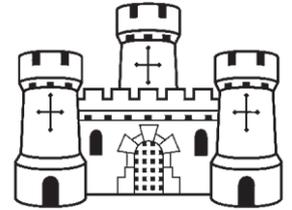


Public Document Pack

Date of meeting Monday, 29th April, 2024
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing & Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

LICENSING COMMITTEE

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**
To receive declarations of interest from Members on items contained within the agenda
- 3 MINUTES OF A PREVIOUS MEETING** (Pages 3 - 6)
- 4 PAVEMENT LICENSING - LEVELLING UP AND REGENERATION ACT 2023** (Pages 7 - 14)

PUBLIC PROTECTION COMMITTEE

- 5 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**
To receive declarations of interest from Members on items contained within the agenda
- 6 TAXI TARIFFS - PROPOSED INCREASE** (Pages 15 - 44)
- 7 AMENDMENT OF TAXI LICENSING POLICY PROVISIONS IN RELATION TO TINTED WINDOWS** (Pages 45 - 52)
- 8 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS** (Pages 53 - 54)

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

PART 2 - CLOSED AGENDA

9 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

10 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Parker (Chair), Whieldon (Vice-Chair), S White, Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams and Brown

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Panter	Brockie
	Johnson	Fox-Hewitt
	J Tagg	D Jones
	J Waring	Richards
	Burnett-Faulkner	Stubbs

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

Agenda Item 3

Licensing & Public Protection Committee - 12/03/24

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 12th March, 2024
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Andrew Parker (Chair)		
Councillors:	Barker MBE Heesom Wilkes Adcock	Dymond Wright Allport J Williams	G Williams Brown
Apologies:	Councillor(s) Whieldon, S White, Sweeney and Skelding		
Substitutes:	Deputy Mayor - Councillor Barry Panter Councillor John Tagg Councillor Jill Waring		
Officers:	Matthew Burton Geoff Durham Nesta Barker Darren Walters	Licensing Administration Team Manager Civic & Member Support Officer Service Director - Regulatory Services Environmental Health Team Manager	

1. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

2. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 12th December 2023 be agreed as accurate record.

3. **REVIEW OF THE CUMULATIVE IMPACT ASSESSMENT**

The Licensing Administration Team Manager presented the report on the Cumulative Impact Assessment introduced by the Licensing Act 2003 by the Policing and Crime Act 2017 and for which a public consultation was required.

Resolved: 1. That a period of public consultation be approved to allow for written representations to be submitted in review of the Cumulative Impact Assessment.

2. That, following the consultation, a report be presented to this Committee to determine whether the Council still require a Cumulative Impact Assessment and if so the scope of it and an implementation date for it.

[Watch the debate here](#)

4. HOME OFFICE CONSULTATION - AGE VERIFICATION AND REMOTE SALES

The Licensing Administration Team Manager presented the report on the current Government Consultation and proposed response relating to the sale of alcohol, age verification and remote sales.

Members commented and officers responded as follows.

Cllr J Williams asked for clarification about remote sales. – These were sales not taking place face to face such as those made over the phone, on the internet or using an app. The consultation was proposing that more checks be carried out including at the end of the transaction when the goods were delivered. About controls at the point of purchase which Cllr J Tagg also asked about, the purchase of equipment was not addressed by the consultation. The use of digital identities and ID scanning was suggested alongside traditional identity documents.

Cllr Brown asked about the involvement of organisations representing workers. – Organisations that had been contacted were mainly trade associations from different sectors in the hospitality business. Training would be available for members of staff involved in licensing and using the technologies.

Cllr G Williams asked who would be responsible if a delivery driver did not proceed to the necessary checks resulting in a young person getting drunk. – It was an offense to sell alcohol to someone who was not old enough or who was intoxicated for which the company making that sale would be responsible. An additional offense was proposed by the consultation that would apply to the delivery driver failing to do the checks, making training and guidance an essential aspect of the proposal.

The Chair asked if the Challenge 25 asking for IDs whenever the customers looked younger than 25 years old was a legal requirement. – The law only required for alcohol not to be sold to people under 18 years old. Challenges 21 and 25 were training standards to make it easier.

The Chair commented the proposals were relevant considering the multiplications of services to order foods and alcohol online. – The consultation was offering different options to see where local authorities stood and the response proposed by officers was supporting the creation of a new offense making ID checks at the point of delivery mandatory.

Cllr J Williams asked about safeguards in relation to delivery companies and staff. – The business selling the goods would have to ensure that the people contracted have the necessary skills and training, and are suitable for the role, which would make third party companies who comply stronger.

The Service Director for Regulatory Services added that other regulations in relation to Employment and Health and Safety would still apply and protect delivery drivers. The consultation was a national consultation and many other views would be expressed before the actual text of the regulation be drafted.

Resolved: That the proposed response to the Government consultation be considered and agreed.

[Watch the debate here](#)

5. **DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

6. **PUBLIC PROTECTION SUB-COMMITTEE PROGRAMME**

7. **UPDATE ON RESULTS OF TAXI LICENSING APPEALS**

The Licensing Administration Team Manager updated members on the recent taxi licensing appeals.

Members commented and officers responded as follows.

The Chair asked about the impact of Covid on processes. – These were slowed down and the situation had not improved yet with appeals being adjourned and some of them now scheduled for 2025. The Chair wondered if something could be put forward, perhaps for the government or other organisations involved. – This may be contrary to public law. Some provisions implied decisions with immediate revocations or suspensions. There were also different circuits of courts and the workload / capacity had to be taken into account.

Cllr Brown asked about appeals that had been withdrawn. – Reasons varied, sometimes they appealed so that they could continue driving until the documents were sorted, some other times it was just legal advice suggesting they would be unsuccessful and would have to pay the costs associated with the process. They could also have applied with another authority to get their license however there was now a national register keeping track of suspension and revocations of licenses.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

8. **CONSULTATION ON REVOCATION OF THE MAYBANK, WOLSTANTON AND PORTHILL AQMA**

The Environmental Health Team Manager presented the report on the revocation of the May Bank, Wolstanton and Porthill air quality management area (AQMA) for which a consultation was required.

Cllr J Williams asked if a six week consultation was long enough, also wondering about the opportunity of the revocation considering the nearby traffic jam. – This was the duration that had been traditionally allocated. The devices were located where people lived and the air quality recorded in the area showed compliance.

The Service Director for Regulatory Services added that with the public consultation comments would come back so that an opinion could emerge as to whether or not the air quality management area should be maintained.

Resolved: 1. That officers be authorised to enter into a six week consultation exercise with relevant stakeholders with a view to revocation of the May Bank, Wolstanton and Porthill AQMA.

Licensing & Public Protection Committee - 12/03/24

2. That a further report containing proposals for the May Bank, Wolstanton and Porthill AQMA be received along with details of consultee responses.

[Watch the debate here](#)

9. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the minutes of the meeting held on 17th January 2024 be received.

10. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

11. URGENT BUSINESS

There was no urgent business.

**Councillor Andrew Parker
Chair**

Meeting concluded at 7.47 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING & PUBLIC PROTECTION COMMITTEE**

29 April 2024

Report Title: Pavement Licensing – Levelling Up and Regeneration Act 2023

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>The inform Members that the Pavement Licensing regime introduced during the Covid pandemic has been made permanent with a number of amendments.</p>	
<u>Recommendation</u>	
<p>That Committee:</p> <ol style="list-style-type: none"> 1. Note the contents of the report; 2. Agree to the proposed amended standard conditions for all licences; 3. Agree to the proposed fees for new and renewal applications; and 4. Agree to the proposed standard licence period. 	
<u>Reasons</u>	
<p>During the pandemic the Business and Planning Act 2020 introduced a temporary pavement licensing scheme to assist businesses. The scheme was successful and has now been made permanent by amendments made under the Levelling Up and Regeneration Act 2023, subject to a number of provisions which need to be considered.</p>	

1. Background

- 1.1** The Business and Planning Act 2020 (“BPA20”) received royal assent on 22nd July 2020 and made significant changes designed to help premises (including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours) to survive and bounce-back from the pandemic lockdown.
- 1.2** It included a new “Pavement Licence” regime, to be administered by local authorities, designed to make it easier for premises serving food and drink (such as bars, restaurants and pubs) to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

- 1.3 The pavement licence provisions were originally due to expire in September 2021 but due to the continuation of the pandemic and the success of the scheme it was extended multiple times.
- 1.4 As part of the Levelling Up and Regeneration Act 2023 (“LURA23”) the pavement licensing scheme has been made permanent, albeit with some amendments from the temporary provisions which are summarised in Table 1.

Table 1:

<u>Changes</u>	<u>Business Planning Act 2020</u>	<u>Levelling Up and Regeneration Act 2023</u>
Licence length	Max 1 year	Max 2 years
Fees	£0-£100	£0-£500 (new applications) £0-£350 (renewals)
Renewals	No renewal process	Renewal requirements introduced
Consultation time frame	7 days	14 days
Determination time frame	7 days	14 days
Public Space Protection Order (PSPO)	Not included as an exemption	Included as an exemption
Enforcement	Permits for revocation and serving of notices	Permits for revocation and serving of notices and also permits the removal of furniture, storage of it, recovery of costs incurred and disposal of it. Also that instead of revocation the licence can be amended in prescribed circumstances.

- 1.5 There are currently 12 pavement licences in force across the Borough and numbers have fluctuated throughout the temporary provisions. Some applications have been rejected for being in unsuitable locations, applicants not being able to provide necessary documentation or mostly because the proposed locations were located on private land and not a public highway.

2. Issues

- 2.1 In August 2020 the Committee agreed to set Standard Conditions in relation to pavement licences granted. Officers are proposing to amend the current conditions to remove reference to Covid 19 and address issues identified by Officers during the temporary provisions. A track changed copy of the proposed conditions is attached as **Appendix 1**.
- 2.2 The BPA20 provided that licences could only be granted for a maximum of 1 year, subject to the end date of the temporary provisions at the time. The LURA23 provides that licences can be issued upto a maximum of 2 years. Officers are proposing that all licences are issued for the full two year period unless circumstances are such that it would be appropriate for a lesser time period.

- 2.3** The BPA20 provided that local authorities could charge a maximum of £100.00 to applicants to consider applications and grant licence. Members of this Committee agreed with Officers that the Council would not charge a fee to assist businesses, even though the administration of the process would incur costs for staff to consider, issue and inspect applications and premises. LURA23 recognises that even those authorities that charged £100.00 under the temporary provisions were still operating the scheme at a loss and now provides that the Council may charge up to a maximum of £500.00 for new applications, and upto £350.00 for renewal applications. Having carried out an analysis of costs to full administer the regime Officers are proposing that new applicants should pay **£216.00** fee and renewal applicants should pay **£158.00** fee.
- 2.4** The BPA20 provided that the consultation period for each application was 7 days and then that the application must be determined within a further 7 days. The amendments in the LURA23 have extended both timescales to 14 days. In effect this doubles the maximum time frame for the Council to determine applications.
- 2.5** The Anti-social Behaviour Act 2014 (“ASBA14”) provides for certain premises to be excluded from ‘no alcohol’ conditions of a Public Space Protection Order. The BPA20 did not contain an amendment to the ASBA14 to include pavement licence areas as an exemption. The LURA23 has remedied that, so now alcohol consumption within a pavement licence area would not constitute a breach of a PSPO condition.
- 2.6** The BPA20 contained provisions that related to enforcement and circumstances where local authorities could revoke a licence. LURA23 has added provisions that allow local authorities to remove furniture from the highway, store it and require the licence holder to pay any associated costs in relation to this. The local authority, at the end of a 3 month period, can dispose of the furniture in any way it sees fit including selling and retaining the proceeds. In addition, the LURA23 has also provided that, in prescribed circumstances, the local authority can amend the terms of the licence with the licence holder instead of revoking the licence. The circumstances include:
- The highway is no longer suitable. E.g., the licensed area is no longer pedestrianised;
 - It comes to light that there are risks to public safety in keeping the areas as granted;
 - The grant of the licence has caused an unacceptable obstruction; or
 - The use is causing, or risks causing, anti-social behaviour or public nuisance. E.g. the use is increasing the amount of noise generated late at night and litter is not being cleaned up.

3. Recommendation

That Committee:

- 3.1** Note the contents of the report;
- 3.2** Agree to the proposed amended standard conditions for all licences;
- 3.3** Agree to the proposed fees for new and renewal applications; and
- 3.4** Agree to the proposed standard licence period.

4. Reasons

- 4.1 The new provisions have already come into force and the Council are now statutorily obliged to consider and deal with pavement licences application made under the amended Business and Planning Act 2020.
- 4.2 The administration of the pavement licence regime requires staff time. The Council are currently operating at a loss when dealing with these applications and it is considered that the Council should recover its cost in administering the scheme.
- 4.3 There are a number of amendments to the previous temporary regime which require consideration and implementation.

5. Options Considered

- 5.1 To continue to not charge a fee for applications. This has been discounted as the Council are currently operating at a loss and the original decision to not charge was taken during the pandemic when hospitality businesses were suffering.
- 5.2 To issue licence for a lesser period than the maximum. This has been discounted as it will benefit businesses with security in the knowledge that they will hold the licence for the maximum period, subject to circumstances, and will benefit the Council in allowing officers to concentrate on the new applicants and active compliance rather than continually administering applications.

6. Legal and Statutory Implications

- 6.1 The legal and statutory implications are fully addressed in the body of this report.

7. Equality Impact Assessment

- 7.1 There are no issues arising from this report.

8. Financial and Resource Implications

- 8.1 There are resource implication in administering the pavement licensing regime which include advice, administration, compliance and enforcement. There are staff costs associated to this.
- 8.2 The new provisions allow for the Council to remove, store and ultimately dispose of furniture in prescribed circumstances. This will be a cost to the Council but the Act allows for full recovery of those costs from the licence holder.

9. Major Risks & Mitigation

- 9.1 The risk of not charging a fee is that the Council do not recovery costs in association with this area of work.
- 9.2 The risk of not issuing licences for the maximum term is that the regime may become burdensome and require additional resource to consider applications on a more frequent basis.

10. UN Sustainable Development Goals (UNSDG)

10.1



11. Key Decision Information

- 11.1 This is not a key decision.

12. Earlier Cabinet/Committee Resolutions

- 12.1 4th August 2020 – Licensing & Public Protection Committee
12.2 27th July 2021 - Licensing & Public Protection Committee
12.3 18th October 2022 - Licensing & Public Protection Committee
12.4 5th September 2023 - Licensing & Public Protection Committee

13. List of Appendices

- 13.1 Appendix 1 – Proposed amended standard licence conditions.

14. Background Papers

- 14.1 [Business and Planning Act 2020 \(as amended\)](#)
14.2 [Levelling Up and Regeneration Act 2023](#)
14.3 [DLUHC Pavement Licence Guidance](#)

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Council Conditions

1. The grant of a pavement licence does not imply an exclusive right of use by the licence holder of an area of public highway since the Borough Council, the Highways Authority, the Emergency Services and other statutory undertakers may need access to the area for their functions. The Borough Council will not be liable, and will not compensate the Licensee, for any losses whatsoever arising from use of the licensed area by others. When requested to do so by an officer of the Borough Council, Highways Authority or the Emergency Services, or a representative of a statutory undertaker, the licensee must remove such furniture and fittings as the officer or representative directs.
2. The licence holder must only place service counters or stalls, shelves, umbrellas, barriers, tables, chairs and benches within the licensed area for the stated period that have been granted as part of the application. This furniture must be for the sole purpose of the service and consumption of food and/or drink in connection with the use of the licensee's business premises.
3. Where it is sited immediately in front of, or to the side of, the licence holders existing business, the licensed area must be within the width of the frontage or side elevation of the existing business premises unless granted otherwise by the local authority
4. The licensee must obtain and maintain public liability insurance in the amount of £5 million in respect of any one incident, and indemnify the Borough Council and Staffordshire County Council (the highway authority) against all actions, proceedings, claims, demands and liability arising from the licensee's use of the highway for the licensed purpose.
5. Any proposed change of detail in respect of the pavement licence must be notified in writing to the Borough Council 14 days prior to the change occurring. No other furniture is permitted to be used except with written permission from the local authority in advance of its usage.
6. A copy of the licence and plan of the licensed area must be displayed in a prominent position on the business premises that is visible from the exterior of the premises.
7. Clear routes of access along the highway must be maintained taking into account the needs of permitted vehicular traffic and mobility impaired and visually impaired people. In particular a 2-metre width of unobstructed pedestrian pathway with a minimum unobstructed height of 2.3 metres must be maintained during the permitted hours stated on the licence. Attention must be paid to any existing street furniture, trees etc. with regard to the required distances when planning the layout of permitted furniture and fittings.
8. The positioning of permitted furniture and barriers must not prevent access by pedestrians or vehicles to bus stops, taxi ranks and other premises frontages. It must not obscure any highway signs or markings, nor the visibility of pedestrians or vehicles on or near junctions. It must not obstruct pedestrian access to tactile paving or dropped kerbs, nor interfere with drainage of the highway.
9. All furniture and fittings must be regularly cleaned and maintained in a good state of repair. By design they must be resistant to external forces such as wind. Fixing them to the surface or infrastructure of the highway, and excavations of any kind are not permitted.
10. Demarcation barriers must be a minimum of 800mm high and include solid surfaces or tapping rails at or near ground level to assist visually impaired people. They should be of a colour or design which is distinct from the surroundings to provide visual contrast.
11. Space heaters must be suitably guarded, and no barbecues, fire pits or naked flames are permitted in the licensed area.
12. The use of the permitted pavement area must cease by 23:00 or such earlier or later time as specified in the licence. All furniture and fittings must be removed and where this is not done the Borough Council may remove and store these items, or remove and dispose of them, with the associated costs recharged to the licensee.
13. The licensed area must be regularly checked for litter and any litter must be removed and placed in the premises' own trade waste bins.
14. No glass bottles or glass drinking vessels are permitted to be used in the pavement licensed area beyond 20:00hrs.

15. The licence holder is solely responsible for all furniture, fittings, and equipment and shall make no claim or charge against the Borough or County Council in the event of those items being lost, stolen or damaged.

16. The licensed area must be included in the businesses risk assessment with appropriate controls implemented to protect staff and customers.

17. A risk assessment is also required to consider any necessary controls to prevent anti-social behaviour, and also public nuisance if there are residential properties within close proximity to the licensed area.

18. No alcohol is to be consumed within the licensed area except in compliance with authorisation issued to the business premises under the Licensing Act 2003 for that purpose.

19. All customers must be seated with no vertical drinking permitted.

20. No amplified music or sports commentary may be played in the licensed area.

21. The licensed area must be regularly checked for spills of food and drink and thoroughly cleaned at the end of the trading period to remove any residues, particularly grease and other staining.

22. The pavement licence holder is responsible for actively managing any queues to their premises ensuring no obstructions to the highway or other surrounding premises.

23. Where the licence holder permits smoking to take place within the licensed area they must also make reasonable provision for seating where smoking is not permitted.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE

29 April 2024

Report Title: Taxi Tariffs – Proposed Increase

Submitted by: Service Director - Regulatory Services & Licensing Administration Team Manager

Portfolios: Finance, Town Centre & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
For Members to consider the Hackney Carriage Trade Association's request to increase the Council set maximum metered tariffs and amend the times for the proposed tariffs.			
<u>Recommendation</u>			
<ol style="list-style-type: none"> 1. That Members approve or amend the proposed variation of the Table of metered fares charged by Hackney Carriages; 2. That Members approve the proposed Table of metered fares to be advertised and implemented in line with statutory provisions; and 3. That Members approve that following the consultation period the Table of metered fares are sent to Cabinet for ratification. 			
<u>Reasons</u>			
A request has been received from the Hackney Carriage Trade Association to increase the Council set maximum metered tariffs and amend the times for the proposed tariffs.			

1. **Background**

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976 provides that a District Council may fix the rates or fares within the district in connection with the hire of a Hackney Carriage providing the proposed increase is published in at least one local newspaper, setting out the proposed variation and allowing a period no less than 14 days, from the first date of publication, for objections. The District Council must also deposit a copy of this notice at the offices of the Council and make it available for public inspection at all reasonable hours when open without payment.
- 1.2 The current table of fares approved by the Council was set in 2019 and has not been varied since. A copy can be found at **Appendix A**. In October 2015 the Hackney Carriage Trade Association ("Trade association") made a request that the commencement time for tariff 2 should be amended from midnight to 22.00hrs. At a meeting on 3rd November 2015 the Committee resolved to reject the proposed change. An extract from the minutes is attached at **Appendix B**. In August 2019 the Trade Association again requested that the commencement time for tariff 2 should be amended from midnight to 22.00hrs. At a meeting on 29th August 2019 the Committee resolved to reject the proposed change. An extract from the minutes is attached at **Appendix C**.

2. Issues

- 2.1 The Licensing Department have received a request from the Trade Association to increase the metered fares and amend the times of Newcastle-under-Lyme Borough Council's licensed Hackney Carriages. A copy of the request is attached as **Appendix D** which details that there has been 5 years since the last set of tariffs were implemented in which time costs for fuel, insurance premiums, vehicle maintenance and replacement vehicles have all increased. It also includes an explanation as to why the trade is proposing that the tariff 2 start time be brought forward from midnight to 22.00 hours.
- 2.2 In 2023 the Trade association submitted a proposed table of fares. Following subsequent meetings and correspondence Officers drafted a new proposed table of fares which has the agreement of the Trade Association Committee and their members. A copy of the proposal is attached as **Appendix E**.
- 2.3 There is a national fares league table compiled by the Private Hire and Taxi Monthly Magazine (PHTM) every month with places based on the cost to a customer to travel two miles on the local authorities' cheapest tariff. NULBC currently sit in 328th place from 344 local authorities. The bottom four Local Authorities in the league table do not set tariffs. These four Councils allow their Hackney Carriages to set prices for each individual journey. A copy of the April 2024 table is attached at **Appendix F**.
- 2.4 A review has been carried out against the table of fares for Stoke-on-Trent City Council who last amended their fares in March 2022. Table 1 below shows the comparison between the Council's current set of fares, the proposed set of fares and for Stoke-on-Trent City Council for 1 mile and 2 miles under tariffs 1 and 2.

Table1:

<u>Council and place in PHTM table</u>	<u>Tariff 1</u>	<u>Tariff 1</u>	<u>Tariff 2</u>	<u>Tariff 2</u>
	<u>1 mile</u>	<u>2 mile</u>	<u>1 mile</u>	<u>2 mile</u>
NuLBC (current) - 328/344	3.90	5.55	5.20	7.40
Stoke CC – 313/344	4.10	5.90	5.30	7.70
NuLBC (Proposed) – 184/344	4.70	6.90	6.00	8.75
Proposed Percentage Increase	20.5%	24.3%	15.4%	18.2%

- 2.5 A number of changes have been put forward as part of the proposal:
- Increasing the flag fares on each tariff;
 - Increase the additional distance charges on each tariff;
 - Amending the start time of tariff 2 from midnight to 22:00;
 - Increasing the soiling charge fee;
 - Additional notes for customers.
- 2.6 The proposed changes to the Table of Fares, if approved, would apply to all Hackney Carriages licensed by Newcastle-under-Lyme BC.
- 2.7 Where a journey starts and ends within the Borough it is an offence to charge more than the maximum metered fare for the time/distance approved by the Council. A

fixed price can be agreed before the journey commences but it cannot exceed the maximum metered fare.

- 2.8** Where a journey ends outside of the Borough it is an offence to charge more than the maximum metered fare for the journey unless an agreement to pay more has been made in advance of the hiring. If there is no pre-agreement then the driver must not charge more than the maximum metered fare for that journey.

3. Recommendation

- 3.1** That Members approve or amend the proposed variation of the Table of metered fares charged by Hackney Carriages, which can be found at Appendix D; including
- 3.1.1** To approve or amend the proposed flag fares;
 - 3.1.2** To approve or amend the proposed additional distance charges;
 - 3.1.3** To approve or amend the proposed start time for tariff 2 from midnight to 22.00 hours;
 - 3.1.4** To approve or amend the proposed soiling charge;
 - 3.1.5** To approve or amend the additional notes on the tariff sheet.
- 3.2** That Members approve the proposed Table of metered fares, which can be found at Appendix D, to be advertised and implemented in line with statutory provisions; and
- 3.3** That Members approve that following the consultation period the Table of metered fares, which can be found at Appendix D, are sent to Cabinet for ratification.

4. Reasons

- 4.1** The table of fares have not been increased since 2019 and the Council's tariffs in the bottom 6% of all UK local authorities.

5. Options Considered

- 5.1** That if Members do not wish to approve the proposed table of fares, then they can:
- Amend the proposed fares, approve that the amended fares be consulted upon and then sent to Cabinet to be ratified; or
 - Reject the proposed fares with a view that an amended proposal be submitted for consideration at a future meeting.

6. Legal and Statutory Implications

- 6.1** There are no statutory requirements on the Council to have a Table of metered fares for Hackney Carriages however once in place it forms the basis of the maximum fares that drivers of Hackney Carriages are permitted to charge.

7. Equality Impact Assessment

- 7.1** Not applicable

8. Financial and Resource Implications

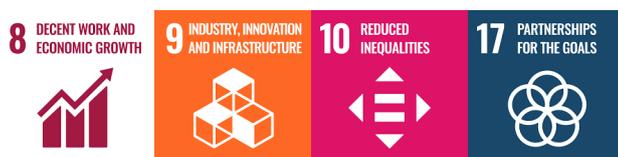
- 8.1** Not applicable

9. Major Risks & Mitigation

- 9.1** Not applicable

10. UN Sustainable Development Goals (UNSDG)

10.1



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

12.1 Public Protection Committee – 3rd November 2015

12.2 Public Protection Committee – 20th August 2019

13. List of Appendices

- 13.1 Appendix A – Current Table of Metered Fares
- Appendix B – Extract of minutes from 3rd November 2015
- Appendix C – Extract of minutes from 20th August 2019
- Appendix D – Trade request email
- Appendix E – Proposed Table of Metered Fares
- Appendix F – Private Hire and Taxi Monthly Magazine league table for April 2024

14. Background Papers

14.1 Current Hackney Carriage Table of metered fares



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

HACKNEY CARRIAGE FARES 2019

MAXIMUM FARES

Tariff 1

All journeys with 1-4 passengers on below days and times

1. Days/Times

06:00 – 00:00 on Mondays to Saturdays

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £3.00

For each subsequent 160 yards (1/11th of a mile) or part thereof 15p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 20p

Tariff 2

1. Days/Times

06:00 – 00:00 on Mondays to Saturdays – **5 or more passengers only**

00.01 – 05:59 on Mondays to Saturdays – **1-4 passengers only**

00.01 to 00.00 on Sundays - **1-4 passengers only**

00.01 on all Public and Bank Holidays to 05:59 the next day (except Christmas and New Years Eve, see Tariffs 3 and 4) - **1-4**

passengers only

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £4.00

For each subsequent 160 yards (1/11th of a mile) or part thereof 20p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 20p

Tariff 3

1. Days/Times

00:01- 05:59 on Mondays to Saturdays – **5 or more passengers only**

00.01 to 00.00 on Sundays - **5 or more passengers only**

00.01 on all Public and Bank Holidays to 05:59 the next day (except Christmas and New Years Eve, see Tariffs 3 and 4) – **5 or more passengers only**

20.00 on 24th December to 05:59 on 26th December – **1-4 passengers only**

20.00 on 31st December to 05:59 on 1st January – **1-4 passengers only**

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £5.00

For each subsequent 160 yards (1/11th of a mile) or part thereof 30p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 20p

Tariff 4

All journeys with 5 or more passengers on below days and times

1. Days/Times

20.00 on 24th December to 05:59 on 26th December

20.00 on 31st December to 05:59 on 1st January

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £6.00

For each subsequent 160 yards (1/11th of a mile) or part thereof 30p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 20p

ALL JOURNEYS - EXTRA CHARGES

Soiling Charge (not applicable to children or disabled persons) £60.00

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Extract from minutes of Public Protection Committee held on 3rd November 2015

Public Protection Committee - 03/11/15

PUBLIC PROTECTION COMMITTEE

Tuesday, 3rd November, 2015

Present:- Councillor Kyle Robinson – in the Chair

Councillors Allport, Braithwaite, Dymond, Hailstones, Hailstones, Harper, Kearon, Matthews, J Tagg, Williams and Winfield

Apologies Apologies were received from Councillor Wemyss

11. HACKNEY CARRIAGE TARIFFS

Consideration was given to a report informing Members of a request from the Hackney Carriage Association to change the commencement time of tariff 2.

Members were advised that there had been no increase in fees in the last six to seven years. In addition, prior to deregulation there had been sixty vehicles, there were now two hundred and twenty.

The cost of running a taxi had increased, for example there was an exceptional route to get the vehicle up to scratch. In addition, the moving of the taxi rank from Hassell Street to the High Street had resulted in some loss of business.

The Chair had concerns that this could make it harder for people to get into the town centre which could have a detrimental impact upon the economy.

It was suggested that people may come out earlier and stay longer in the town. Many go home just before the tariff changes. Members requested that an Authority be identified that has already done this to gain some evidence.

In addition, Members did not want to deter people from using taxis.

Resolved: That the Cabinet be advised that this Committee recommends that the proposed change be rejected.

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LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 20th August, 2019
Time of Commencement: 7.00 pm

Present:- Councillor Mark Olszewski – in the Chair

Councillors Miss J Cooper, S. Dymond, T. Kearon, A. Parker, K. Robinson, S. Sweeney, G White and R. Wright

Officers Nesta Barker - Head of Environmental Health Services,
Matthew Burton - Licensing Administration Team Manager,
Geoff Durham - Mayor's Secretary / Member Support Officer and
Anne-Marie Pollard - Solicitor

5. TAXI TARIFFS - PROPOSED INCREASE

Consideration was given to a report asking Members to consider The Hackney Carriage Trade Association's request to increase the council set maximum metered tariffs and to amend the times for the proposed tariffs.

The Council's Licensing Administration Team Manager, Matt Burton drew Members' attention to the three appendices which outlined current fares, an extract from the Minutes of this meeting held on 3 November, 2015 and a new proposed table of fares. Members were also referred to paragraph 2.3 showing comparisons with neighbouring authorities.

Councillor Stephen Sweeney asked if the new fares request could be tied in with the meters not being put on for journeys which drivers have stated was standard practice. Councillor Sweeney proposed that the increase be given but the meters had to be on for journeys.

1

Licensing & Public Protection Committee - 20/08/19

Mr Burton advised that if a Hackney Carriage picked up a fare in Newcastle and dropped off in Newcastle, the meter reading or below must be charged. However, if a fare is picked up in Newcastle and the drop off was outside of the Borough, the meter does not have to be used but a pre-agreed price must be honoured. To ensure that the fare isn't less than this, the meter would have to be on.

Councillor Kyle Robinson asked what consultation had taken place with the Hackney Carriage Trade and whether they were in support?

The Council's Licensing Administration Team Manager, Matt Burton advised that the Trade had requested the increase and meetings had taken place to reach an agreement.

Councillor Robinson suggested that this needed to be reviewed on a regular basis as it had not been looked at since 2008. Mr Burton advised that the Council had to await a request from the Trade before they could be increased.

Councillor Robinson stated that if the fares were agreed by this Committee, residents would need to be informed of the price increases and taxi drivers given a letter which they could show to anyone who queried the prices.

Councillor Tony Kearon made reference to the table on page 39 comparing the new tariffs with other areas showing that the current were comparable but the proposed fares would be higher than other authorities. Mr Burton explained that this was the flag fare (starting distance) where Stoke on Trent travels a longer distance before the initial fee of £3 begins.

Members requested that the public be made aware, through communication, of when meters are/are not used and that the drivers receive a letter to show to their passengers.

Members debated the changing of the time of commencement of tariff 2 to 10pm instead of the current time of midnight. Members suggested 11pm or keeping it at midnight but were against changing it to 10pm. Members took a vote and agreed to keep this at midnight.

- Resolved:**
- (i) That the proposed table of metered fares, outlined in Appendix C be approved.
 - (ii) That the proposed table of metered fares, outlined in Appendix C be advertised and implemented in line with statutory provisions.
 - (iii) That the commencement time of tariff 2 remain at midnight.

Matthew Burton

From: Blackcab taxi <[REDACTED].com>
Sent: 16 April 2024 10:37
To: Matthew Burton
Subject: Reason for Hackney Carriage Fare Increases Request

CAUTION: This email originated from outside of Newcastle-under-Lyme Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Matthew,

I hope my email finds you in good health, further to our request for hackney carriage fare increases below are the reasons to support the fair increase request

It has been almost five years since we had the last fair increase in 2019. Since that cost of living increased rapidly especially the fuel prices have increased, insurance premiums, maintenance cost everything gone up. Also when it's come to replace vehicles because of licencing requirements the new Vehicles are very costly.

The business in Newcastle-under-Lyme twon close earlier at night time, during the weekd weekdays most of the business close before 12:00 and on weekends everything close before 02:00. Most of neighbouring council's taxi fare changes from tariff 1 to tarrif 2 at 22:00.

Therefore It's have been along going demand of the Newcastle-under-Lyme Hackney drivers to amend the tarrif 2 times so it should start at 22:00.

In the light of above described circumstances as a Chairman of Newcastle-under-Lyme hackney carriage drivers association I would request the licencing management and the Licencing committee to approve the requested fare proposal.

Kind Regards

Muhammad Murtaza Alam
Chairman NUL Taxi Associations.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
HACKNEY CARRIAGE FARES 2024
MAXIMUM FARES

Tariff 1

All journeys with 1-4 passengers on below days and times

1. Days/Times

06:00 – 21:59 on Mondays to Saturdays

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £3.50

For each subsequent 160 yards (1/11th of a mile) or part thereof 20p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 30p

Tariff 2

1. Days/Times

06:00 – 21:59 on Mondays to Saturdays – **5 or more passengers only**

22:00 – 05:59 on Mondays to Saturdays – **1-4 passengers only**

00.01 – 00.00 Sundays - **1-4 passengers only**

00.01 on all Public and Bank Holidays to 05:59 the next day (except Christmas and New Years Eve, see Tariffs 3 and 4) - **1-4 passengers only**

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £4.80

For each subsequent 160 yards (1/11th of a mile) or part thereof 30p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 60p

Tariff 3

1. Days/Times

22.00- 05:59 on Mondays to Saturdays – **5 or more passengers only**

00.01 – 00.00 Sundays - **5 or more passengers only**

00.01 on all Public and Bank Holidays to 05:59 the next day (except Christmas and New Years Eve, see Tariffs 3 and 4) – **5 or more passengers only**

20.00 on 24th December to 05:59 on 26th December – **1-4 passengers only**

20.00 on 31st December to 05:59 on 1st January – **1-4 passengers only**

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £6.00

For each subsequent 160 yards (1/11th of a mile) or part thereof 40p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 60p

Tariff 4

All journeys with 5 or more passengers on below days and times

1. Days/Times

20.00 on 24th December to 05:59 on 26th December

20.00 on 31st December to 05:59 on 1st January

2. Distance

If the distance does not exceed 800 yards (5/11ths of a mile) £7.00

For each subsequent 160 yards (1/11th of a mile) or part thereof 40p

3. Waiting time

Throughout the journey for each period of 60 seconds or uncompleted part thereof 60p

ALL JOURNEYS - EXTRA CHARGES

Soiling Charge (not applicable to children or disabled persons) £80.00

Important Notes Need to be add on The Tariff Sheet

1:- Out of Borough Journeys

These Fares are normally negotiated with the driver in advance of the journey. The Driver may use the meter for these journeys but it is not compulsory unless no agreement was made in advance.

2:- The Driver may ask you to pay an estimated fare / deposit in advance of the journey if you are travelling outside of the Borough. If you do not agree you may be refused travel.

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NEWSPAPER

PHTM EXPO 2024

CONTACT

TRADE IN

NATIONAL HACKNEY FARE TABLES FOR 2 MILE FARE TARIFF 1 - UPDATED DAILY

CLICK TO SEE WHERE YOUR LICENSING AREA IS POSITIONED

NOTES:

- Scroll down OR click on a letter to find your Council
- Councils 341-344 do not impose a compulsory hackney fare tariff. Individual drivers charge an agreed fare prior to the journey
- Heathrow and Luton Airport hackney fares are also listed

Choose a month:

Compared to prev month

April 2024

DECREASE INCREASE NO CHANGE

Filter by Council:

All A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Filter by last rise:

2024 2023 2022 2021 2020 2019 2018 2017 2016 2015 2014 2013 2012 2011 2010

POS	COUNCIL	2 ML. FARE	+ / -
1	LONDON (HEATHROW)	£13.00	£1.20
2	LUTON AIRPORT	£12.60	
3	TFL	£11.00	£0.40

POS	COUNCIL	2 ML. FARE	+ / -
4	EPSOM & EWELL	£10.60	●
5	GUILDFORD	£10.00	●
6	CARADON	£9.60	●
7	NORTH CORNWALL	£9.60	●
8	ELMBRIDGE	£9.50	●
9	JERSEY	£9.26	●
10	CARRICK	£9.20	●
11	ST ALBANS	£9.15	●
12	READING	£9.00	●
13	MIDLOTHIAN	£8.80	●
14	BRIGHTON & HOVE	£8.70	●
15	GUERNSEY	£8.70	●
16	SEVENOAKS	£8.70	●
17	WOKING	£8.70	●
18	WEST BERKSHIRE	£8.60	●
19	PENWITH	£8.52	●
20	ARUN	£8.50	●
21	CLACKMANNAN	£8.50	●
22	GREAT YARMOUTH	£8.50	●
23	STROUD	£8.50	●
24	CHELTENHAM	£8.40	●
25	EAST LoTHIAN	£8.40	●
26	EAST SUFFOLK (NORTH)	£8.40	●
27	EDINBURGH	£8.40	●
28	LEEDS	£8.40	●



POS	COUNCIL	2 ML. FARE	+ / -
29	MID SUSSEX	£8.40	●
30	SOUTHAMPTON	£8.40	●
31	TONBRIDGE & MALLING	£8.40	●
32	WATFORD	£8.40	●
33	HUNTINGDONSHIRE	£8.30	●
34	LINCOLN	£8.30	●
35	RUNNYMEDE	£8.30	↑ £1.20
36	SWALE	£8.30	●
37	UTTLESFORD	£8.30	●
38	BCP	£8.20	●
39	BROXBOURNE	£8.20	●
40	EAST HERTS	£8.20	●
41	GLASGOW	£8.20	●
42	GRAVESHAM	£8.20	●
43	HART	£8.20	●
44	MANCHESTER	£8.20	●
45	RESTORMEL	£8.20	●
46	WOKINGHAM	£8.20	●
47	WORTHING	£8.20	●
48	FOREST OF DEAN	£8.13	●
49	BRENTWOOD	£8.10	●
50	OXFORD CITY	£8.10	↑ £0.60
51	PLYMOUTH	£8.10	●
52	SOUTH OXFORDSHIRE	£8.10	●
53	VALE OF WHITE HORSE	£8.10	●



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POS	COUNCIL	2 ML. FARE	+ / -
54	MOLE VALLEY	£8.08	●
55	CENTRAL BEDFORDSHIRE	£8.05	●
56	BRECKLAND	£8.00	●
57	COVENTRY	£8.00	●
58	MAIDSTONE	£8.00	●
59	NOTTINGHAM	£8.00	●
60	RIBBLE VALLEY	£8.00	●
61	RUSHCLIFFE	£8.00	●
62	SOUTH GLOUCESTER	£8.00	●
63	TANDRIDGE	£8.00	●
64	TORRIDGE	£8.00	●
65	TUNBRIDGE WELLS	£8.00	●
66	YORK	£8.00	●
67	ISLE OF MAN	£7.90	↓ £0.40
68	ROTHER	£7.90	●
69	ADUR	£7.80	●
70	BRACKNELL FOREST	£7.80	●
71	EASTBOURNE	£7.80	●
72	HASTINGS	£7.80	●
73	NORTH SOMERSET	£7.80	●
74	NORTH YORKSHIRE	£7.80	●
75	RUSHMOOR	£7.80	●
76	SOUTH HAMS	£7.80	●
77	SOUTHEND ON SEA	£7.80	↑ £1.00
78	SURREY HEATH	£7.80	●



POS	COUNCIL	2 ML. FARE	+ / -
79	WAVERLEY	£7.80	●
80	CHELMSFORD	£7.70	●
81	DACORUM	£7.70	●
82	HIGH PEAK	£7.70	●
83	SWINDON	£7.70	●
84	WEALDON	£7.70	●
85	EAST DEVON	£7.68	●
86	WILTSHIRE	£7.68	●
87	SHETLAND ISLES	£7.62	●
88	BASINGSTOKE & DEANE	£7.60	●
89	BRISTOL	£7.60	●
90	EAST AYRSHIRE	£7.60	●
91	FIFE	£7.60	●
92	KERRIER	£7.60	●
93	LEICESTER	£7.60	●
94	MONMOUTHSHIRE	£7.60	●
95	SOUTH SOMERSET	£7.60	●
96	STEVENAGE	£7.60	●
97	TEST VALLEY	£7.60	●
98	THREE RIVERS	£7.60	●
99	WEYMOUTH & PORTLAND	£7.60	●
100	WINCHESTER	£7.60	●
101	TORBAY	£7.51	●
102	BATH & N. E. SOMERSET	£7.50	●
103	CARDIFF	£7.50	●



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POS	COUNCIL	2 ML. FARE	+ / -
104	CHESTER	£7.50	●
105	EPPING FOREST	£7.50	●
106	EXETER	£7.50	●
107	IPSWICH	£7.50	●
108	MID SUFFOLK	£7.50	●
109	MILTON KEYNES	£7.50	●
110	NORTH HERTS	£7.50	●
111	SOUTH NORFOLK	£7.50	●
112	TAMESIDE	£7.50	●
113	BIRMINGHAM	£7.40	●
114	CANTERBURY	£7.40	●
115	EAST HAMPSHIRE	£7.40	●
116	EAST RENFREW	£7.40	●
117	EASTLEIGH	£7.40	●
118	GLOUCESTER	£7.40	●
119	LEWES	£7.40	●
120	NORTH TYNESIDE	£7.40	●
121	PORTSMOUTH UA	£7.40	●
122	SOLIHULL	£7.40	●
123	SOUTH AYRSHIRE	£7.40	●
124	TEWKESBURY	£7.40	●
125	WEST OXFORD	£7.40	●
126	NEWARK & SHERWOOD	£7.37	●
127	NEW FOREST	£7.35	●
128	ASHFORD	£7.30	●

POS	COUNCIL	2 ML. FARE	+ / -
129	BLACKBURN	£7.30	●
130	CAMBRIDGE CITY	£7.30	●
131	DARTFORD	£7.30	●
132	DURHAM COUNTY COUNCIL	£7.30	●
133	NORTH DEVON	£7.30	●
134	NORWICH	£7.30	●
135	SHROPSHIRE	£7.30	●
136	SOUTH CAMBRIDGE	£7.30	●
137	MORAY	£7.26	●
138	TEIGNBRIDGE	£7.26	●
139	NUNEATON & BEDWORTH	£7.25	●
140	BASILDON	£7.20	●
141	DERBY	£7.20	●
142	DORSET	£7.20	●
143	GOSPORT	£7.20	●
144	HARLOW	£7.20	●
145	LUTON	£7.20	●
146	NORTH EAST LINCOLNSHIRE	£7.20	●
147	REIGATE & BANSTEAD	£7.20	●
148	SLOUGH	£7.20	●
149	SOUTH LAKELAND	£7.20	●
150	STOCKPORT	£7.20	●
151	WEST NORTHANTS	£7.20	●
152	WEST SUFFOLK	£7.20	●
153	CHESTERFIELD	£7.16	●

POS	COUNCIL	2 ML. FARE	+ / -
154	TAMWORTH	£7.14	●
155	ARGYLL & BUTE	£7.13	●
156	CANNOCK CHASE	£7.10	●
157	COTSWOLD	£7.10	●
158	CRAWLEY	£7.10	●
159	DOVER	£7.10	●
160	HIGHLAND	£7.10	●
161	ISLE OF WIGHT	£7.10	●
162	MENDIP	£7.10	●
163	OLDHAM	£7.10	●
164	RUGBY	£7.10	●
165	WINDSOR & MAIDENHEAD	£7.10	●
166	HARBOROUGH	£7.09	●
167	BABERGH	£7.00	●
168	BROMSGROVE	£7.00	●
169	CARLISLE	£7.00	●
170	CARMARTHENSHIRE	£7.00	●
171	CHICHESTER	£7.00	●
172	HERTSMERE	£7.00	●
173	HORSHAM	£7.00	●
174	KINGS LYNN & WEST NORFOLK	£7.00	●
175	MACCLESFIELD	£7.00	●
176	MEDWAY	£7.00	●
177	NEWPORT	£7.00	●
178	PEMBROKESHIRE	£7.00	●

POS	COUNCIL	2 ML. FARE	+ / -
179	SUNDERLAND	£7.00	●
180	SWANSEA	£7.00	●
181	WELWYN HATFIELD	£7.00	●
182	WESTERN ISLES	£7.00	●
183	SANDWELL	£6.92	●
184	BRAINTREE	£6.90	●
185	BURY	£6.90	●
186	COLCHESTER	£6.90	●
187	WORCESTER CITY	£6.90	●
188	AMBER VALLEY	£6.80	●
189	BARROW IN FURNESS	£6.80	●
190	BEDFORD	£6.80	●
191	BLACKPOOL	£6.80	●
192	BOSTON	£6.80	●
193	BRIDGEND	£6.80	●
194	BROXTOWE	£6.80	●
195	CEREDIGION	£6.80	●
196	EAST CAMBRIDGESHIRE	£6.80	●
197	EAST LINDSEY	£6.80	●
198	EAST SUFFOLK (SOUTH)	£6.80	●
199	EDEN	£6.80	●
200	KINGSTON-UPON-HULL	£6.80	●
201	LIVERPOOL	£6.80	●
202	MANSFIELD	£6.80	●
203	MID DEVON	£6.80	●

POS	COUNCIL	2 ML. FARE	+ / -
204	NORTH KESTEVEN	£6.80	●
205	NORTH NORFOLK	£6.80	●
206	NORTH NORTHANTS	£6.80	●
207	NORTH WARWICK	£6.80	●
208	S. LANARKSHIRE (CAMBUS/R'GLEN)	£6.80	●
209	SEDGEMOOR	£6.80	●
210	SOMERSET WEST & TAUNTON	£6.80	●
211	SOUTH STAFFORDSHIRE	£6.80	●
212	TENDRING	£6.80	●
213	TRAFFORD	£6.80	●
214	VALE OF GLAMORGAN	£6.80	●
215	WEST LOTHIAN	£6.80	●
216	WIGAN	£6.80	●
217	WIRRAL	£6.80	●
218	WOLVERHAMPTON	£6.80	●
219	DUNDEE CITY	£6.79	●
220	CHARNWOOD	£6.75	●
221	WALSALL	£6.75	●
222	ABERDEENSHIRE	£6.74	●
223	MALVERN HILLS	£6.72	●
224	ANGUS	£6.70	●
225	BLABY	£6.70	●
226	CONGLETON	£6.70	●
227	EAST DUNBARTONSHIRE	£6.70	●
228	FYLDE	£6.70	●

POS	COUNCIL	2 ML. FARE	+ / -
229	OADBY & WIGSTON	£6.70	●
230	ROTHERHAM	£6.70	●
231	SHEFFIELD	£6.70	●
232	ABERDEEN CITY	£6.60	●
233	CONWY	£6.60	●
234	DUDLEY	£6.60	●
235	FAREHAM	£6.60	●
236	FOLKESTONE & HYTHE	£6.60	●
237	HAVANT	£6.60	●
238	LANCASTER	£6.60	●
239	NORTH LINCOLNSHIRE	£6.60	●
240	ROCHFORD	£6.60	●
241	S. LANARKSHIRE (E. KILBRIDE)	£6.60	●
242	SOUTH TYNESIDE	£6.60	●
243	STRATFORD ON AVON	£6.60	●
244	WAKEFIELD	£6.60	●
245	BASSETLAW	£6.50	●
246	CALDERDALE	£6.50	●
247	DUMFRIES & GALLOWAY	£6.50	●
248	EREWASH	£6.50	●
249	GEDLING	£6.50	●
250	HALTON	£6.50	●
251	ORKNEY	£6.50	●
252	ROSSENDALE	£6.50	●
253	SEFTON	£6.50	●

POS	COUNCIL	2 ML. FARE	+ / -
254	STAFFORD	£6.50	●
255	STIRLING	£6.50	●
256	TORFAEN	£6.50	●
257	DONCASTER	£6.48	●
258	HYNDBURN	£6.42	●
259	BLAENAU GWENT	£6.40	●
260	CASTLE POINT	£6.40	●
261	COUNTY OF HEREFORD	£6.40	●
262	CREWE & NANTWICH	£6.40	●
263	DERBYSHIRE DALES	£6.40	●
264	ELLESMERE PORT	£6.40	●
265	HINCKLEY & BOSWORTH	£6.40	●
266	MELTON	£6.40	●
267	NORTH AYRSHIRE	£6.40	●
268	NORTHUMBERLAND	£6.40	●
269	WEST LINDSEY	£6.40	●
270	WYRE	£6.38	●
271	WARRINGTON	£6.35	●
272	PERTH & KINROSS	£6.33	●
273	ANGLESEY	£6.30	●
274	BARNSLEY	£6.30	●
275	CLYDEBANK	£6.30	●
276	DARLINGTON	£6.30	●
277	SOUTH HOLLAND	£6.30	●
278	SOUTH RIBBLE	£6.30	●

POS	COUNCIL	2 ML. FARE	+ / -
279	ST HELENS	£6.30	●
280	REDDITCH	£6.25	●
281	THANET	£6.21	●
282	CHORLEY	£6.20	●
283	COPELAND	£6.20	●
284	FALKIRK	£6.20	●
285	FENLAND	£6.20	●
286	NEWCASTLE-UPON-TYNE	£6.20	●
287	SPELTHORNE	£6.20	●
288	WYCHAVON	£6.20	●
289	RENFREWSHIRE	£6.15	●
290	WYRE FOREST	£6.14	●
291	BRADFORD	£6.10	●
292	S. LANARKSHIRE (CLYDESDALE)	£6.10	●
293	NORTHERN IRELAND	£6.06	●
294	SCOTTISH BORDERS	£6.05	●
295	ALLERDALE	£6.00	●
296	BOLTON	£6.00	●
297	BUCKINGHAMSHIRE	£6.00	●
298	DENBIGHSHIRE	£6.00	●
299	DUMBARTON & VALE OF LEVEN	£6.00	●
300	EAST STAFFORDSHIRE	£6.00	●
301	GATESHEAD	£6.00	●
302	GWYNEDD	£6.00	●
303	KIRKLEES	£6.00	●

POS	COUNCIL	2 ML. FARE	+ / -
304	KNOWSLEY	£6.00	●
305	NORTH WEST LEICESTER	£6.00	●
306	PETERBOROUGH	£6.00	●
307	POWYS	£6.00	●
308	PRESTON	£6.00	●
309	SALFORD	£6.00	●
310	TELFORD & WREKIN	£6.00	●
311	THURROCK	£6.00	●
312	WARWICK	£6.00	●
313	STOKE-ON-TRENT UA	£5.90	●
314	VALE ROYAL	£5.90	●
315	EAST RIDING	£5.85	●
316	FLINTSHIRE	£5.80	●
317	LICHFIELD	£5.80	●
318	MERTHYR TYDFIL	£5.80	●
319	NEATH PORT TALBOT	£5.80	●
320	RHONDDA CYNON TAFF	£5.80	●
321	NORTH EAST DERBYSHIRE	£5.75	●
322	CAERPHILLY	£5.70	●
323	ASHFIELD	£5.60	●
324	MIDDLESBROUGH	£5.60	●
325	NORTH LANARKSHIRE	£5.60	●
326	S.LANARKSHIRE (HAMILTON)	£5.60	●
327	WREXHAM	£5.60	●
328	NEWCASTLE-UNDER-LYME	£5.55	●

POS	COUNCIL	2 ML. FARE	+ / -
329	INVERCLYDE	£5.54	●
330	PENDLE	£5.50	●
331	REDCAR & CLEVELAND	£5.50	●
332	ROCHDALE	£5.50	●
333	HARTLEPOOL	£5.40	●
334	SOUTH KESTEVEN	£5.30	●
335	STAFFS MOORLANDS	£5.20	●
336	WEST LANCASHIRE	£5.20	●
337	STOCKTON ON TEES	£5.10	●
338	CHERWELL	£5.08	●
339	BURNLEY	£5.00	●
340	BOLSOVER	£4.60	●
341	MALDON	£0.00	
342	RUTLAND	£0.00	
343	SOUTH DERBYSHIRE	£0.00	
344	WEST DEVON	£0.00	

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

29 April 2024

Report Title: **Amendment of Taxi Licensing Policy Provisions in relation to tinted windows**

Submitted by: **Service Director – Regulatory Services and Licensing Administration Team Manager**

Portfolios: **Finance, Town Centre & Growth**

Ward(s) affected: **All**

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To request that Public Protection Committee considers the proposed amendment to the provisions within the taxi licensing policy in relation to tinted windows.	
<u>Recommendation</u>	
That Members determine whether to remove or amend the current condition in the taxi policy and allow all vehicles to have tinted and privacy glass in the rear passenger windows, to either:	
<ul style="list-style-type: none"> a) Vehicles can only have factory fitted tinted/privacy windows and not aftermarket tinting; 	
OR	
<ul style="list-style-type: none"> b) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 18% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. 	
<u>Reasons</u>	
The Council have historically had provisions within the taxi licensing policy prohibiting rear passenger windows of hackney carriages and private hire vehicles being heavily tinted and not allowing certain levels of light to be transmitted through the window. At the Committee on 12 th December 2023 Members requested officers draft a new proposed limit for tinted windows.	

1. Background

1.1 The Council introduced the current taxi licensing policy on 1st November 2019. It has been through a number of amendments and updates since then, primarily to include the provisions of the Department for Transport's (DfT) statutory guidance issued in 2020, but also to review outdated requirements.

- 1.2** The policy provides, at sections 1.4.1-1.4.2, that amendments to the policy where “*there is no foreseeable detrimental effect to licensee’s interests*” do not require a consultation.
- 1.3** The Council taxi licensing policy before the current iteration included a requirement on both hackney carriage and private hire vehicles that they “*Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light*”.
- 1.4** This was carried over to the current policy with a slight amendment which reads that all hackney carriage and private hire vehicles will: “*Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;*”
- 1.5** The DfT issued the latest revision of the Best Practice Guidance on 17th November 2023 containing a section on tinted windows which is outlined below. In light of this updated guidance the Council will be reviewing the current taxi licensing policy next year.

2. Issues

- 2.1** At the committee meeting on 12th December 2023 Officers provided Members with various options on whether to amend the taxi licensing policy in relation to tinted windows. Members did not want to allow fully ‘blacked out’ privacy windows in regular hackney carriages and private hire vehicles, but understood the need to amend the current provisions to allow the trade purchase suitable vehicles. It was noted that many newer vehicles, including low and zero emission vehicles, have tinted windows manufacturer fitted and quite often the windows did not allow for 35% transmission of light.
- 2.2** A review has been undertaken of all 17 of the vehicles that have been presented for test at the Council garage since December 2022 and have failed solely or primarily due to the rear windows not allowing 35% transmission of light. Table 1 below shows the age, make, fuel type, level of light transmission of their rear windows and some notes:

Table 1:

<u>Date of registration</u>	<u>Date of test</u>	<u>Make</u>	<u>Fuel Type</u>	<u>% Light Transmission</u>	<u>Notes</u>
May-17	Sep-23	Mercedes	Diesel	Unknown	Request to be exempt
Sep-19	Mar-24	Toyota	Hybrid	25	n/a
Dec-20	Feb-24	Toyota	Hybrid	25	n/a
Jun-20	Jan-24	Toyota	Hybrid	25	n/a
Jun-18	Dec-22	Volkswagen	Diesel	25	n/a
Mar-18	Jan-24	Toyota	Hybrid	25	n/a
Mar-23	May-23	Toyota	Hybrid	25	n/a
Mar to Aug-17	Aug-23	Mercedes	Unknown	25	n/a
Oct-17	Feb-23	Toyota	Hybrid	24	n/a
Mar-20	Jan-24	Toyota	Hybrid	20	n/a
Jul-20	Feb-24	Ford	Diesel	18	n/a

Mar to Aug-17	Apr-24	Hyundai	Hybrid	18	n/a
Oct-20	May-23	Lexus	Hybrid	17	Request to be exempt
Sep-17	Jan-24	BMW	Diesel	16.9	n/a
Apr-17	Apr-24	Ford	Diesel	16	n/a
Sep-17 to Feb-18	Mar-23	Hyundai	Hybrid	16	Film fitted
Jan-19	Mar-23	Mercedes	Diesel	10	n/a

2.3 Manufacturers do not appear to make public their windows specifications for each model of vehicle or for the differing ranges within a model. As can be seen from table 1, out of the 17 vehicles tested the windows of 9 of them allowed at least 20% light transmission, with a further 6 allowing between 16-18%, albeit one of those had film fitted meaning its true level of transmission would be higher. The level of transmission for 1 vehicle was 10% and unfortunately 1 vehicles readings were not recorded beyond them not allowing 35% of light though.

2.4 The Transport Manager has taken photographs of some vehicles windows that have been presented to the Council garage for test. The photographs can be found at **Appendix 1**.

2.4.1 The first photograph shows a proposed new Hackney Carriage vehicle with rear windows that allow light transmission of 23% and you can clearly see through the entire rear of the vehicle to the other side.

2.4.2 The second photos shows a vehicle with rear windows that allows 20% and there is visibility through the window.

2.4.3 The third picture shows a vehicle with rear windows that allows 25% and there is visibility through the window.

2.4.4 Lastly the picture shows a vehicle with rear windows that allows 72% and there is clear visibility through the window.

3. Recommendation

3.1 That Members determine whether to remove or amend the current condition in the taxi policy and allow all vehicles to have tinted and privacy glass in the rear passenger windows, to either:

a) Vehicles can only have factory fitted tinted/privacy windows and not aftermarket tinting;

OR

b) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 18% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986

4. Reasons

4.1 The Council have a taxi licensing policy that is now reviewed every 5 years and the underlying reason for the provisions of the policy is public safety. They is confirmed in both the DfT Statutory Guidance and Best Practice Guidance

- 4.2 It is also a requirement of the Borough Council, to regularly review and update the policy as required.
- 4.3 DfT have stated that in their view there is not a public safety concern when considering whether licensed vehicles can or should have tinted windows.

5. Options Considered

5.1 There are three options available for Members to decide from:

- a) Retain the current condition within the policy and review the tinted window condition at the same time as the full policy review;
- b) Amend the current condition to align with the view of the DfT Guidance so that all vehicles must have rear passenger windows that allow a minimum of 30% light transmission;
- c) Amend the current condition so that all vehicles must have rear passenger windows that allow a minimum of 20% light transmission (tolerance of 2%);
- d) Amend the current condition so that all vehicles must have rear passenger windows that allow a minimum of 18% light transmission (tolerance of 2%) **(RECOMMENDED)**;
- e) Remove the current condition and allow all vehicles to have tinted and privacy glass in the rear passenger windows. If this option is favoured, then there is a further decision to determine whether vehicles:
 - (i) can only have factory fitted tinted/privacy windows and not aftermarket tinting **(ORIGINAL RECOMMENDATION)**; or
 - (ii) remain silent and allow vehicles to have factory fitted and/or aftermarket tinting.

6. Legal and Statutory Implications

- 6.1 The DfT Statutory Guidance states that all licensing authorities have a single policy that covers how they deal with the taxi licensing regime, and that the underlying reason for the provisions of the policy is public safety.
- 6.2 The DfT Best Practice Guidance is non-statutory which means that although it does need to be considered it does not necessarily need to be followed.

7. Equality Impact Assessment

7.1 Not applicable

8. Financial and Resource Implications

- 8.1 The current taxi policy results in taxi drivers, who want to stay licensed with the Council, purchasing vehicles that fail the suitability test purely on the window tint. This has resulted in these drivers getting licensed with other authorities, who do not have the same criteria, and using the vehicles in the area anyway. The result of this is that the Council loses out on vehicles that are otherwise perfectly acceptable and the associated fees for future

applications and testing, and also the fees for those drivers who licence themselves elsewhere.

9. Major Risks & Mitigation

9.1 Not applicable

10. UN Sustainable Development Goals (UNSDG)

10.1



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

- 12.1 August 2019 – Licensing & Public Protection Committee
- 12.2 January 2021 – Licensing & Public Protection Committee
- 12.3 February 2022 - Licensing & Public Protection Committee
- 12.4 December 2023 - Licensing & Public Protection Committee

13. List of Appendices

13.1 Appendix 1 – Photographs of vehicles rear windows

14. Background Papers

- 14.1 [Department for Transport Statutory Standards – July 2020](#)
- 14.2 [Department for Transport Best Practice Guidance – November 2023](#)
- 14.3 [Taxi Licensing Policy 2021-25](#)

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Appendix 1:

1. Window light transmission 23%



2. Window light transmission 20%



3. Window light transmission 25%



4. Window light transmission 72%



Public Protection Sub-Committee - 13/03/24

- that the applicant retains the current business model of chauffeuring and executive work;
- that the applicant remains as a sole trader and does not employ other drivers under the operator's licence to carry out the work.

6. URGENT BUSINESS

There was no urgent business.

**Councillor John Williams
Chair**

Meeting concluded at 2.30 pm