

# LICENSING COMMITTEE



**WEDNESDAY, 10 JULY 2024 - 1.00 PM**

**PRESENT:** Councillor D Oliver (Chairman), Councillor M Humphrey (Vice-Chairman), Councillor J Carney, Councillor P Hicks, Councillor N Meekins, Councillor A Miscandlon, Councillor P Murphy and Councillor A Woollard

**APOLOGIES:** Councillor A Gowler

**OFFICERS IN ATTENDANCE:** Michelle Bishop (Licensing Manager), Andy Fox (Senior Licensing & Compliance Officer) and Linda Albon (Member Services & Governance Officer)

## **LIC1/24      APPOINTMENT OF THE CHAIRMAN FOR THE MUNICIPAL YEAR**

It was proposed by Councillor Miscandlon, seconded by Councillor Meekins and resolved that Councillor Oliver be elected Chairman of the Licensing Committee for the Municipal Year.

## **LIC2/24      APPOINTMENT OF A VICE-CHAIRMAN FOR THE MUNICIPAL YEAR**

It was proposed by Councillor Miscandlon, seconded by Councillor Murphy and resolved that Councillor Humphrey be elected Vice-Chairman of the Licensing Committee for the Municipal Year.

## **LIC3/24      PREVIOUS MINUTES**

The minutes of the meeting of 17 May 2022 were confirmed and signed.

## **LIC4/24      PROPOSED INCREASE TO CURRENT HACKNEY CARRIAGE VEHICLE TABLE OF FARES**

Members reviewed the Proposed Increase to Current Hackney Carriage Vehicle Table of Fares report presented by Andy Fox.

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

- Councillor Meekins asked if the taxi trade had seen the proposals. Andy Fox replied they had, but unfortunately only a small number had responded.
- Councillor Hicks asked if a comparison had been made against the charges. Andy Fox responded that a comparison had been made for journeys over two miles.
- Councillor Woollard commented that although he is unsure about the rest of the district he knows that in March, taxi firms struggle for drivers in the evenings, and it is very difficult for anyone to get a taxi then. On that basis the officer recommendation for additional night fees could encourage extra drivers on the road and he knows a lot of people in March that would be happy to pay these extra fees so long as they can get a taxi.
- Councillor Miscandlon said it is difficult for anyone in Fenland to get a taxi in the evenings; the attitude amongst many of the drivers is that it is just not worth it, so the modest increase proposed is probably beneficial to them to provide an evening service. However, he is sorry to say that the poor response to the survey is typical and abysmal. It is their trade, but they are not encouraging it, however he will support it.
- Councillor Murphy said he would also support it, but asked if the whole matter could be

simplified. There is mention of a tenth of a mile, 1.62 miles and who counts a waiting time of 96 seconds?

- Michelle Bishop agreed that it is confusing and whatever the final decision post consultation, work can be done to simplify it as much as possible. The different tariffs are necessary but in terms of waiting time, unfortunately we cannot know how long the waiting time will be because it depends how long it takes to get from end of town to the other given any hold ups on the way. It is difficult because they have to run on a meter; yes private hire can give a price, but these proposals are for the hackney carriage trade and is the maximum they can charge. Drivers have the choice, If they want to charge less that is fine, it is their decision if they want to accept £10 for a £15 journey. Andy Fox added that every council in the country operates in the same way and the Council has attempted to keep this as simple as possible.
- Councillor Miscandlon agreed, drivers do not have to charge what it says on the meter and quite a few of them don't. Some drivers prefer not to mess around with change, they like to deal with round figures and not technical meterage.
- Councillor Carney asked if members follow officers' recommendations, and the two-mile rate rises above that of neighbouring districts, is that playing into the hands of taxi operators in Peterborough or South Holland for instance? Andy Fox pointed out that the Council is responding to a request from the trade. As the report states, some councils have not increased fares since 2022 but many are now following suit and looking to put their fares up also.
- Councillor Meekins commented that officers had said they would try to simplify the process and yet a fraction of a mile is an eleventh; why is it not a tenth or eighth, which is a furlong, it seems a peculiar distance. Andy Fox responded that this had been inherited. A report in 2022 referred to a mile and an eleventh of a mile so it seemed easier to keep these and look at and alter the fee rather than reducing or changing the meterage.
- Michelle Bishop advised that members have the option to request officers to look at this again, change or simplify it if possible and come back with further proposals. They do not have to accept Option A or B in the recommendations today.
- Councillor Humphrey asked what is the comparison with the current scheme? It may seem complicated, but it is the system the trade is used to but do other local authorities use a similar scale and brief? Looking at how the trade accepted it then the simplest way seems to be to go with the officer recommendation; perhaps trying to oversimplify it creates more work for the same end, although there could be an amendment to the recommendation in that further work be carried out for the future.
- Councillor Miscandlon agreed with Councillor Humphrey and said it may be an advantage for officers to look at simplifying the system over the next year ready for when fees are reviewed again, and it may then make the trade's calculations more user friendly for everyone. Meanwhile he supports the increases as suggested because hopefully it will encourage more evening trade.
- Councillor Meekins said it has already been pointed out that members do not need to go with the report recommendations but can make their own suggestions. His thought is that as the fees were last reviewed in 2022, presumably any increase will last a couple of years, therefore would it not be better for members to get this right now before implementation. If changes are to be made in the future, it will make more work; it should be reviewed now, so when it is implemented, members, officers and the taxi trade are all happy.
- Councillor Humphrey stated that Option B has already been through that process. Councillor Woollard agreed, saying Option B has already been through the review process and whilst he appreciates the previous comments about reviewing the whole structure, that should be a project for next year's consultations, and he is therefore happy to propose that Option B be adopted.
- Councillor Oliver asked for clarity further to previous comments, he asked if members were proposing to accept Option B or if they were proposing an amendment to the recommendation to accept Option B and have officers look to revise and simplify the process over the next year. A vote was taken, and members agreed the latter option.

**Proposed by Councillor Murphy, seconded by Councillor Miscandlon and AGREED to**

**accept Option B now for a taxi fare increase and look into it over the next year for the next round; subject to a 14-day notice period in the newspaper with any comments and/or objections raised from the public during this period to be presented to the Licensing Chairman and Portfolio Holder for them to consider and decide on the next steps.**

## **LIC5/24 BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCE**

Members considered the Business and Planning Act 2020 – Pavement Licence report presented by Michelle Bishop.

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

- Councillor Meekins asked if there is a recommended area size for a table and chairs. Michelle Bishop responded that firstly an area needs to be adjacent to the property and in terms of how many tables they apply for, officers will look to see the number suitable based on that area size. If there are concerns about a business with a pavement licence encroaching in other areas, the conditions of the licence will be reviewed on a case-by-case basis. A plan of where tables are to be situated, showing dimensions, will need to be submitted with each application and officers will visit to measure and check the area is suitable before issuing a pavement licence. This is why Licensing officers are pleased to see an increase in the consultation period from 7 to 14 days to allow that extra time to plan visits.
- Councillor Carney mentioned he once received an enquiry from a business owner whose premise was exempt from a pavement licence so would they be exempt from the charging scheme? Michelle Bishop responded that if a business owns the area at the front of their business then it does not come under Highways, and they do not need to apply for a pavement licence.
- Councillor Murphy asked if the scheme would be mandatory, so anyone putting tables and or chairs outside will have to pay the licence. He would also like to know if investigations will be undertaken to ensure nobody is getting away with not paying if they should. Michelle Bishop affirmed this saying that previously without enforcement powers the Council could only encourage business owners to apply for a pavement licence but now the Act has been passed they have specific powers, and if approved today, this meeting is about agreeing the fee structure.
- Councillor Hicks asked what the mandate will be regarding table sizes as the bigger the table, the more chairs it can accommodate so more people can sit there. This will be unfair on a smaller business who would need to supply more tables to seat the same number of people and he suggested the fee structure be based on the number of chairs to make it fairer for small businesses. Michelle Bishop responded that this is covered in that the two fee structures state the number of tables and/or chairs.
- Councillor Humphrey commented that some establishments that want to trade on the pavement have got more space than others so presumably Licensing officers would need to ensure a public footpath is still maintained for pedestrians. Michelle Bishop stated that is why officers will go out to measure the area to ensure there is still adequate room on the footpath.
- Councillor Miscandlon raised an issue in Whittlesey where a public house has tables outside but within the curtilage are two FDC-owned seats. Staff discourage people from sitting there if they are not using the public house's facilities and he asked if the seats need to be moved although the public are within their rights to sit there regardless. Michelle Bishop said she would investigate this as she is aware of the issue but thought it had been resolved.

**Proposed by Councillor Humphrey, seconded by Councillor Woollard and AGREED:**

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

	<b>Fee A - Up to a maximum of 3 Tables and/or 12 chairs</b>	<b>Fee B - Over 3 tables and/or 12 chairs</b>
<b>New Licence for up to 2 Years</b>	<b>£350</b>	<b>£390</b>
<b>Renewal Licence for up to 2 Years</b>	<b>£250</b>	<b>£290</b>

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

1.50 pm

Chairman