

General Licensing Committee

1 October 2018



Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillor Troy Tester (Chair); Councillors Pat Rodohan (Deputy-Chair) Colin Belsey, Sammy Choudhury, Janet Coles, Tony Freebody, Colin Murdoch, Jim Murray, Margaret Robinson, Robert Smart, Pat Hearn and Steve Wallis

Quorum: 3

Published: Friday, 21 September 2018

Agenda

- 1 **Minutes of the meeting held on 8 January 2018.** (Pages 1 - 2)
- 2 **Apologies for absence.**
- 3 **Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 **Questions by members of the public.**

On matters not already included on the agenda and for which prior written notice has been given (total time allowed 15 minutes).
- 5 **Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 6 **Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting.
- 7 **Advertising on Hackney Carriage vehicles.** (Pages 3 - 14)

Report of Director of Service Delivery.

8 Hackney Carriage Fares. (Pages 15 - 38)

Report of Director of Service Delivery.

9 Taxi Licensing Guidance. (Pages 39 - 46)

Report of Director of Service Delivery.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Public participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

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Monday, 8 January 2018
at 6.00 pm



General Licensing Committee

Present:-

Members: Councillor Tester (Chairman) Councillor Rodohan (Deputy-Chairman) Councillors Belsey, Choudhury, Coles, Freebody, Holt, Murdoch, Murray, Smart and Swansborough

21 Minutes of the meeting held on 20 March 2017.

The minutes of the meeting held on 20 March 2017 were submitted and approved and the Chair was authorised to sign them as an accurate record.

22 Apologies for absence.

An apology for absence was reported from Councillor Robinson.

23 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

Councillor Tester declared an interest in agenda item 7 Hackney Carriage and Private Hire Penalty Points Scheme, as he felt he had predetermined his decision on this item. Councillor Tester withdrew from the room whilst this item was considered and did not vote thereon.

24 Hackney Carriage and Private Hire Penalty Points Scheme.

The Committee considered the report of the Functional Lead – Quality Environment seeking approval for the introduction of a Penalty Points scheme for all Hackney Carriage and Private Hire Drivers; Private Hire Operators and licensed vehicle owners to operate from 1 May 2018.

It was proposed to implement a penalty points scheme to improve the levels of compliance within the trade and subsequently improve the standards, safety and protection of the travelling public. The proposed penalty Points scheme was attached at appendix 1 to the report. It was designed to record misdemeanours and act as a record of a driver's behaviour and conduct so as to ascertain whether they remain fit and proper to hold the relevant licence.

At the General Licensing committee on 9 January 2017, Members were advised that the proposed scheme would be subject to a three month consultation period and would be open to the trade and members of the public. It was suggested that the scheme be directed to the Disability Involvement Group as part of the consultation. At that meeting, the committee requested that the report be brought back to a future meeting

following the consultation process which commenced on the 1 February 2017 and closed on 1 May 2017.

The Council received five responses, one of which represented 77 drivers from Eastbourne and County Taxis Ltd. Full details of the feedback were included at appendix 3 and 4 and summarised on pages 5 and 6 of the report.

As a result of the consultation there were two proposed Schemes attached at appendix 1 and 2 of the report. A third option to produce an Enforcement Framework scheme was also suggested with the detail needing further development should this be the preferred option of the committee.

Jay Virgo addressed the committee stating that sufficient sanctions were in place for the trade and in accordance with natural justice. Mr Virgo queried the legality of the introduction of a Penalty Points scheme over and above that which exists.

The Committee discussed the options outlined within the report and, whilst they acknowledged similar schemes existed across East Sussex, they agreed a Penalty Points scheme was not required in Eastbourne.

NB: Councillor Tester withdrew from the room whilst this item was considered.

RESOLVED: (By 9 votes with 1 abstention)

- 1) That the introduction of a Penalty Points Scheme be rejected.

The meeting closed at 7.38 pm

**Councillor Rodohan (Deputy
Chair)**

Report to:	General Licensing Committee
Date:	1st October 2018
Title:	Advertising on Hackney Carriage Vehicles
Report of:	Director of Service Delivery
Ward(s):	All
Purpose of report:	That the Committee consider the proposal for advertising on the offside and nearside of the rear of Hackney Carriages.
Officer recommendation(s):	That the Senior Specialist Advisor is delegated to decide on whether or not to vary the vehicle licence conditions following an application concerning advertising on hackney carriage vehicles provided that the vehicle is not exempt from displaying the Council's livery.
Reasons for recommendations:	Request from the trade to allow advertising on Hackney Carriages
Contact Officer(s):	Name: Danielle Ball Post title: Specialist Adviser E-mail: danielle.ball@lewes-eastbourne.gov.uk Telephone number: 01323 415333

1. Introduction

- 1.1 The Council sets conditions that are attached to either drivers or vehicle licences. There is a current condition on the Hackney Carriage Vehicle Licence Conditions that states "No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions". The current Hackney carriage conditions are included as **Appendix 1**.
- 1.2 Private Hire Conditions already permit advertisements with the permission of the council.

2.1 Background Information

- 2.2 A letter was sent to the Licensing team signed by 9 Hackney Carriage proprietors requesting the change in condition to allow advertising on their vehicles. A copy of the letter is included in **Appendix 2**.
- 2.3 The trade have given the following reasons for this request in their letter:

‘It would provide much needed extra income in these difficult times, and if approved, give the opportunity for interested local firms to advertise with local drivers.’

- 2.4 Members are asked to restrict advertising to only licensed vehicles displaying the full council livery for hackney carriage so that the public can be confident that they are using a legitimate vehicle. The trade have provided examples of how the advertising may look also in **Appendix2**.

3 Proposal

- 3.1 The Committee is asked to consider the proposal and determine whether advertising may be permitted on Eastbourne hackney carriage vehicles. The Committee should decide to either;

- 1) Refuse this request
- 2) Grant this request with appropriate guidance for advertising on hackney carriages as per Appendix 3

4 Advertising Guidance

- 4.1 Should the Committee be minded to grant the request for advertising on the offside and nearside of the rear of Hackney Carriages it is necessary to have standards applied to these to uphold decency and ensure they comply with the law. The advertising standards guidance is attached as **Appendix 3** to this report.

5 Financial appraisal

- 5.1 The report has no direct financial implications.

6 Legal implications

- 6.1 The Legal Section has considered this Report on 11 September 2018 (IKEN-7661- EBC- MW).

7 Appendices

- Appendix 1 - Hackney carriage vehicle licence conditions
- Appendix 2 - Request from the trade
- Appendix 3 - Advertising standards

10 Background papers

None

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. COLOUR OF VEHICLE

All vehicles brought into the Trade must have white paintwork.

Exemptions to 1.

- custom built cars
- limousines
- vehicles used exclusively for weddings and funerals

2. MAINTENANCE OF VEHICLE

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use Regulations) shall be fully complied with.

3. ALTERATION OF VEHICLE

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

4. CCTV EQUIPMENT

CCTV, including digital stills equipment may be installed in this licence vehicle subject to the following provisions:-

1. Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle;
2. CCTV equipment shall be of a specification approved by the Council; The equipment shall be installed, operated and maintained to the satisfaction of the Council;
3. Any material recorded on the equipment shall be used only as evidence in court proceedings or to aid investigation of a crime or to confirm or rebut complaints made against a driver;

4. Material captured by the system shall be accessible only to the Police, specifically authorised Council officers or other persons authorised by the Council;
5. Recorded material must be made available upon demand to the Police and a duly authorised officer of the Council;
6. Notices indicating that the CCTV system is in operation in the vehicle shall be clearly displayed on passenger windows visible from the outside and in the interior of the vehicle. The notices shall state "CCTV OPERATES IN THIS VEHICLE" Such notices shall not be displayed unless the system is in use;
7. Each system must be registered with the office of the Data Protection Registrar with proof of registration supplied to the Council.

5. SAFETY EQUIPMENT

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position as may from time to time be approved by the Council so as to be readily visible and available for immediate use in an emergency.

6. INTERIOR MARKINGS

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

7. SIGNS, NOTICES, ETC.

- (1) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply:-
 - (i) To any indication on a taxi meter fitted to the vehicle or to a sign which:
 - (a) is displayed in, on or from the vehicle while it is stationary;

- (b) contains no words or numbers other than the name and address of the operator of the vehicle or the name under which he carries on his business and its address and, in either case, the name of the passenger or passengers to be carried in the vehicle; and
 - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- (ii) to the corporate door sign which shall be displayed on both front doors

Exemptions to (1)(ii)

- custom built cars
 - limousines
 - vehicles used exclusively for weddings and Funerals
- (iii) to optional door signs of a design approved by the Council for display on the rear door panels of the vehicles, when not more than one sign shall be displayed on each side of the vehicle. The proprietor shall obtain the consent of the Council for such signs before they are first displayed.
- (2) The proprietor shall cause to be affixed and maintained to the roof of the vehicle at all times that the vehicle is in use as a taxi, the authorised sign for taxis licensed by the Council. The sign shall comprise a yellow base material with attached blue front panel bearing the words EASTBOURNE TAXI in yellow. The rear panel of the sign shall bear the word TAXI or if the proprietor chooses, the telephone number of the taxi business. The word TAXI or telephone number of the taxi business on the rear panel shall be in red on a black background in Helvetica Bold font style. The letters of the word EASTBOURNE shall be 2.5cm high and 2cm wide. The letters of the word TAXI shall be 7cm high and 8.5cm wide. The digits of the telephone number on the rear of the sign shall be 8cm high and 5cm wide.

The sign shall be illuminated and have a green light on top capable of being switched on to indicate the vehicle is for hire.

The sign shall be displayed transversely on the roof of the vehicle and may not exceed 46cm in width and 17cm in height of a type approved by the Council.

Fairway, Metrocab and similar purpose-made taxis with built-in signs are exempt from the above.

Additional exemptions to 6(2) are:-

- custom built cars
- limousines
- vehicles used exclusively for weddings and funerals

8. TAXIMETERS

Taximeters fitted to hackney carriages shall be fully date and time operated calendar meters with the manual override disabled. The taximeters shall be British Standards Institute and Public Carriage Office approved. This condition shall apply from 1st June 2002.

9. CONVICTIONS

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

10. APPEALS

Any person aggrieved by these conditions may appeal to the magistrates' court within 21 days of being notified of the Council's requirements. There is a further right of appeal to the Crown Court against a decision of the magistrates.

Appendix 2

Dear:

members of the licensing committee.

We (the undersigned) of the Hackney carriage trade, wish to submit a proposal to the licensing committee at the next available full licensing committee meeting to allow the Hackney carriage trade to advertise on the offside and the nearside rear of their vehicles.

This would provide much needed extra income for drivers in these difficult times, and if approved, give the opportunity for interested local firms to advertise with local drivers.

	Plat	
MASID T Ahangar	114	
Markus Reeves	78	
LEE GATTON	111	
Ali Paklavon	101	
Behrouz Borhani	55	B. Borhani
Mehmet Ali Yalcin	118	
Gentian Tafa	92	
Ahmed ALF	123	ALF
Alex Gibman	69	

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Advertising
in
Brighton Taxi

ADVERTISING IN EASTBOURNE HACKNEY CARRIAGES

No advertisement is permitted on or in a taxi unless it meets the following requirements.

1. The advertising agency name should be carried on the advertisement.
2. The advertisement(s) on each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.
3. Advertisements will not be approved if, in the Senior Specialist Advisors reasonable opinion, the advertisement falls within any of the following categories:

The advertisement ...

- does not comply with the law or incites someone to break the law.
- does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference.
- depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
- depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- depicts direct or immediate violence to anyone shown in the advertisement.
- condones or provokes anti-social behaviour.
- relates to films which have not been granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
- contains images or messages which relate to matters of public controversy and sensitivity.
- relates to a political party or parties or a political cause.

Proprietors and drivers should seek prior approval to display advertisements that comply with the above.

If the Senior Specialist Advisor considers an advertisement may not comply with these guidelines they may request a copy of the advertisement in either hard copy or electronic form, along with other reasonable information including details of the relevant advertising agency that prepared the advertisement.

If the Senior Specialist Advisor considers that the advertisement does not comply with these guidelines, s/he may propose or invite reasonable variations to the advertisement or require the advertisement to be removed. In the latter case the Senior Specialist Advisor will provide written reasons for the decision.

Agenda Item 8

Report to:	General Licensing Committee
Date:	1st October 2018
Title:	Hackney Carriage Fares
Report of:	Director of Service Delivery
Ward(s):	All
Purpose of report:	To determine whether to recommend to the Cabinet portfolio holder for place services the new fare structure proposed by a Hackney Carriage Proprietor or to decline the proposal and instead consult with the Taxi trade to seek a detailed proposal of the increase/s to be put before Members at a future meeting.
Officer recommendation(s):	The Licensing Committee is recommended determine whether to recommend to the Cabinet portfolio holder for place services the new fare structure proposed by a Hackney Carriage Proprietor or to decline the proposal and instead consult with the Taxi trade to seek a detailed proposal of the increase/s to be put before Members at a future meeting.
Reasons for recommendations:	<p>(1) Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the Local Authority has the power to set fares for Hackney Carriages.</p> <p>(2) Guidance advises that where the fares are set by the Local Authority, that Authority has a responsibility to review those fares to ensure they remain fair and reasonable.</p>
Contact Officer(s):	Name: Danielle Ball Post title: Specialist Adviser E-mail: Danielle.ball@lewes-eastbourne.gov.uk Telephone number: 01323 415333

1 Introduction

- 1.1 Under section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority has the power to set the maximum fares for the hire of a Hackney Carriage vehicle.
- 1.2 The existing Hackney Carriage Fares were approved by the General Licensing Committee in 2009.

2 Background

- 2.1 The last consultation of the fare structure took place in 2009 and the General

Licensing Committee formally adopted the current fares for Hackney Carriages within the Borough.

- 2.2 The current fares have been in place for 9 years and the trade has requested a review of the current fare structure. There are currently 113 licensed hackney carriages that are allowed to ply for hire in Eastbourne. Fares charged by hackney carriages cannot be more than the fare set by Eastbourne Borough Council. The council do not set the fares for private hire vehicles.
- 2.3 Following informal requests made by some Hackney Carriage proprietors and discussions at the Taxi Forum, all Hackney Carriage proprietors were written to on 1st February 2018 and requested that they contact the Licensing team to advise if they are in favour of a fare increase. It was made clear that should more than 50 % of the trade feel an increase is appropriate then a report would be presented to General Licensing Committee. A copy of this letter is included at **Appendix 1**. The letter also requested proposals for a new fare structure.
- 2.4 The Licensing Team received 86 positive responses from Hackney Carriage Proprietors which equates to 76% of their total number. One Proprietor proposed an alternative to the current fares and that proposal is included as **Appendix 2**. On the face of it that appears to be the proposal of a sole Proprietor, rather than being an agreed proposal made on behalf of the majority of the Taxi trade.

3 The proposal

- 3.1 A proposal for a change in fares has been received from a member of the trade who state it is reasonable to reflect the additional cost incurred by proprietors including increase in fuel costs, repairs and inflation.
- 3.2 The current fare card is included as **Appendix 3** but is reproduced in Table 1 along with the proposal from the trade in Table 2 for easy comparison with details of the proposed changes in bold.

Current Fare Card (Table 1)

EASTBOURNE BOROUGH COUNCIL TAXI FARE CARD						
Tariff	Time Periods and Costs	Meter at Start	Per Mile up to 5 miles	Per mile over 5 miles	Waiting time	This tariff applies to Eastbourne licensed vehicles. Payment for services must not exceed these metered rates
Rate 1	6am -11pm Mon - Sat	£2.60	£1.60	£2.00	10p for each 22 secs	
Rate 2	6am - 11pm Sunday and Bank Holidays	£3.00	£1.60	£2.00	10p for each 22 secs	
Rate 3	11pm - 6am Mon - Sun Also Christmas & New Years Eve 6pm - midnight. New Years Day 6am - 11pm	£3.00	£1.90	£2.20	10p for each 22 secs	
Rate 4	Christmas Day - 6am 27 th Dec. New Years Day to 6am	£5.20	£3.20	£4.00	20p for each 22 secs	
Rates	5 or more passengers	Rates 1 – 4 plus 50% (half)				

5-8	
Requirement for small removal will incur a £6 surcharge in addition to the metered fare (agreed in advance)	
Fouling Vehicle £50	Transportation of domestic pets £1. No charge for registered assistance dogs

Proposed Fare Card (Table 2)

EASTBOURNE BOROUGH COUNCIL TAXI FARE CARD						
Tariff	Time Periods and Costs	Meter at Start	Per Mile up to 5 miles	Per mile over 5 miles	Waiting time	This tariff applies to Eastbourne licensed vehicles. Payment for services must not exceed these metered rates
Rate 1	6am - 10pm Mon - Sat <i>(change of terminal hour)</i>	£2.80 <i>(increase 20p)</i>	£2.80 <i>(increase £1.20)</i>	£2.00 <i>(Nil)</i>	20p for each 38 secs <i>(10p / 16 secs increase)</i>	
Rate 2	6am - 10pm Sunday and Bank Holidays <i>(change of terminal hour)</i>	£3.20 <i>(increase 20p)</i>	£2.80 <i>(increase £1.20)</i>	£2.00 <i>(Nil)</i>	20p for each 38 secs <i>(10p / 16 secs increase)</i>	
Rate 3	10pm - 6am Mon – Sun. Also Christmas & New Years Eve 6am – midnight. New Years Day to 6am <i>(change in hours)</i>	£3.20 <i>(increase 20p)</i>	£3.00 <i>(increase £1.10)</i>	£2.20 <i>(Nil)</i>	20p for each 38 secs <i>(10p / 16 secs increase)</i>	
Rate 4	Christmas Day - 6am 27 th Dec. New Years Day to 6am	£5.60 <i>(increase 40p)</i>	£5.60 <i>(increase £2.40)</i>	£4.00 <i>(Nil)</i>	40p for each 38 secs <i>(20p / 16 secs increase)</i>	
Rates 5-8	5 or more passengers	Rates 1 – 4 plus 50% (half)				
Requirement for small removal will incur a £8 surcharge in addition to the metered fare (agreed in advance) (Increase £2)						
Fouling Vehicle £60 (Increase £10)		Transportation of domestic pets £2. No charge for registered assistance dogs (Increase £1)				

- 3.3 The 'Table of Fares for England' published by the Private Hire and Taxi Monthly published August 2018 shows that based on a two mile fare (the fares national tariff 1) varies from £10.60 (London Heathrow) to £3.50 (South Kesteven). Eastbourne currently at £5.70 which ranks Eastbourne at 207 of 366 councils. Permission has been obtained to reproduce the PHTM Tables of Fares and is reproduced as **Appendix 4**.
- 3.4 Other East Sussex Authorities are shown on the Table of Fares for England as follows.

Authority	2 Mile Fare	Ranking
Eastbourne	£5.70	207
Hastings	£6.10	129
Lewes	£6.30	96
Rother	£6.70	46
Wealden	£6.90	24
Average	£6.34	-

- 3.5 The proposed fare card increases the meter at start and distances up to 5 miles fares significantly. The proposal would place Eastbourne with a ranking of joint 3rd at £8.40 in England and would be more than London at £7.80 ranked 5th.
- 3.6 It can be seen that although the proposal would significantly benefit proprietors the public would be disadvantaged compared to other authorities in East Sussex. However it is acknowledged that the current fares have not been reviewed for the past 9 years and fall below the average for East Sussex.
- 3.7 Options, 1. The Committee agree the proposal to increase the fares, as set out in Table 2 and Appendix 2, and recommend the same to the Cabinet portfolio holder for place services, along with the recommendation to delegate the Senior Specialist Advisor to comply with the statutory process of publishing the proposal, or 2. That the Committee reject the proposed increased fares, as set out in Table 2 and Appendix 2, and agree to delegate the Senior Specialist Advisor to undertake a 6 week consultation exercise with the Taxi trade to draft a proposal on increasing Hackney Carriage fares for Members to consider at a future meeting.

4 Financial appraisal

This consultation has no direct financial implications. Any subsequent cost of advertising the amended 'Table of Fares' in a local newspaper will be taken from funds already reserved in the Taxi Licensing Budget.

5 Legal implications

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") allows the Council to set the maximum costs and fares for hackney carriages. In this context the "Council" means the Executive by virtue of The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended).
- 5.2 Under Section 65 (2) of the 1976 Act when the Council proposes to vary the hackney carriage fares it must publish a notice in a local newspaper stating the proposed new fares and give at least 14 days for any objections to be made. If there are objections, the Council must consider them before deciding whether to confirm or modify the proposed fares. If there are no objections the new fares can be brought into force at the end of the objection period. If the Council varies the proposed fares following any objections made within this period it then sets a second date, which cannot be more than two months after the first date specified, when the new fares comes into force."

5.3 This Report was considered by the Councils Legal section on 10 September 2018 (Iken 7653-MW).

5 Appendices

- Appendix 1 – Letter to Hackney Proprietors
- Appendix 2 – Proposed Fare Card from the Trade
- Appendix 3 – Current Fare Card
- Appendix 4 – PHTM Table of Fares

6 Background papers

None

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1st February 2018

Dear Hackney Carriage Proprietor

RE: Fare increase for 2018

I am writing to you to determine whether the Trade feel that a hackney carriage fare rise is needed or appropriate for 2018.

If you feel that a hackney carriage fare rise is appropriate, please advise the Licensing Team of this in writing. Please also include what you would like the fare increase to look like, start rate etc.

All responses and proposals must be returned to the Licensing Team by no later than 12 noon on Monday 26th March 2018.

Please note that a proposal in favour of hackney carriage fare rise will only be presented to the Full Licensing Committee for consideration if over 50% of all hackney carriage proprietors respond, and indicate that they want an increase in the Councils maximum metered fare tariff.

For advice, publications, or to contact us online, visit our website at www.eastbourne.gov.uk/licensing

Yours sincerely,



Ed Hele
Functional Lead for Quality Environment, Specialist Services

Appendix 2

To: Chairperson, Members of Eastbourne council licensing committee


Dear chair I the undersigned being a hackney carriage proprietor licensed by Eastbourne borough council, would like this licensing committee to consider this following fair proposal for Eastbourne borough hackney carriage.

Tariff	Time periods and costs	Meter at start	Per mile up to 1 miles	Per mile over 1 miles	Waiting time
Rate1	6am-10pm mon-sat	£2.80	£2.80	£2.00	20p for each 38 secs
Rate2	6am-10pm sunday and back holiday	£3.20	£2.80	£2.00	20p for each 38 secs
Rate3	10pm-6am mon-sunday. Also Christmas and New Years eve. 6pm-Midnight. New years day 6am-10pm	£3.20	£3.00	£2.20	20p for each 32 secs
Rate4	Christmas Day - 6am 27th dec. New Years day to 6am.	£5.60	£5.60	£4.00	40p for each 38 secs
Rate5-8	5 or more passengers	Rates 1	1 - 4 plus	50%	(Half)
Requirement for small removal will increase up to £8			Surcharge in addition to the metered fare (agreed in advance).		
Fouling vehicle £60			Transportation of domestic pets £2. No charge for registered assistance dogs.		

The reason for this request is that the last fare increased occurred in 2009 and cost of fuel repairs, licensing, station permits and general inflation during the last 9 years has reduced my profit Margin to an unsustainable level.

Yours sincerely

Name: 

Plate No. : 

Date: 24.02.18


Signature:

EASTBOURNE BOROUGH COUNCIL TAXI FARE CARD						
Council Contact 01323 415000 Licensing Section, 1 Grove Road, Eastbourne, BN21 4TW						
Tariff	Time Periods and Costs	Meter at start	Per mile up to 5 miles	Per mile over 5 miles	Waiting time	
Rate 1	6am - 11pm Mon. - Sat	£2.60	£1.60	£2.00	10p for each 22 secs	This tariff applies to Eastbourne licensed vehicles. Payment for services must not exceed these metered rates.
Rate 2	6am - 11pm Sunday & Bank Holidays	£3.00	£1.60	£2.00	10p for each 22 secs	
Rate 3	11pm - 6am Mon - Sun. Also Christmas & New Years Eve 6pm - Midnight. New Years day 6am - 11pm	£3.00	£1.90	£2.20	10p for each 18 secs	
Rate 4	Christmas Day - 6am 27th Dec. New Years Day to 6am	£5.20	£3.20	£4.00	20p for each 22 secs	
Rates 5-8 5 or more passengers						
Requirement for small removal will incur a £6 surcharge in addition to the metered fare (agreed in advance)						
Fouling Vehicle £50		Transportation of domestic pets £1. No charge for registered assistance dogs				
Rates 1-4 plus 50% (half)						

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Hackney Taxi Fare Tables

PHTM update the cost of a 2 mile hackney taxi fare on Tariff 1 nationally every month and below is the latest 'league table' of all 366 Councils.

Have a look at where you are positioned.

You can also filter by Council and Year of last rise. Simply click on either letter or year to view an individual listing. We have included four councils (highlighted in green) at positions 367-370 that don't impose a compulsory fare and Hackneys can negotiate their own individual fare. For the purposes of this table we have inserted a fare of £0.

Compared to prev month



DECREASE



INCREASE



NO CHANGE

[2018](#) [2017](#) [2016](#) [2015](#) [2014](#) [2013](#) [2012](#) [2011](#) [2010](#) [2009](#) [2008](#) [2007](#)

Pos	Council	2 ml. Fare	+ / -
1	LONDON (HEATHROW)	£10.60	●
2	LUTON AIRPORT	£9.20	●
3	WATFORD	£8.40	●
4	EPSOM & EWELL	£7.80	●
5	LONDON	£7.80	●
6	CARRICK	£7.30	●
7	READING	£7.20	●
8	DARTFORD	£7.10	●
9	PENWITH	£7.10	●
10	BOURNEMOUTH	£7.00	●
11	HERTSMERE	£7.00	●

12	JERSEY	£7.00	●
13	KENNETT NOW WILTSHIRE (EAST ZONE)	£7.00	●
14	MID SUSSEX	£7.00	●
15	NORTH WILTSHIRE	£7.00	●
16	POOLE	£7.00	●
17	SALISBURY	£7.00	●
18	STROUD	£7.00	●
19	TONBRIDGE & MALLING	£7.00	●
20	TUNBRIDGE WELLS	£7.00	●
21	WEST WILTSHIRE	£7.00	●
22	RESTORMEL	£6.95	●
23	VALE OF WHITE HORSE	£6.90	●
24	WEALDON	£6.90	●
25	WEYMOUTH & PORTLAND	£6.90	●
26	ADUR	£6.80	●
27	BATH & NORTH EAST SOMERSET	£6.80	●
28	BRIGHTON & HOVE	£6.80	●
29	CARADON	£6.80	●
30	CHELTENHAM	£6.80	●
31	CHRISTCHURCH	£6.80	●
32	COLCHESTER	£6.80	●
33	EAST LOTHIAN	£6.80	●
34	GUILDFORD	£6.80	●
35	HART	£6.80	●
36	NORTH CORNWALL	£6.80	●
37	SWALE	£6.80	↑ £0.50
38	WEST BERKSHIRE	£6.80	●
39	YORK	£6.80	●
40	KERRIER	£6.75	●
41	NUNEATON & BEDWORTH	£6.75	●
42	SEVENOAKS	£6.74	●

43	CHELMSFORD	£6.70	●
44	CHESTER	£6.70	●
45	EASTLEIGH	£6.70	●
46	ROTHER	£6.70	●
47	SWINDON	£6.70	●
48	HARBOROUGH	£6.68	●
49	TORRIDGE	£6.62	●
50	ARUN	£6.60	●
51	BASINGSTOKE & DEANE	£6.60	●
52	BRENTWOOD	£6.60	●
53	CRAWLEY	£6.60	●
54	EAST DORSET	£6.60	●
55	EXETER	£6.60	●
56	FIFE	£6.60	●
57	GUERNSEY	£6.60	●
58	HIGH PEAK	£6.60	●
59	MEDWAY	£6.60	●
60	MORAY	£6.60	●
61	NORWICH	£6.60	●
62	SOUTH GLOUCESTER	£6.60	●
63	WAVENEY	£6.60	●
64	NORTH DEVON	£6.55	●
65	CAMBRIDGE CITY	£6.50	●
66	MAIDSTONE	£6.50	●
67	MOLE VALLEY	£6.50	●
68	SOUTH CAMBRIDGE	£6.50	●
69	SOUTH SOMERSET	£6.50	●
70	WORTHING	£6.50	●
71	HARROGATE	£6.43	●
72	ASHFORD	£6.40	●
73	CREWE & NANTWICH	£6.40	●

74	GRAVESHAM	£6.40	●
75	HARLOW	£6.40	●
76	LEEDS	£6.40	●
77	MALVERN HILLS	£6.40	●
78	NORTH HERTS	£6.40	●
79	OXFORD	£6.40	●
80	PURBECK	£6.40	●
81	RUSHMOOR	£6.40	↑ £0.30
82	SHEFFIELD	£6.40	●
83	SOUTH LAKELAND	£6.40	●
84	STEVENAGE	£6.40	●
85	SURREY HEATH	£6.40	●
86	TENDRING	£6.40	↑ £0.45
87	WOKING	£6.40	●
88	WOKINGHAM	£6.40	●
89	TORBAY	£6.39	●
90	EDINBURGH	£6.35	●
91	COUNTY OF HEREFORD	£6.30	●
92	COVENTRY	£6.30	●
93	DACORUM	£6.30	●
94	EAST DEVON	£6.30	●
95	ISLE OF MAN	£6.30	●
96	LEWES	£6.30	●
97	FOREST OF DEAN	£6.27	●
98	MIDLOTHIAN	£6.22	●
99	ARGYLL & BUTE	£6.20	●
100	BIRMINGHAM	£6.20	●
101	BRAINTREE	£6.20	●
102	BRISTOL, CITY OF UA	£6.20	●
103	CHICHESTER	£6.20	●

104	DERBY	£6.20	●
105	HORSHAM	£6.20	●
106	LINCOLN	£6.20	●
107	MENDIP	£6.20	●
108	NORTHAMPTON	£6.20	●
109	ROCHFORD	£6.20	●
110	RUNNYMEDE	£6.20	●
111	SEDGEMOOR	£6.20	●
112	SHEPWAY	£6.20	●
113	SOLIHULL	£6.20	●
114	SOUTHAMPTON	£6.20	●
115	SOUTHEND ON SEA	£6.20	●
116	SPELTHORNE	£6.20	●
117	ST ALBANS	£6.20	●
118	STRATFORD ON AVON	£6.20	●
119	TAUNTON DEANE	£6.20	●
120	TEIGNBRIDGE	£6.20	●
121	WAVERLEY	£6.20	●
122	WEST OXFORD	£6.20	●
123	WINCHESTER	£6.20	●
124	CENTRAL BEDFORDSHIRE	£6.13	●
125	CARDIFF	£6.10	●
126	EAST HERTS	£6.10	●
127	ELMBRIDGE	£6.10	●
128	FYLDE	£6.10	●
129	HASTINGS	£6.10	●
130	NEW FOREST	£6.10	●
131	NORTH WARWICK	£6.10	●
132	TAMWORTH	£6.10	●
133	CHARNWOOD	£6.05	●
134	SHETLAND ISLES	£6.05	●

135	ABERDEENSHIRE	£6.00	●
136	BOSTON	£6.00	●
137	BRACKNELL FOREST	£6.00	●
138	CANTERBURY	£6.00	●
139	CARMARTHENSHIRE	£6.00	●
140	CASTLE POINT	£6.00	●
141	DOVER	£6.00	●
142	EAST HAMPSHIRE	£6.00	●
143	EAST LINDSEY	£6.00	●
144	GLASGOW	£6.00	↑ £0.20
145	GLOUCESTER	£6.00	●
146	GREAT YARMOUTH	£6.00	●
147	IPSWICH	£6.00	●
148	KETTERING	£6.00	●
149	LUTON	£6.00	●
150	MILTON KEYNES	£6.00	●
151	NORTH DORSET	£6.00	●
152	PLYMOUTH	£6.00	●
153	PRESTON	£6.00	●
154	SCARBOROUGH	£6.00	●
155	SLOUGH	£6.00	●
156	SOUTH HAMS	£6.00	●
157	STOCKPORT	£6.00	●
158	TAMESIDE	£6.00	●
159	TEST VALLEY	£6.00	●
160	THREE RIVERS	£6.00	●
161	THURROCK	£6.00	●
162	VALE OF GLAMORGAN	£6.00	●
163	WARWICK	£6.00	●
164	WEST DORSET	£6.00	●
165	WEST LINDSEY	£6.00	●

166	DARLINGTON	£5.95	●
167	BABERGH	£5.90	●
168	BASSETLAW	£5.90	●
169	DUDLEY	£5.90	●
170	DURHAM COUNTY COUNCIL	£5.90	●
171	MANCHESTER	£5.90	●
172	SOUTH AYRSHIRE	£5.90	●
173	TANDBRIDGE	£5.90	●
174	WALSALL	£5.90	●
175	TEWKSBURY	£5.85	●
176	BASILDON	£5.80	●
177	BLACKPOOL	£5.80	●
178	BROMSGROVE	£5.80	●
179	CARLISLE	£5.80	●
180	CLACKMANNAN	£5.80	●
181	FOREST HEATH	£5.80	●
182	HAVANT	£5.80	●
183	HIGHLANDS	£5.80	●
184	LEICESTER	£5.80	●
185	NEWCASTLE-UPON-TYNE	£5.80	●
186	NORTH LINCOLNSHIRE	£5.80	●
187	NORTH NORFOLK	£5.80	●
188	ORKNEY	£5.80	●
189	REIGATE & BANSTEAD	£5.80	●
190	RUGBY	£5.80	●
191	SELBY	£5.80	●
192	SOUTH RIBBLE	£5.80	●
193	TRAFFORD	£5.80	●
194	UTTLESFORD	£5.80	●
195	WEST SOMERSET	£5.80	●
196	WINDSOR & MAIDENHEAD	£5.80	●

197	WORCESTER	£5.80	●
198	YNS MON	£5.80	●
199	KINGS LYNN & WEST NORFOLK	£5.76	●
200	CHESTERFIELD	£5.75	●
201	EAST AYRSHIRE	£5.75	●
202	SCOTTISH BORDERS	£5.75	●
203	WYCOMBE	£5.75	●
204	ANGUS	£5.70	↑ £0.20
205	CANNOCK CHASE	£5.70	●
206	EAST KILBRIDE	£5.70	●
207	EASTBOURNE	£5.70	●
208	ISLE OF WIGHT	£5.70	●
209	MID DEVON	£5.70	●
210	MONMOUTHSHIRE	£5.70	●
211	NORTH SOMERSET	£5.70	●
212	RYEDALE	£5.70	●
213	STIRLING	£5.70	●
214	SWANSEA	£5.70	↑ £0.65
215	WELWYN HATFIELD	£5.70	●
216	DUNDEE	£5.66	●
217	CALDERDALE	£5.64	●
218	ABERDEEN CITY	£5.60	●
219	BRECKLAND	£5.60	●
220	BROXBOURNE	£5.60	●
221	DENBIGHSHIRE	£5.60	●
222	GOSPORT	£5.60	●
223	HINCKLEY & BOSWORTH	£5.60	●
224	LANCASTER	£5.60	●
225	NEWPORT	£5.60	●
226	NORTH EAST LINCOLNSHIRE	£5.60	●

227	NORTH KESTEVEN	£5.60	●
228	NORTH TYNESIDE	£5.60	●
229	NORTH WEST LEICESTER	£5.60	●
230	NOTTINGHAM	£5.60	●
231	PORTSMOUTH UA	£5.60	●
232	RENFREWSHIRE	£5.60	●
233	RUSHCLIFFE	£5.60	●
234	SANDWELL	£5.60	●
235	SOUTH BUCKINGHAM	£5.60	●
236	ST EDMUNDSBURY	£5.60	●
237	SUFFOLK COASTAL	£5.60	●
238	SUNDERLAND	£5.60	●
239	WEST LOTHIAN	£5.60	●
240	WIRRAL	£5.60	●
241	WOLVERHAMPTON	£5.60	●
242	WREXHAM	£5.60	●
243	WYRE	£5.60	●
244	CHERWELL	£5.56	●
245	BROXTOWE	£5.50	●
246	CASTLE MORPETH	£5.50	●
247	DUMFRIES & GALLOWAY	£5.50	●
248	EAST CAMBRIDGESHIRE	£5.50	●
249	EAST STAFFORDSHIRE	£5.50	●
250	EDEN	£5.50	●
251	EPPING FOREST	£5.50	●
252	EREWASH	£5.50	●
253	GEDLING	£5.50	●
254	GWYNEDD	£5.50	●
255	HAMBLETON	£5.50	●
256	HUNTINGDONSHIRE	£5.50	●
257	OLDHAM	£5.50	●

258	RICHMONDSHIRE	£5.50	●
259	SHROPSHIRE	£5.50	●
260	STAFFORD	£5.50	●
261	TYNEDALE	£5.50	●
262	WANSBECK	£5.50	●
263	CEREDIGION	£5.46	●
264	ALLERDALE	£5.45	●
265	BARROW IN FURNESS	£5.44	●
266	CHILTERN	£5.40	●
267	DONCASTER	£5.40	●
268	DUNBARTON & VALE OF LEVEN	£5.40	●
269	FAREHAM	£5.40	●
270	KINGSTON-UPON-HULL	£5.40	●
271	LIVERPOOL	£5.40	●
272	MACCLESFIELD	£5.40	●
273	MID SUFFOLK	£5.40	●
274	NEWARK & SHERWOOD	£5.40	●
275	PEMBROKESHIRE	£5.40	●
276	PERTH & KINROSS	£5.40	●
277	POWYS	£5.40	●
278	ROTHERHAM	£5.40	●
279	THANET	£5.40	●
280	WYCHAVON	£5.40	●
281	COTSWOLD	£5.35	●
282	EAST DUNBARTONSHIRE	£5.34	●
283	BARNSLEY	£5.30	●
284	BLABY	£5.30	●
285	BRADFORD	£5.30	●
286	CRAVEN	£5.30	●
287	EAST RENFREW	£5.30	●
288	FENLAND	£5.30	●

289	LICHFIELD	£5.30	●
290	MELTON	£5.30	●
291	RIBBLE VALLEY	£5.30	●
292	VALE ROYAL	£5.30	●
293	WYRE FOREST	£5.30	●
294	BEDFORD	£5.26	●
295	SALFORD	£5.26	●
296	BOLTON	£5.25	●
297	BURY	£5.24	●
298	AMBER VALLEY	£5.20	●
299	BLAENAU GWENT	£5.20	↑ £0.90
300	CLYDEBANK	£5.20	●
301	CONWY	£5.20	●
302	EAST RIDING	£5.20	●
303	ELLESMERE PORT	£5.20	●
304	HALTON	£5.20	●
305	RHONDDA CYNON TAF	£5.20	●
306	SOUTH LANARKSHIRE (CLYDESDALE)	£5.20	●
307	SOUTH TYNESIDE	£5.20	●
308	STAFFS MOORLANDS	£5.20	●
309	WARRINGTON	£5.20	●
310	CONGLETON	£5.10	●
311	GATESHEAD	£5.10	●
312	INVERCLYDE	£5.10	●
313	NORTH AYRSHIRE	£5.10	●
314	SEFTON	£5.10	●
315	SOUTH STAFFORDSHIRE	£5.10	●
316	WIGAN	£5.10	●
317	ALNWICK	£5.05	●
318	SOUTH HOLLAND	£5.05	●
319	BLYTH VALLEY	£5.00	●

320	COPELAND	£5.00	●
321	DAVENTRY	£5.00	●
322	EAST NORTHANTS	£5.00	●
323	KIRKLEES	£5.00	●
324	NEATH PORT TALBOT	£5.00	●
325	NORTH EAST DERBYSHIRE	£5.00	●
326	NORTH LANARKSHIRE	£5.00	●
327	PETERBOROUGH	£5.00	●
328	ROSSENDALE	£5.00	↑ £0.10
329	SOUTH NORTHANTS	£5.00	●
330	STOKE-ON-TRENT UA	£4.95	●
331	BRIDGEND	£4.90	●
332	CHORLEY	£4.90	●
333	CORBY	£4.90	●
334	FLINTSHIRE	£4.90	●
335	TELFORD & WREKIN	£4.90	●
336	WELLINGBOROUGH	£4.90	●
337	REDDITCH	£4.88	●
338	WESTERN ISLES	£4.85	●
339	ASHFIELD	£4.80	●
340	CAERPHILLY	£4.80	●
341	DERBYSHIREDALES	£4.80	●
342	HAMILTON	£4.80	●
343	MANSFIELD	£4.80	●
344	ROCHDALE	£4.80	●
345	RUTHERGLEN	£4.80	●
346	TORFAEN	£4.80	●
347	BERWICK ON TWEED	£4.70	●
348	BLACKBURN	£4.70	●
349	FALKIRK	£4.70	●
350	HYNDBURN	£4.70	●

351	WEST LANCASHIRE	£4.70	●
352	BOLSOVER	£4.60	●
353	ST HELENS	£4.60	●
354	WAKEFIELD	£4.60	●
355	BURNLEY	£4.50	●
356	HARTLEPOOL	£4.50	●
357	KNOWSLEY	£4.50	●
358	MERTHYR TYDFIL	£4.50	●
359	REDCAR & CLEVELAND	£4.50	●
360	STOCKTON ON TEES	£4.50	●
361	OADBY & WIGSTON	£4.40	●
362	PENDLE	£4.40	●
363	AYLESBURY VALE	£4.30	●
364	MIDDLESBROUGH	£4.30	●
365	NEWCASTLE-UNDER-LYME	£4.20	●
366	SOUTH KESTEVEN	£3.50	●
367	MALDON	£0.00	
368	RUTLAND	£0.00	
369	SOUTH DERBYSHIRE	£0.00	
370	SOUTH OXFORDSHIRE	£0.00	

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Report to:	General Licensing Committee
Date:	1st October 2018
Title:	Taxi Licensing Guidance Review
Report of:	Director of Service Delivery
Ward(s):	All
Purpose of report:	To seek the Committee's agreement for the Senior Specialist Advisor to prepare a draft Hackney Carriage and Private Hire Licensing Guidance. If the draft Guidance is agreed at a subsequent meeting of this Committee the Guidance would be widely consulted on for an 8 week period.
Officer recommendation(s):	(1) The Committee authorise the Senior Specialist Advisor to prepare draft guidance and bring this back to Committee prior to the start of an 8 week consultation with the taxi trade and the public. (2) The Committee consider the submission from the Eastbourne Disability Advisory Group.
Reasons for recommendations:	It is best practice for licensing authorities to adopt Guidance for hackney carriages and private hire vehicles.
Contact Officer(s):	Name: Ed Hele Post title: Functional Lead – Quality Environment E-mail: ed.hele@lewes-eastbourne.gov.uk Telephone number: 01273 085014

1 Introduction

1.1 Currently Eastbourne Borough Council does not have comprehensive Guidance relating to Hackney Carriage and Private Hire Vehicles although it does have licence conditions and byelaws and guidelines relating to the relevance of convictions etc. that have been in place for a number of years.

1.2 It is important that the taxi trade and relevant stakeholders are consulted on any changes to existing conditions etc. before it is implemented.

2 Background

2.1 The current landscape for hackney carriage and private hire licensing has changed significantly over recent years with smart phone apps changing the way

vehicles can be booked, the change in the law allowing cross border sub-contracting of jobs and sexual exploitation incidents involving the taxi trade in other parts of the country.

2.2 The Eastbourne Disability Involvement Group have written to the General Licensing Committee expressing their concern that at the current time they feel the current taxi provision does not meet the needs of disabled passengers. These concerns can be addressed in the proposed new Guidance which will benefit both the trade and the Council. This is produced as **Appendix 1**.

2.3 It is appropriate that the Guidance is put in place in light of these issues and brought up to date to ensure the Council protects the safety and welfare of the public.

3 Financial appraisal

3.1 There is no significant cost identified within this report. There will be minor costs associated with administering the consultation.

4 Legal implications

4.1 There is no statutory requirement for the licensing authority to adopt any Guidance in relation to hackney carriages or private hire licences but it is considered best practice to do so as it informs and guides decision makers and assists with consistent decision making. However, the Guidance must not fetter on decision making as each case must continue to be judged on its own merits.

4.2 The Council when drafting the new Guidance should take into consideration the duties and powers imposed on it, and those imposed on hackney carriage drivers, private hire drivers and operators as contained within Chapter 1, Part 12 of the Equality Act 2010.

5 Risk management implications

5.1 It is important that these changes are considered to ensure the safety of the public.

6 Appendices

- Appendix 1 – Submission from Eastbourne Disability Involvement Group

7 Background papers

None

Equal and Fair Access for wheelchair users and people with sensory impairments to licensed Wheelchair Accessible Hackneys (WAVS) and Private Hire Vehicles (PHVs) in Eastbourne and Lewes

Submission to Eastbourne Borough Council (EBC) Licensing Committee, 1 October 2018

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At the invitation of Eastbourne Disability Involvement Group: Prepared by Geraldine Des Moulins, Chief Officer, Possability People (Disabled People's Organization supporting Disabled People with all impairments in Brighton/Hove and East Sussex) Robert Bull and Liz Trethewey, co-chairs, East Sussex Wheelchair Services Collaborative and Ian Westgate, chair of Eastbourne Access Group

1. Overall compliance with the Equality Act 2010

We welcome the Council's overall approach to equality, as outlined in the Equality and Fairness Policy and the implementation of the Equality Objectives and Action Plan. We note the following as being of specific relevance:

'To promote equality and fairness and eliminate discrimination, ensuring fair access to services and opportunities; and to comply with the Council's general and specific duties under the Equality Act 2010'.¹

Objective 3: 'We will promote fairness and accessibility'.²

Equality and Fairness Policy- 'The Council is committed to involving disabled people at an early stage in decisions that affect them and will continue to apply the principles of the government's 'Disability Confident Committed Employer' scheme for recruitment. The Council is also committed to minimizing barriers restricting access to our premises, facilities, services, democratic processes and employment. To this end the Council will continue to engage with local groups about specific areas that matter to them and those that matter to the Council'.³

¹Cabinet, 7 February 2018 Equality and Fairness Policy, Equality Objectives, Annual Report and Action Plan

² Equality Objectives, Annual Report and Action Plan, EBC and LDC

³ Equality and Fairness Policy, LDC and EBC, 2018

2. Sections 165-180 of the Equality Act which specify the accessibility regulations for wheelchair users and users of assistance dogs that came into force on 6 April 2017

From 6 April 2017, drivers of taxis and PHVs designated by each licensing authority as being wheelchair accessible were required by law to comply with the requirements of Sections 165 onwards of the Equality Act 2010, unless they have been issued with an exemption certificate on prescribed and specific grounds.

The law from April 2017 introduced duties for each local Licensing Authority to:

- Designate vehicles as wheelchair accessible
- Communicate new legal requirements to Taxi and PHV drivers
- Handle exemption applications from drivers who cannot meet the requirements due to medical reasons and;
- Enforce the requirements

3. Section 165 of the Act in law from April 2017 set out the duties placed on drivers of designated wheelchair accessible taxis and PHVs, as follows:

'To carry the passenger while in the wheelchair; not to make any additional charge for doing so; if the passenger chooses to sit in a passenger seat to carry the wheelchair; to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort. To give the passenger such mobility assistance as is reasonably required. Also to enable the passenger to get into or out of the vehicle; If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair. To load the passenger's luggage into or out of the vehicle; If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle. Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them'.⁴

⁴ Source: Access for wheelchair users to taxis and Private Hire Vehicles, DFT. Statutory Guidance-Equality Act 2010, (published 2017), paras 4.2-4.4

4. Assistance Dogs for people with mobility and/or sensory impairments

'Section 168 of the Equality Act as from April 2017 imposes duties on the driver of a taxi which has been hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog, to carry the disabled person's dog and allow it to remain with that person and not make any additional charge for doing so'.⁵ The law change on 6 April 2017 introduced legal sanctions in so far that a person guilty of an offence in respect of the above sections is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5. Our Recommendations

1. EBC to commit to the principles and vision of the Government's Inclusive Transport Strategy, published on 25 July 2018. The Strategy recommends that: '*authorities not only use the powers available to them to ensure that taxi and PHV services not only comply with the legal requirements but that these services meet the needs of passengers more consistently*'.⁶
2. Develop policies and procedures to achieve compliance with the Equality Act 2010 sections 165 onwards relating to Taxis that **came into force on 6 April 2017**.
3. Change the existing policy of licensing ONLY side loading WAVs and license a flexible, accessible fleet. Currently the WAVS most suitable for carrying powered wheelchairs (including manual or powered wheelchairs which are not deemed as 'standard reference') are not available to wheelchair users. A more flexible approach is needed to facilitate the availability of other types of side loading vehicles other than just 'London style' cabs and also to increase the choice of rear loading WAVS.
4. Ensure disabled people have proper and effective access to full information about each designated WAV. Maintain a list that is updated with contact details and information. The statutory guidance states that: 'it would also be helpful to include information about the size and weight of a wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated'.⁷

⁵ Equality Act 2010, section 168, in force from 6 April 2017

⁶ The Inclusive Transport Strategy: achieving equal access for disabled people, para 4.20, DFT, published 25 July 2018

⁷ Source: Access for wheelchair users to taxis and Private Hire Vehicles, DFT. Statutory Guidance-Equality Act 2010, (published 2017), para 3.10

5. Adopt a proactive equality and fairness policy for taxi users (such as the Brighton Accessibility Policy for wheelchair users, people with visual, hearing impairments and learning disabilities). The statutory guidance states: 'We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication'.⁸ To strengthen this further we would like to see a policy that includes mandatory training so drivers and owners better understand their responsibilities under current legislation.
6. Take action to tackle the exorbitant charges that the Eastbourne area PHVs often apply to the carriage of wheelchair users, compared to the same journeys that would be undertaken by non- mobility impaired customers. The guidance recommends that each 'licensing authority guidance for drivers is updated to make clear when a meter can and cannot be left running'⁹.
7. Introduce procedures related to: prescribed Exemptions for Taxi operators, appeals process in respect of Exemptions, a complaints and enforcement mechanism for both local Taxi operators designated as WAVS and a complaints process for disabled people facing discrimination or less favourable treatment.
8. Actively work towards an increase in the choice and availability of WAVS in Eastbourne as there is a current scarcity of WAVS available during school hours, as well as during evenings and weekends. Examine an approach that requires larger operators (e.g. over 10 vehicles) to maintain a minimum percentage of WAVS in their fleets. Ensure all transferred, licensed Taxi plates are designated as wheelchair accessible.
9. Work with local disability groups who will undertake a mystery shopping exercises with disabled Taxi users who are living with the full range of mobility, sensory and learning impairments, in order to ensure policies are being effective.
10. Promote communication and awareness of the new policies with local disability groups and the Council's Disability Involvement Group: inviting feedback from local disabled people, and follow up any issues that arise.
11. Strengthen the current complaints mechanism to ensure that complaints are responded to in a timely and appropriate fashion. Adopt a zero tolerance approach to any evidence of unlawful discrimination taking place. Investigate complaints of discrimination or less favourable treatment and take appropriate enforcement action.

⁸ Source: Access for wheelchair users to taxis and Private Hire Vehicles, DFT. Statutory Guidance-Equality Act 2010, (published 2017), para 4.4

⁹ Access for wheelchair users to taxis and Private Hire Vehicles, DFT. Statutory Guidance-Equality Act 2010, (published 2017), para 4.7

In conclusion

Eastbourne Borough Council needs to develop, implement and monitor a proactive accessibility policy that will lead to a greater choice of types of WAVs that are licensed, thus ensuring both availability and increased choice for wheelchair users. Of the 15,000 NHS wheelchair prescribed users in East Sussex alone, a high proportion of these NHS wheelchair users have been prescribed powered wheelchairs, due to their clinical needs. It is simply not an option for many wheelchair users to transfer out of their wheelchairs and/or use a manual wheelchair for travel in taxis. The demographic of people living longer but with more complex conditions delineates the importance of addressing taxi access and availability for local disabled people. The current lack of choice and restricted availability of WAVS and accessible, affordable PHVs also adversely affects our tourist trade, as well as local disabled citizens.

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