any cheaper with fuel and parts let alone vehicle maintenance costs let alone the insurance increases year after year Kind Regards
ü		I believe the first mile meter price should start at £5 up from what it currently stands at £4. Honestly, first mile £4 does not go far enough. The Fenland district towns are hardly even a mile long. Long journeys like 5 miles and above helps. Thank you for regarding the financial hardships.
		Not sure about increases but there should be a soilage charge for private hire taking school children, I have had blackcurrant drink spilt on back seats and now have had chocolate slarred on seats ,parents should pay for cleaning
ü		As I said, last time, I believe the tariff should be 50% of the tariff if carrying more than four passengers. The extra pound does not go far enough to cover. If you're taking eight passengers over to Peterborough, the extra cost for the vehicle, the extra fuel, the extra in the insurance , the pound per person, does not go far enough.
ü		Morning, I am for the proposal for the tariff increase.
ü		Wonderful news it's a hard living out there since Covid ruined my business. Get them put up the last rise put my fair up £2 on a ten mile journey. That did not cover how much fule had gone up since the meters were first introduced,never mind how insurance and fees have gone up. A Hackney Carriage fair is a luxury. Its a door to door service witch a bus and train can't offer and there is no help for us in subsidies from the Government. Never mind the state of the roads. Hope this helps

ü		Good morning. I've had a look at the proposed taxi tariff increase and I am definitely in favour of this. Thank you.
ü		Yes i am all for the new tariff,thanks
ü		I still think that the cost of a minibus should be more. To transport 5 people you would normally have to have 2 taxis therefore double the cost. Using a minibus for 5 people for 2 miles would be £6.20 per car therefore £12.40. A minibus would be less than £7 therefore we lose out. We should be able to have a charge of 1 1/2 time on any metered journey because for all the extra costs of a minibus higher insurance, fuel costs etc.
ü		Yes, please proceed.
ü		Good Afternoon i am for the price increase for the tariffs. As just only this year my car insurance has gone by £800. And fuel is increasing daily. For us to maintain and survive in this trade. And the living cost rising. You should consider all sides. Thank you.

Appendix B

Shows Option B (officers' recommendation)

<p align="center">TABLE OF FARES FARES FOR DISTANCE (inclusive of VAT) For vehicles carrying no more than 8 Passengers</p>		<p align="center">Proposal – Option B</p>	
<p>Tariff 1: Between 07:00 – 23:00 Mon – Sat inclusive</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p align="center">£4.00</p> <p align="center">£4.00</p> <p align="center">£0.20</p>	<p>Tariff 1: Between 07:00 – 20.00 Mon – Sat inclusive</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p align="center">£4.20</p> <p align="center">£4.20</p> <p align="center">£0.30</p>
<p>Tariff 2: Between 23:00 – 07:00 Mon – Sat inclusive & all-day Sundays</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p align="center">£6.00</p> <p align="center">£6.00</p> <p align="center">£0.30</p>	<p>Tariff 2: Between 20.00 – 07:00 Mon – Sat inclusive & all-day Sundays</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p align="center">£6.20</p> <p align="center">£6.20</p> <p align="center">£0.40</p>
<p>Tariff 3: to come into force from 18:00hrs for Public bank Holidays including Christmas, New Year Period</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p>	<p align="center">£8.00</p>	<p>Tariff 3: to come into force from 18:00hrs for Public bank Holidays including Christmas, New Year Period</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p>	<p align="center">£8.20</p>

If a distance exceeds 1609m (one mile), first 1609m (one mile)	£8.00	If a distance exceeds 1609m (one mile), first 1609m (one mile)	£8.20
For each subsequent 146.2m (1/11 mile) or part thereof	£0.40	For each subsequent 146.2m (1/11 mile) or part thereof	£0.50
Waiting Time For each period of 114.2 seconds or part thereof	£0.40	Waiting Time For each period of 114.2 seconds or part thereof	£0.50
Extra Charges: For each person carried in excess of four (two children under 16 years old shall count as one person and children under the age of 3 years shall not be counted)	£0.50 (Maximum charge of £2.00)	Extra Charges: For each person carried in excess of four (two children under 16 years old shall count as one person and children under the age of 3 years shall not be counted)	£1.50 per person in excess of 4 (maximum charge of £6.00)
Extra Charges: not calculated by taximeter For persons soiling the carriage resulting in cleaning of vehicle, the maximum sum of	£80.00	Extra Charges: not calculated by taximeter For persons soiling the carriage resulting in cleaning of vehicle, the maximum sum of	£80.00
		Extra Charges: No calculated by the taximeter Non Assistance Dogs	£2.00 per dog

Option 2 – Officer Recommendation - responses

For	Against	Comments
ü		Hi Andy and staff bring us up to around the national average would be great kind regards
	ü	I am emailing to object to the price increase for taxis. The price increase is unwanted and unnecessary. The taxi trade in March is dwindling very quickly over the last few years. With Covid then the credit crunch and now the travesty that is happening to the town centre a price increase that is way above the inflation rate at this time is stupid and unwarranted.
	ü	I am against this increase, the people of March don't use taxis now as they are too expensive and there is an explosion of unlicensed vehicles working through face book that are benefitting from our high prices already. This is a stupid price hike that isn't needed at all at this time. Also I must express a feeling that this is being bought in to favour *****and is to try to ring taxis as expensive as *** fairs are for *** private hire vehicles and this shouldn't be allowed to be forced upon us.
ü		Happy to go with officer recommendation
ü		Happy to go with officer recommendation as is my wife
ü		Happy to go with Officer recommendations. Option B



Fenland District Council


TABLE OF FARES
FARES FOR DISTANCE
(Inclusive of VAT)

For vehicles carrying no more than
8 Passengers

Fenland District Council resolved on 12th May 2022 for the following table below of maximum fares to come into force.

<p>Tariff 1: Between 07:00 – 23:00 Mon – Sat inclusive</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p>£4.00</p> <p>£4.00</p> <p>£0.20</p>
<p>Tariff 2: Between 23:00 – 07:00 Mon – Sat inclusive and all day Sundays</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p>£6.00</p> <p>£6.00</p> <p>£0.30</p>
<p>Tariff 3: For Public Bank Holidays including Christmas, New Year Period and to come into force from 18:00hrs for Christmas Eve and New Year's Eve</p> <p>If the distance does not exceed 1609m (one mile) for the whole distance</p> <p>If a distance exceeds 1609m (one mile), first 1609m (one mile)</p> <p>For each subsequent 146.2m (1/11 mile) or part thereof</p>	<p>£8.00</p> <p>£8.00</p> <p>£0.40</p>
<p>Waiting Time</p> <p>For each period of 114.2 seconds or part thereof</p>	<p>£0.40</p>
<p>Extra Charges</p> <p>For each person carried in excess of four (two children under 16 years old shall count as one person and children under the age of 3 years shall not be counted)</p>	<p>£0.50 (Max. charge of £2.00)</p>
<p>Extra Charges: Not calculated by taximeter</p> <p>For persons soiling the carriage resulting in cleaning of vehicle, the maximum sum of</p>	<p>£80.00</p>

Agenda Item 8

Agenda Item No:	8	
Committee:	Licensing	
Date:	10 July 2024	
Report Title:	Business and Planning Act 2020 – Pavement Licence	

Summary

- This report is to explain the changes to the temporary pavement licensing regime under the Business & Planning Act 2020 and the impact of the changes to this regime made by the Levelling-Up and Regeneration Act 2023.
- New legislation has come into force on 31 March 2024 to make permanent changes to the temporary pavement licensing regime, under the Business & Planning Act 2020 and has introduced changes including a new capped level fee structure for new and renewal applications.
- The Business and Planning Act process provides a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

Key Issues

- Section 229 of and schedule 22 of the Levelling Up & Regeneration Act 2023 (LU&RA 2023) amends the Business & Planning Act 2020 to make the provision of temporary pavement licences permanent. The commencement date for this amendment was 31 March 2024.

Recommendations

- That the Licensing Committee take note of the changes to temporary pavement licensing and proposed transitional arrangements and agree:
- That the fee for applications be charged at the set amount in the table below:

	Fee A - Up to a maximum of 3 Tables and/or 12 chairs	Fee B - Over 3 tables and/or 12 chairs
New Licence for up to 2 Years	£350	£390

Renewal Licence for up to 2 Years	£250	£290
-----------------------------------	------	------

- The length of licence be granted for 2 years or less by exception only.
- Any appeal following refusal of an application or revocation of a licence to be referred to the Licensing Sub-Committee.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Hoy, Cabinet member with responsibilities for Licensing.
Report Originator(s)	Michelle Bishop, Licensing Manager. mbishop@fenland.gov.uk
Contact Officer(s)	Amy Brown, Assistant Director abrown@fenland.gov.uk Peter Catchpole, Corporate Director, 01354 654321, pcatchpole@fenland.gov.uk
Background Papers	Government Guidance updated 02 April 2024; Pavement licences: guidance - GOV.UK (www.gov.uk) The commencement Regulations - The Levelling-up and Regeneration Act 2023 (Commencement No. 3 and Transitional and Savings Provision) Regulations 2024 (legislation.gov.uk) Legislation updated 10 August 2023: The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023 (legislation.gov.uk)

Report:

BACKGROUND AND INTENDED OUTCOMES

1.1 Temporary Pavement Licences were introduced by the Business & Planning Act 2020 (BPA 2020) on 19 August 2020 to streamline the process of obtaining a pavement licence and help businesses during the Covid pandemic.

Section 229 of and schedule 22 of the Levelling Up & Regeneration Act 2023 (LU&RA 2023) amends the Business & Planning Act 2020 to make the

provision of temporary pavement licences permanent. The commencement date for this amendment was 31 March 2024.

1.2 From 31 March 2024 the process for issuing temporary pavement licences under the BPA 2020 became permanent under the LU&RA 2023. A letter and guidance from the Department for Levelling Up, Housing & Communities was issued to all Local Authorities in England on 2 April 2024. A copy of the letter can be found at **APPENDIX A** and the Government Guidance is attached as a link to this report.

1.3 The main changes to temporary pavement licensing as a result to the amendment to the BPA 2020 are as follows:

- The introduction of maximum standard capped fees for new and renewal applications. The fee levels are capped at a maximum amount of £500.00 for new applications and £350.00 for renewal applications.
The fee applicable for a temporary pavement licence was previously £100.00.
- The duration of the consultation and determination periods have increased from 7 days to 14 days for each.
- The maximum term a licence can be granted has increased to 2 years (from one-year previously).
- The new guidance makes clear that a minimum width of 2000mm clear space should be provided between the furniture and edge of the footway. However, if this is not possible due to physical constraints then a minimum width of 1500mm could be regarded as the minimum acceptable distance.
- Pavement licences will be issued with, mandatory, national and local conditions. The mandatory conditions and local conditions can be found at **APPENDIX B** (subject to slight amendment).
- Local Authority now have the enforcement powers to remove furniture from the Highways linked to unlicensed use.

2 TRANSITIONAL ARRANGEMENTS

- 2.1 The licensing team currently manages a total of 8 pavement licences, of which all of these were issued before 31 March 2024 and therefore were licensed under the BPA 2020.
- 2.2 These licences will expire on 30 September 2024 in line with the guidance issued from Government last year.
- 2.3 We have already amended our webpages and following approval today will contact our current licence holders to advise them on the changes and how they can re- apply in readiness for end of September 2024 to ensure a smooth transition.

3 IMPACT OF THE CHANGES

- 3.1 It is important for Members to be aware of the amendment to the BPA 2020 and the possible impact the changes may have on the licensing team.
- 3.2 Members to note the attached guidance - [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)
- 3.3 Members to note Section 7 of the guidance 'Enforcement and to be aware of possible circumstances where the local authority may enforce or revoke a licence and the possibility of removing furniture from the highway, see section 7.2 '*When can furniture be removed?*

4 CONSULTATION

N/A

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 We have considered charging the maximum fees of £500/£350 respectively but think this is better option for local businesses.

6 IMPLICATIONS

6.1 Legal Implications

The legislation does not have a statutory right of appeal, any appeal would be heard by the Licensing Sub-Committee

6.2 Financial Implications

Whilst we are suggesting to not charge the maximum allowed as per the legislation for an application, we have carried out a cost base analysis that will be reviewed annually in line with our fees and charges.

6.3 **Equality Implications**
N/A

7 SCHEDULE OF APPENDIX

Appendix A – Government Guidance
Appendix B – Licence Conditions



Department for Levelling Up,
Housing & Communities

Marsham Street
London
SW1P 4DF
pavementlicensing@levellingup.gov.uk

All Council Leaders and Chief Executives of
English local planning authorities

2 April 2024

Dear [x]

**PERMANENT PAVEMENT LICENSING REGIME
LEVELLING UP AND REGENERATION ACT 2023 COMMENCEMENT**

On 31 March 2024, we commenced the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. The provisions introduce a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020. This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes, outlined below, to ensure the long-term sustainability of the model.

Amendments set out in the LURA 2023

The LURA introduces several new pavement licensing provisions:

Firstly, the fee cap for a pavement licence application is increasing. It will no longer be capped at £100 but instead be capped at £500 for first time applications and £350 for renewal applications, subject to each local authority deciding the level of fee up to the cap. The increase and fee cap intend to balance both local authority and business interests. This increase in fee cap is intended to allow local authorities to recover the costs of processing, monitoring and enforcing licences.

Under the permanent regime, local authorities will now also be able to grant pavement licences for a length of their choosing up to a maximum of two years. As set out in the updated guidance, we encourage local authorities to grant businesses the maximum two years unless there is a good reason to do otherwise.

The 7-day consultation and 7-day determination periods provided under the temporary regime, will be extended to 14 days for each. This change has been made to reflect asks from local authorities to have a reasonable time to process applications; while balancing

businesses' need for a quick determination; and the need of members of local communities, particularly those with disabilities, to have a sufficient time to input, in mind.

Finally, the new pavement licensing provisions under the LURA 2023 grants local authorities' new enforcement powers. From the commencement date, local authorities will now, with the consent of the licence-holder, be able to amend the licence in certain circumstances. Local authorities will also be able to give notice to businesses who have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture, and refuse to return the furniture until those costs have been paid. If within three months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

Additional smaller changes in the guidance

Along with the amendments to the pavement licensing regime under the LURA 2023, we have made several minor changes to the guidance to clarify certain points within it and make it more comprehensive and considerate of the various groups affected by the regime.

We have clarified section 4.1 of the guidance, which sets out what local authorities, when considering the needs of disabled people, should assess when they set conditions, determine applications, and consider whether enforcement action is required. The previous guidance interpretation [Inclusive Mobility](#) was misleading. New guidance makes clear that under normal circumstances a width of 2000mm is the minimum that should be provided. In cases where this is not possible, a width of 1500mm could be regarded as the minimum acceptable distance. Though, local authorities should take a proportionate approach when measuring this.

In addition to this change we have also flagged that when considering the no obstruction condition licencing offices should be mindful of the cumulative impact of multiple pavement licences and the potential impact this could have on disabled pavement users.

Following feedback, we have provided more clarity on which types of furniture are permissible under this pavement licensing regime. Licences granted under this provision are exclusively for the use of furniture pertaining to the consumption of food and drinks, for example, tables and chairs. Other furniture, such as advertising boards, are not included. This furniture must be removeable.

Transitional Arrangements

The new pavement licensing provisions came into effect on 31 March 2024. Along with the renewals process introduced under the new regime, there are transitional arrangements in place to ensure the transition from the temporary regime to the permanent one is a smooth one for the entire sector.

Existing licence-holders can retain their licences granted under the temporary regime until the expiration date on their licence. After these existing licences expire, on or after 31 March 2024, businesses can reapply under the renewals process and be charged up to the

maximum renewal fee of £350, subject to the local authority deciding the level of fee up to the cap.

Existing licences with no fixed end date will be extended for two years from the commencement date and licences that were deemed to be granted due to the local authority not being able to determine the application on time, will also be extended for two years from the commencement date.

Applications submitted to the local authority on or before 30 March 2024 but determined on or after 31 March 2024 will be subject to some of the arrangements of the temporary regime, namely the 7-day consultation and 7-day determination periods and the up to £100 application fee. However, they will benefit from the new maximum duration of up to two years.

Applications determined before 31 March 2024, will be subject to the new enforcement power under the permanent regime, which grants authorities the power to amend the licence in certain circumstances with the licence-holder's consent.

You can access the updated guidance, which outlines the changes and transitional arrangements, [here](#).

For any queries, do reach out to pavementlicensing@levellingup.gov.uk.

We hope that these amendments are welcomed, and we look forward to continuing to work together to make this process as practical as possible.

**STANDARD PAVEMENT LICENCE CONDITIONS & REQUIREMENTS**

The Business and Planning Act 2020 (Pavement Licences)

The following will be applied to every licence deemed and granted under the above Act:

Standard conditions:

1. No-obstruction condition – The Licensee must ensure that a clear route of access along the highway is kept clear, by;

- ensuring a range of recommended widths in section 3.2 of Inclusive Mobility are met. This will take into account the needs of particular pavement users, including mobility impaired and visually impaired persons, where in most circumstances a recommended minimum width of 1500mm of clear space between an obstacle and the edge of the footway is kept;
- considering any barriers used to separate furniture from the rest of the footway. For example; using a tap rail for long cane users, or barriers and furniture with contrasting colours;
- maintaining principal lines of pedestrian movement for disabled people, older people and those with mobility needs. Principle routes should be entirely clear and should not pass through an area with tables and chairs;
- ensuring the furniture is non-reflective, and constructed so that it cannot be easily pushed, or blown over by wind. You cannot use plastic patio furniture, unless counter measures are taken to ensure these are stable.

2. Smoke-free seating condition – This condition requires when furniture is used on the relevant highway it provides customers a greater choice and option for both smokers and non-smokers to sit outside; when consuming food or drink. The licence holder must make reasonable provision and meet this condition by;

- providing clear 'smoking' and 'non-smoking' area, with appropriate smoking signage that meets the Smoke-free (Signs) Regulations 2012.
- No ash trays shall be left on tables in designated non-smoking zones.
- Licence holders should provide a minimum distance of 2 metres between smoking and non-smoking area, where possible.

Local conditions:

3. This licence is granted in accordance with the advice given in the guidance notes issued at the time of application.

4. The licence is issued to the applicant only and is not transferable.
5. The licence holder shall refrain from placing tables and chairs and other authorised furniture on the highway for so long as may be necessary in the case of a planned event, when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service.
6. No tables and chairs or barriers may be placed in the area until a licence has been granted.
7. No other items may be placed on the highway within the licensed area other than that approved in accordance with the application and the licence when granted.
8. Furniture placed on the pavements after the granting of a licence must be in accordance with the details and plans provided at the time of the application. No changes are permitted without prior approval from Fenland District Council.
9. The amenities must be removed from the public highway at the end of the permitted period each day.
10. The Licensee shall maintain a public liability insurance policy up to the value of £5 million pounds against any liability, loss or damage, claim or proceeding whatsoever arising under Statute or Common law in respect of the placing and maintaining of the tables and chairs on the highway or their removal there from.
11. The Licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times. It is your general duty of care to ensure that any waste produced is handled safely and in accordance with the law. You must keep all waste safe, prevent it from escaping from your control and ensure that it is only handled, or dealt with by persons that are authorised to deal with it.
12. The Licence holder must comply with any request to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the licence. The Licence Holder must also comply with any request to remove the furniture due to an emergency situation or special event. A reasonable period of notice will be given to the licensee where possible. Fenland District Council and/or The Highway Authority will not be liable for any loss of earnings arising out of use of a licence whilst complying with request.
13. Any umbrellas provided must not protrude beyond the designated boundary of the licensed area. They shall be kept in good condition so as not to detract from the appearance of the street, and also must be adequately secured. You are advised that enclosed structures (including gazebos) and the like will not be permitted within the proposed boundary of the licensed area.

14. If you intend to use space heaters, their metric dimensions, materials and colour must be specified as part of the application. You will also be required to submit a formal risk assessment as required by the Management of Health and Safety at Work Regulations 1999 in support of your application. The equipment used should also meet commercial standards and any specifications of relevant British Standards. This should be carried out by a person trained and deemed competent under health and safety law. In considering an application, the Council will have regard to the inherent safety of the equipment, its location, storage of Liquid Petroleum Gas Cylinders, maintenance and training arrangements. Fenland District Council will consider the adequacy of the risk assessment which must:

- Identify the hazards e.g. fire, explosions, burns, impact from falling equipment/cylinders
- Decide who may be harmed and how
- Evaluate the risks and decide whether proposed precautions (control measures) will need implementing and be adequate, or whether more could be done.
- Record findings, review assessment and revise on an annual basis or more frequently if the situation requires it e.g. a significant change in equipment, etc.

15. In areas of significant footfall (to be determined by Fenland District Council), when in use, the pavement licence designated area will need to be enclosed, to demarcate the licensed area and contain the specified furniture, thus making it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians.

16. No form of entertainment (incl. background music) is permitted in the licensed area, this includes the placing of speakers, or any other equipment, to amplify the sound.

17. During the hours of limited light, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must first be approved in writing by the Council.

18. Any material alteration to the Means of Escape, which affects people using the Means of Escape, inside or in the immediate vicinity outside the premises must be recorded in the premises' Fire Risk Assessment as a significant finding. Control measures should be put in place to reduce risk within the area as well as recording them. A review of the hazards and risks should be on going throughout the period the premises are in use.

19. This Licence covers the use of amenities by customers for consuming food or refreshment which have been purchased from the licenced establishment. This Licence does not permit the use of the amenities for any other purposes at any time.

20. No additional charge shall be made to customers for the use of the tables and chairs within the licensed area.

21. The licensee may only use the land for the placing of specified furniture in the course of his business only during the hours permitted by the licence and only within the defined area applied for.

22. No other items may be placed on the highway within the licensed area other than that approved in accordance with the application and the licence when granted.

23. The licence is granted for the period specified on the licence.

24. The licensee is responsible for carrying out the reinstatement of the highway in the event of any damage to the highway occurring as a result of the activity (if requested to do so by the Highway Authority). The permanent surface reinstatement shall be carried out to the satisfaction of the Highway Authority.

25. These conditions may be varied where appropriate to reflect any changes in local areas and will come into effect upon written notification by the Council.

26. The footway must not be obstructed by patrons standing between tables, chairs and the kerb, or by the personal possessions of patrons.

27. Periodic inspections of premises granted with Pavement Licences will be made by the Council to ensure compliance with the Pavement licence conditions and Guidance.

28. No alcohol is to be sold or consumed from the designated area identified unless that sale and/or consumption is approved under the Licensing Act 2003 which includes any temporary authorisations for the sale of alcohol permitted pursuant to the Business and Planning Act 2020 (as amended).

29. There is no automatic right to appeal against refusal of licence grant.

30. The Licensing Authority may withdraw this consent at any time upon giving the licensee seven days' notice in writing. Upon withdrawal of the consent the licensee shall remove the amenities from the public highway, and, in default, the Local Authority may remove the amenities and recover from the licensee its cost in doing so.