



Lewes District Council

To all Members of the Licensing Committee

A meeting of the **Licensing Committee** will be held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Thursday, 12 March 2015** at **14:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

04/03/2015

Catherine Knight
Assistant Director - Corporate Services

Agenda

- 1 Minutes (page 1)**
To approve the Minutes of the meeting held on the 10th November 2014 (previously circulated - attached herewith)
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972
- 5 Written Questions**

To deal with written questions from councillors pursuant to Council Procedure Rule 11.3 (page D8 of the Constitution)

- 6 Street Trading Committee Report April 2015 (page 9)**
To consider the Report of the Director of Service Delivery (Report no. 39/15)
- 7 Review of the Hackney Carriage Fare Tariff (page 45)**
To consider the report of the Director of Service Delivery (report no. 40/15)
- 8 Date of Next Meeting**
The next meeting of the Committee will be called as necessary.

For further information about items appearing on this Agenda, please contact Ruby Brittle at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution: Councillors J Stockdale (Chair), S Adeniji, G R Amy, M A Cutress, S J Gauntlett, P Gander, J M Harrison-Hicks, P A Howson, R Robertson and B M Warren

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Monday 10 November 2014** at 2.00pm.

The meeting was followed by a training session for Members of the Licensing Committee on Street Trading which was led by Michael Moss, Licensing Officer and Ed Hele, Principal Environmental Health Officer.

Present:

Councillor P A Howson (Chair)
 Councillors G R Amy, M A Cutress, S J Gauntlett, P Gander, J M Harrison-Hicks and R Robertson

Officers Present:

Ms Z Downton, Committee Officer
 Ms J Fletcher, Solicitor
 Mr E Hele, Principal Environmental Health Officer
 Ms S Lindsey, Licensing Officer
 Mr M Moss, Licensing Officer
 Ms R Wynn, Principal Environmental Health Officer (Minutes 1 – 6)

	Minutes	Action
1	<p>Election of Chair of the Committee for this meeting</p> <p><u>Resolved:</u></p> <p>1.1 That Councillor Howson be elected Chair of the Committee for this meeting.</p>	
2	<p>Minutes</p> <p>The Minutes of the meeting held on 16 April 2014 were approved as a correct record and signed by the Chair.</p>	
3	<p>Apologies for Absence/Declaration of Substitute Members</p> <p>An apology for absence had been received from Councillor J Stockdale.</p>	

4 Urgent Items

The Chair advised that it had been agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 154/14 entitled "Outsourcing Criminal Records and DVLA Checks" (Agenda Item 7 refers) be considered as a matter of urgency in order that the Committee could take its decisions based on the most recent information which was available.

5 Variation in the Order of the Agenda

Resolved:

- 5.1 That Agenda Item 9 entitled 'Mobile Homes Act 2013' be taken immediately before Agenda Item 7 entitled 'Outsourcing Criminal Records and DVLA Checks'.

6 Mobile Homes Act 2013

The Committee considered Report No 156/14 which informed councillors of the changes in legislation governing residential mobile home sites since the introduction of the Mobile Homes Act 2013, and which also sought approval of a proposed fee structure.

The Principal Environmental Health Officer (R Wynn) explained that the Caravan Sites and Control of Development Act 1960 had been amended by the Mobile Homes Act 2013 (The Act) and had come into force on 1 April 2014. The Act had brought about some important changes to the buying and selling of Mobile Homes, pitch fees and park rules, and enabled the Local Authority to serve compliance notices for breach of site licence conditions.

The new Act introduced powers for Local Authorities to charge fees for their licensing functions in relation to 'relevant protected sites' (RPS). A RPS was defined as land used as a caravan site other than where a site licence was granted for holiday use only, or that had conditions restricting the use of the site, for example planning conditions. Local Authorities could charge for applications for new site licences, applications to transfer or vary an existing licence and an annual fee for administering and monitoring licences.

The Committee noted that there were five RPS's in the Lewes District, three large residential mobile home parks and two single unit sites, all of which had planning permission.

Section 2.9 of the Report outlined three possible options for setting the fees, following guidance from the Department for Communities and Local Government (DCLG). The DCLG stated that no one option was better than another and that other approaches might be equally acceptable. The Committee considered the second fee setting option, based on site size bandings, to be the fairest and most transparent method available when

PEHO to
note
(R Wynn)

considering the sites within the District.

The table under section 2.13 of the Report summarised the proposed fee structure. The cost analysis associated with each application type was set out under Appendix 1.

The proposed implementation date of the new fee structure was 1 December 2014. In response to a suggestion by the Committee, the Principal Environmental Health Officer (R Wynn) responded that she would consider a later implementation date, such as 1 April 2015, which would be more in line with the implementation, annual assessment and review of other fees.

PEHO
(R Wynn)

Resolved:

- 6.1 That the new statutory powers available to Local Authorities under the Mobile Homes Act 2013, as set out in Report No 156/14, be noted; and
- 6.2 That the proposed fee structure as determined by the cost analysis and as set out in Appendix 1 of Report No 156/14, be approved.

7 Outsourcing Criminal Records and DVLA Checks

The Committee considered Report No 154/14 which sought approval from the Licensing Committee with a view to amending the existing procedure of checking an individual's criminal history and road traffic offences when assessing an person's suitability to drive a Hackney Carriage and/or Private Hire Vehicle.

The Licensing Officer (M Moss) introduced himself to the Committee and explained that, as part of the plan to improve the existing procedures and services provided by the taxi Licensing Department, the aim was to make information readily available, speed up the application processes and minimise the impact on resources to improve compliancy checks.

Under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (The Act), the Licensing Authority had a responsibility to assess an individual's suitability to drive a Hackney Carriage and/or Private Hire Vehicle. The Council's Licensing Department currently used the Royal Mail to make such 'data subject enquiries' and the paper application process took approximately 2 to 3 weeks for a response to be received. The proposal to use a third party organisation to manage those requests online would reduce the waiting time to 2 working days, at no additional cost to the Council.

The Licensing Officer also explained that Local Authorities would need to have in place a suitable plan for checking information online, as from January 2015 the DVLA would no longer be issuing the paper counterpart DVLA licence.

The Licensing Officer highlighted, under paragraph 1.4(e) of the Report, the benefits of outsourcing this specific area of work. He explained that competitive quotes from several third party organisations would be obtained for the Committee to consider at a future meeting.

In response to a councillor's question, the Licensing Officer explained that by using a third party organisation to carry out the checks, officer's time would be freed up to be used more efficiently, such as increasing on-street enforcement measures to combat Hackney Carriage and/or Private Hire Vehicle driver licence fraud in the District.

Resolved:

- 7.1** That the use of a third party organisation to undertake the administrative functions of processing applications to carry out individual driver's identity verification and criminal record checks to the Disclosure and Barring Service (DBS) and the Driver's and Vehicle Licensing Agency (DVLA), be approved; and
- 7.2** That the Licensing Officer be requested to obtain competitive quotations from third party organisations to undertake identity verification checks directly with the Driver's and Vehicle Licensing Agency (DVLA) and criminal record checks with the Criminal Records Bureau (CRB), and report back with details of a preferred provider to a future meeting of the Licensing Committee.

Licensing
Officer
(M Moss)

8 Review of Hackney Carriage Fare Tariff

The Committee considered Report No 155/14 which sought to commence a consultation exercise with the Hackney Carriage trade and to review the existing fares as set by the Licensing Committee on 15 January 2013.

Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority had the power to set fares for Hackney Carriages. Where fares were set by the Local Authority, that Authority had a responsibility to review those fares to ensure they remained fair and reasonable. The setting of Hackney Carriage fares was the function of the Licensing Committee under 'The Local Authorities (Functions and Responsibility) (England) Regulations 2000. The existing Hackney Carriage fares were formally adopted on 15 January 2013. The fares currently set had been in place for 20 months and the trade had requested a review of the current fare structure.

The Licensing Officer (M Moss) explained that it was the intention to begin the consultation exercise on 17 November 2014 for a five-week period. After which the results, including a proposed restructure of the fares, would be brought to a future meeting of the Licensing Committee for consideration.

The proposed consultation letter and questionnaire that was intended to be sent to all those directly affected by the Hackney Carriage fares was set out

under Appendix 1 of the Report.

In response to a councillor's suggestion, the Licensing Officer (M Moss) explained that he would add reference and/or questions to the questionnaire relating to the livery of Hackney Carriage vehicles operating within the District, as it was a matter he would be looking into for which feedback from drivers would be useful.

Licensing
Officer
(M Moss)

Resolved:

8.1 That the proposed five-week consultation exercise, to gauge the views of those directly affected by the Hackney Carriage fares, and the subsequent creation of a new Table of Fares, be approved; and

8.2 That the Licensing Officer be requested to report back the findings and conclusions of the consultation exercise into Hackney Carriage Fares to a future meeting of the Licensing Committee.

Licensing
Officer
(M Moss)/
PEHO
(E Hele)

9 Approval of Licensing Fees

The Committee considered Report No 157/14 which sought approval of the proposed scale of licensing fees to be applied from 1 April 2015, and the fees for the Caravan Site License fees to be applied from 1 October 2013.

The responsibility for setting the level of licensing fees and fares was a function of the Licensing Committee, having previously been that of the Executive (Cabinet).

The Principal Environmental Health Officer (E Hele) informed the Committee that the proposed licensing fees for 2015/2016 would be considered as part of a larger review of the Council's fees and charges that was being undertaken by the Director of Service Delivery. As such, he advised that he would feed back any recommendations of the Committee to the Director of Service Delivery.

Appendix 1 of the Report set out the proposed Licence Fees and Charges for 2015/2016, which included the Mobile Homes Act 2013 Fees and Charges.

The table, under paragraph 2.3 of the Report, summarised the estimated financial impact of the fees proposed to apply from 1 April 2015, as detailed in Appendix 1. The table also showed the estimated financial impact of changes in usage levels experienced during the current year, which were expected to continue into 2015/2016.

Resolved:

9.1 That the scale of proposed Licensing Fees to apply from 1 April 2015, as set out in Appendix 1 of Report No 157/14, be approved;

9.2 That the fees for the Caravan Site License Act 2013 to apply from 1 October 2013, as set out on page 30 of Appendix 1 of Report No 157/14, be approved; and

9.3 That, subject to any changes to the proposed Licensing Fees and Charges arising as part of the larger review of fees and charges by the Director of Service Delivery, the Licensing Committee recommends to Full Council that it formally ratifies the proposed new fares, as set out in Appendix 1 of Report No 157/14.

Director of
Service
Delivery/
PEHO
(E Hele)

10 Date of Next Meeting

Resolved:

10.1 That it be noted that the next meeting of the Committee would be called as necessary.

**All to
note**

The meeting ended at 3.10pm.

P A Howson
Chair

Agenda Item No: 6 **Report No:** 39/15
Report Title: Street Trading Review in Lewes District
Report to: Licensing Committee **Date:** 12 March 2015
Lead Councillor: Cllr Paul Franklin
Ward(s) Affected: All
Report By: Director of Service Delivery

Contact Officer -

Name: Ed Hele
Post Title: Principal Environmental Health Officer
E-mail: ed.hele@lewes.gov.uk
Tel No: 01273 484354

Purpose of Report:

1. To review the street trading consent scheme following its first year of implementation. This report aims to update the committee on the past year and makes recommendations to amend the Policy for Street Trading together with application processes and conditions for the Lewes District.

Officer's Recommendations:

1. That the committee considers amendments to the Policy, Application processes and Conditions.
2. That the committee agree the recommendations and confirm their agreement to the revised Policy, processes and conditions.
3. That deemed consent is agreed for certain Street Trading activities
4. That delegated powers are given to the Licensing Officer to determine non contentious properly made applications
5. That delegated powers are given to the Service Manager to refuse street trading applications with an ability to appeal to the Licensing Committee
6. To require future applicants to provide evidence that planning permission and land owner's consent has been obtained and a material consideration for the Licensing Officer in making their decision
7. The agreed revised Street Trading Policy, Application processes and Conditions is publically consulted upon and a further report presented to the committee.

1 Information

- 1.1** The Committee previously agreed the street trading consent policy together with an application process and conditions for Lewes District Council on 16 April 2014.
- 1.2** The Committee resolved in April 2014 that from 1 May 2014 the Street Trading Policy would come into effect and be implemented. The committee also resolved that following 1 year a further report should be presented to the committee.
- 1.3** A period of 10 months has now elapsed since the introduction of the street trading consent scheme and a summary of the key findings are provided in section 2.0.

2.0 Key Findings

- 2.1** There are a number of mobile food traders that operate for a limited duration at various sites. These traders are predominantly either ice cream vehicles or food wagons that have rounds turning up at various sites and selling food goods before moving onto the next location. They predominantly sell cold produce such as ice cream or sandwiches. These food traders will be deemed to be mobile and therefore have deemed consent if they do not stay stationary for more than 15 mins. These activities have proven to be extremely time consuming for officers to investigate and are extensively regulated under food hygiene controls. A number of other authorities have experienced similar situations with these type of vendors and have introduced a deemed consent for such vendors.
- 2.2** Local Town and Parish Council's allow the use of their land for car boot fairs and Charitable, local authority organised and community type events (where an admission charge is not made for entry) (i.e. outdoor school fayres, carnivals, fund raisers, car boot sales). The consent scheme was not intended to be overly bureaucratic where local town and parish councils already undertake their own due diligence checks and vet their traders.
- 2.3** The current system of issuing a consent and waiving the fee for individual householders and community group sales still requires an application form to be completed and the application processed and the fee to be waived. This system is overly bureaucratic and could be resolved by having a deemed consent.
- 2.4** Concern has been raised over the level of fee for small 'Fresh from the Ground Producers' and a request has been received to consider a lower fee for startup businesses and local community initiatives. A copy of a letter from Barcombe Nurseries outlining these concerns is attached to this report at Appendix 4.

- 2.5** There have been a number of one off markets/events such as late night shopping where the full Market Fee is not feasible. It is suggested that a lower one off market fee is introduced.
- 2.6** Criticism has been received that there is no appeal process where a consent has been refused by the licensing committee. The legislation does not allow for an appeal to be made where a decision of the licensing authority has been made.
- 2.7** Currently there is no application fee and applicants have found it difficult to raise funds for a full years consent with the application when there is no guarantee of a successful application. It is suggested that a non-refundable application fee of £25 which is the same as a single day consent is applicable.
- 2.8** It is been evident that many applicants have not obtained either land owners consent or the necessary planning approval. Consents have been issued whereby Lewes District Council has issued a consent to trade and the traders have been subject to investigation by the planning department or land owners.
- 2.9** On occasions it has become necessary to request that individual traders do not trade in the precinct due to other community activities. It is not expected that these will exceed more than 4 per year.
- 2.10** There are a limited number of small mobile vehicles that provide a service to small villages in the evenings once a week such as fish and chips or pizza. They regularly visit the same village community once a week and provide a much needed service to out of town locations. They do not trade for more than 2 hours at any single location and they have advised that the £700 yearly fee is unsustainable and they would have to stop this vital service to out of town communities.

3.0 Recommendations

- 3.1** In order to reduce bureaucracy it is suggested that a 'deemed consent' is introduced to the policy to effectively allow lower risk activities to trade without the unnecessary need for officers to chase applicants round the district. Reduce the need for dual consenting and vetting of applicants on other local authority controlled spaces. This is shown at point 6 in the revised policy document.
- 3.2** Implementation of a on a one off Market Fee of £25 to deal with single events such as Late Night Shopping as it benefits established static businesses and the street consent scheme should be seen to promote static businesses.
- 3.3** Introduction of a reduced fee for locally "own grown" produce sellers such as local nurseries and farms. It is suggested that this fee would be a concession of half the individual trader fee. These locally "own grown" produce sellers would need to be businesses which currently grow their produce within the Lewes District Boundary.

- 3.4** It is suggested that delegation is given to the Service Manager (Environmental Health) to refuse consents and that an appeal process is provided by a hearing of the licensing committee to scrutinise the original decision.
- 3.5** The inclusion of a flat rate non-returnable application fee to consider and process all applications. Payment of the fee would then only be required once the consent had been approved. This would not cover the full cost of the application but would serve to differentiate the cost of an initial application from the cost of issuing a consent. It is proposed that this fee is £25 and separate from the consent fee.
- 3.6** The addition of a requirement for an applicant to demonstrate that they have obtained the necessary permission from the land owner and obtained planning permission for the trading site.
- 3.7** The addition of a condition relating to community events held in the pedestrian precincts where sole use of the precinct is required for operational or safety reasons. This is laid out in section 8 of the policy and is attached a condition 19 in Appendix A General conditions **The Consent Holder Shall Not**.
- 3.8** It is proposed that the consent fee is waived for mobile traders providing a vital village community service for no more than 2 hours per evening in a different village location. They would still be required to submit an application form and application fee of £25. By having the consent scheme in place we shall be able to ensure that there is only one mobile vehicle is able to trade in each location at any one time.

4.0 Consultation

- 4.1** It is suggested that subject to the committee's agreement the revised Street Trading Policy goes out for consultation for a period of not less than 28 days.

5.0 Financial Appraisal

- 5.1** The fee that is charged to each Trader will cover the costs of administration and monitoring, but not the costs of enforcement. Recent case law has established that License fees, in general, should not include any element of the costs of enforcement against unlicensed Traders.
- 5.2** It is not anticipated that existing fees will need to increase as new Policy and Application processes will be managed within existing resources.

6.0 Legal Implications

The Legal Services Department has made the following comments:

The policy has been drafted to reflect current legislative requirements. All applications for consents under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, have to be made and determined in accordance with the council's street trading policy.

7.0 Sustainability Implications

7.1 I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations

8.0 Equality Screening

8.1 An Equality Impact Assessment screening exercise has been undertaken and all due regard has been given to equalities issues. This report is not found to have a negative impact upon equalities. Form AF40480.

9.0 Risk Management Implications

9.1 I have completed a risk assessment. The following risks will arise if the recommendations are not implemented, and I propose to mitigate these risks in the following ways, No new risks will arise if the recommendations are implemented.

9.2 Reputation Risk: It is important that the Council is seen to consider the regulation of Street Traders in an open and transparent process. The Council has a duty to protect residents going about their daily activities in the locality and to promote the economic wellbeing of existing businesses in Lewes District. It is paramount that the Council is seen to be addressing the issue in order to retain a good reputation with the public and businesses. Failure to consider the impacts of Street Trading upon the community appropriately may adversely affect the reputation of the Council. The Policy and associated conditions seek to balance the rights and responsibilities of itinerant as well as permanent Traders with those of residents.

9.3 Health and Safety: Street Traders may create an obstruction to both pedestrian and vehicular traffic. Further, some activities, such as the use of LPG and generators, may present risks to the public. Allowing Street Trading to be unregulated may lead to significant disruption and puts pedestrians and drivers at risk of injury.

10.0 Background Papers

10.1 Previous committee reports dated 30 August, 22 October 2013, 24 February 2014 February, 16 April 2014

11.0 Appendices

- Appendix 1 – Proposed Lewes Street Trading Policy 2015.
- Appendix 2 - Lewes Street Trading Consent application and fees processes.
- Appendix 3 - Lewes Consent conditions and associated guidance.
- Appendix 4 – Letter from Barcombe Nurseries

Lewes District Council Street Trading Policy

1) Introduction

The Council has exercised its powers sensibly to control Street Trading since the Local Government (Miscellaneous) Provisions Act 1982, Schedule 4, enabled it to do so. These powers have predominantly been used to regulate such trading in the Lewes and Newhaven town centres.

However, in view of changes in wider Street Trading practices and concerns about the spread of Street Trading outside these areas, the Council has resolved to extend formal control throughout the whole district. This followed detailed consideration of this by the Council's Licensing Committee and a formal consultation process through late summer of 2013.

The Council has resolved to make all streets in its District "Consent Streets". This means that a person trading without the consent of the Council will be guilty of an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Anyone wishing to trade in the street will need to obtain a "Consent". Any Consent can be made subject to conditions which the Council consider are reasonably necessary.

2) Policy Scope and Purpose

In view of the wide discretion the Council has to control Street Trading, this Policy sets down how its powers will be delivered and the aims and purpose it has in using its powers.

In administering the Street Trading controls the Council aims to:

- a) recognise the importance and contribution of regulated businesses to the wellbeing of the local economy;
- b) enhance the reputation and economic diversity of the area;
- c) balance the rights and needs of the residential and business communities;
- d) protect public safety and promote risk reduction;
- e) protect the permanent business community from unfair and unlawful competition;
- f) protect and, where possible, enhance the amenity and character of the District and local communities within it;
- g) prevent crime and disorder;
- h) promote sustainability and reduce adverse environmental impacts of trading in streets;
- i) promote and protect public health and prevent nuisances;

- j) promote equality and balance everyone's rights;
- k) ensure coherence with Council policies;
- l) ensure coherence with relevant legislation; and
- m) promote fairness, transparency and consistency.

3) Consideration of Applications for Consent and their Administration

In considering applications and subsequently regulating Consents we will work within the following principles:

- a) Nothing in this Policy will undermine the rights of any person to make an application for a Consent and to have that application considered on its merits or, override the right of any person to make objections about such application and any decision resulting from it.
- b) Adherence to the Council's Enforcement Policy and other relevant Council policies.
- c) Observing presumptions against granting a Consent as set out in paragraph 4 below.
- d) Seeking compliance with all relevant legislative requirements.
- e) Ensuring the suitability of applicants, their proposals and their appropriateness to the proposed trading location.
- f) Consultation with interested parties and enabling the consideration of relevant views and concerns as part of our decision making.
- g) Ensuring applicants and anyone that may be affected by an application have reasonable opportunities to influence our decisions.
- h) Making our processes clear and easy to access.
- i) Aiming to be as consistent as we can in delivering our responsibilities for Street Trading control.
- j) Where, during the introduction of this policy, existing trading conflicts with the policy because two similar traders are within 100m of each other, then unless spacing can be adjusted the trader considered to be first on the site, historically, (the primary trader) will be given preference. However, where in such circumstances, the primary trader has failed significantly to prevent crime and disorder the Licensing Committee may consider applications from both traders and determine which trader should be allowed to trade.

4) Presumptions against Granting a Consent

Whilst all applications will be considered on their merits the following factors are likely to be influential in any refusal:

- a) Significant risks to the public in terms of highway safety and obstruction such as interference with sight lines, junctions, accesses, pathways and crossings.
- b) Conflict with traffic orders.
- c) Activity likely to present a crime or public disorder risk.
- d) Activity likely to cause nuisance e.g. noise, light, odour, refuse, and litter or encourage vermin.
- e) Sales, products or activity with an adverse environmental impact.
- f) Sales, products or activity that offend public decency, or that presents a public health risk.

- g) Sales, products or activity that is inappropriate for the location e.g. sale of firearms, sale of animals.
- h) Lack of commercial need.
- i) Applicants with relevant unspent convictions, unpaid debt or previous Street Trading contraventions.
- j) Failure to meet legislative requirements, including risk assessment, relevant to the activity proposed or location, especially with regard to public safety.
- k) Failure to obtain or complete other necessary consents or registrations e.g. planning, licencing, food, waste disposal.
- l) Failure to put in place measures to prevent uncontrolled fire or explosion risk.
- m) Trading on or close to Bonfire Night in the Lewes town area.
- n) Lack of suitable insurance cover to a level of at least one million pounds (£1m).
- o) Direct competition, in terms of goods sold, with fixed businesses or other Street Traders within 100m. Trading close to the boundaries of hospitals or care premises (within 250m) or schools (500m).
- p) Trading within any Council owned car park.
- q) Use of any vehicle, trailer or stall that fails to match or enhance the quality of the street scene.
- r) Any activity or product that compromises child safety or wellbeing.

5) Street Trading Consent does not:

- a) permit trading outside the terms of the Consent;
- b) indicate that planning permission is not required;
- c) indicate that the unit is exempt from business rates;
- d) override parking restrictions or any other traffic regulations; or
- e) imply approval under any other system of control or regulation e.g. planning or licensing.

Any application for Street Trading is required to provide proof that all necessary consents/permissions required under the Planning or Licensing Acts are obtained and that land owners consent has been obtained **before** any consent is issued.

6) Deemed Consent

The following activities are deemed to already have consent and therefore an application is not required to be submitted.

- a. Mobile traders who visit a site location on a temporary basis such as ice cream vans and sandwich wagons. These vehicles should be static for no more than 15 minutes or they will be determined to require a consent.
- b. Local Authority land including Town and Parish Council's that is used for car boot fairs and Charitable, local authority organised and community type events (where an admission charge is not made for entry) (i.e. outdoor school fayres, carnivals, fund raisers, car boot sales)
- c. Individual householders
- d. community group sales without profit (such as churches, village halls etc)

7) Community Traders

Applications from mobile community traders such as fish & chip and pizza vans are required. Where they offer a vital service to village communities and trade for less than 2 hours per evening in each location the fee can be waved at the discretion of The Licensing Officer.

8) Consultation

In order to assist its decision making with a Consent application the Council may consult with a range of organisations, which may include those listed below or others as appropriate. A period of 28 days will usually be allowed for comments to be received.

- Sussex Police.
- Sussex Fire and Rescue Service.
- The Highways Authority, Children's Safeguarding Team, Public Health Network and Trading Standards Service at East Sussex County Council.
- Various section of Lewes District Council including Planning, Public Health and Noise Control Team, Commercial Food and Occupational Safety Team, Parking Team, Clean/Green Team, Enterprise and Regeneration Team.
- Relevant Ward Councillor of Lewes District Council.
- Relevant East Sussex County Councillors
- Town and Parish Councils.
- Local business groups or their representatives.
- Immediate neighbours, commercial and domestic (usually by Public Notice in the area).

9) Conditions

General conditions will be attached to every Consent detailing the holder's responsibilities. Additional conditions may also be attached which relate to the type of activity and location for which the Consent is granted.

The conditions may limit such things as: the days and the hours when Street Trading is permitted; the goods which may be sold; the size of the trading pitch; or any other relevant matter.

Where a consent is granted for the pedestrian precinct in either Newhaven or Lewes it may be necessary for a limited number of occasions to suspend street trading for community events for operational and safety reasons.

For the detail of the conditions see the appendices to this Policy.

Persons engaging in Street Trading (as defined in the Act) without a Consent or who fail to comply with the conditions may be liable to enforcement action including: prosecution; revocation; non-renewal of Consent and, in exceptional circumstances, use of its powers to seek an injunction.

Decisions regarding enforcement action will always be made in accordance with the Council's Environmental Health Enforcement Policy.

10) Bonfire Night

Street Trading Consents that are granted will be prohibited from operating on Bonfire Night within the boundaries of the Town of Lewes. A separate application will be required to be submitted to the Council for Street Trading on November 5th or the preceding Saturday if this falls on a Sunday. Applications for trading, which are located on streets in Lewes coloured green on the map in Appendix G of the Consent conditions, are unlikely to receive Consent. Consent on these streets will only be granted in exceptional circumstances and additional conditions to promote public safety will be attached to any Consent granted. Applications on other streets not highlighted in green will be assessed on their individual merits in consultation with the normal agencies.

11) Complaints and Enforcement

Legitimate complaints will be fully investigated in accordance with our procedures. Consent holders are expected to liaise with the Council to resolve complaints about them. Substantiated complaints may result in enforcement action being taken or a Consent being revoked. Such decisions will be made in accordance with the Council's Environmental Health Enforcement Policy.

Where it is necessary to revoke a consent for contravention of conditions the consent holder shall be able to appeal the decision of the Licensing Officer and a report shall be prepared and presented to the Licensing Committee.

Complaints may also be taken into account when considering an application to renew a Street Trading Consent.

12) Review of the Policy

This Policy will be reviewed every five years. At the time of the review, we will again consult all interested parties. As well as the five-yearly reviews, we will continue to evaluate the Policy and may update it at any time. Any minor changes can be agreed by the Licensing Committee.

13) Exemptions

The following fall outside of the Council's Street Trading controls, but may require consent or approval from other agencies:

Charitable Stalls in Lewes District Council Precincts Newhaven and Lewes –
However, a separate application will be required to trade on the Council's land available from the Licensing Team at the Council.

Pedlars - Pedlars operate under the Pedlars Act 1871 and must obtain a Pedlar's Certificate from the Police. Pedlars are people who sell from place- to-place and cannot sell from a fixed pitch; they must move around and not wait for customers to come to them, they cannot stand in any one place for a considerable time, nor can they exhort those passing, to buy their goods. Pedlars can carry their goods and can use a wheeled trolley to transport them.

Hair braiding, face painting, henna tattoos etc. - The law which governs Street Trading relates to the selling of articles and, as such, people who provide a service e.g. hair braiders, are not considered by the Council to be trading for the purposes of the legislation. However, if quantities of accessories used in hair braiding are also offered for sale then this would be Street Trading and may require a Street Trading Consent.

Persons providing services in the street should take care not to cause any nuisance or obstruction as this could result in the Police or another authority taking action.

Busking – Can be controlled by the Council, in conjunction with the Police if need be. If a busker, or a group of buskers, act in such a way as to cause a nuisance, then they may be asked to cease and leave the area. Buskers using amplified music will not be tolerated.

News vendors/selling periodicals e.g. Big Issue - Selling or offering for sale newspapers or periodicals either with or without a stall does not require any Consent, however if the stall stands on the carriageway of a street, it must be less than 1m in length and width, less than 2m high and occupy less than 0.25m² of ground. Stalls larger than this or in contentious locations may require Consent.

Rounds Man - Selling, offering or exposing for sale things as a rounds man does not require a Consent to trade.

Charity Stalls - Street Trading Consent is not required, but they will require a Street Collection Permit issued by Environmental Health – Licensing.

Markets/Fairs – Street Trading Consent is not required for trading at market or fairs which are established by virtue of a grant, enactment or order.

Other markets or special events e.g. farmers or continental markets or late night Christmas shopping events may require consent. In such cases the Council will issue a single Consent to the organiser which will cover all traders at the event.

Streets Adjoining Premises – Street Trading Consent is not required for premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.

A Trunk Road Picnic Area - provided by the Secretary of State under Section 112 of the Highways Act 1980;

A Petrol Filling Station - trading carried on at premises used as a filling station does not require Consent for Street Trading

Highways Act 1980 the use for trading of an object or structure placed on, in or over the highway and the operation of facilities for recreation or refreshment under part 7A of the Highways Act 1980.

Street Collections the doing of anything authorised by regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916

For the purposes of Street Trading activity, all streets are designated as Consent Streets where Street Trading without a Consent is an offence.

14) Appendices to this Policy will include:

Applications and Renewal processes; Fees; General Conditions and specifically conditions relevant to:

- A. General Conditions
- B. Motor Vehicle Conditions
- C. Fixed Site Conditions
- D. Food Related Conditions
- E. Gas Safety Conditions
- F. Bonfire Night Plan
- G. Public Service and Charitable Use of Lewes and Newhaven Precincts Conditions
- H. Use of Petroleum Conditions

Advice and guidance regarding:

- I. Definitions
- J. Guidance on Criminal Offences
- K. Offences

Applications, Renewals and Fees

Application forms and guidance are available from the Licensing Office (see below) or can be downloaded from the Council website www.lewes.gov.uk/environment/1652.asp

Applications can be submitted by post to or delivered by hand to:

Licensing
Environmental Health
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB

Alternatively they can be submitted electronically to: licensing@lewes.gov.uk

If you need assistance completing the forms, or need clarification on any aspect of them, contact us using the above addresses or by telephone on 01273 484354 Minicom 01273 484488.

Submitting a New Application

The following will be required to be submitted with the application:

- a. a completed and signed application form;
- b. two forms of identification of the applicant;
- c. two passport sized photographs of the Applicant;
- d. the full application fee which is non-refundable unless circumstances are exceptional. This can be paid by card over the phone (01273 484354) or by cheque payable to "Lewes District Council";
- d. a copy of a certificate of Public Liability Insurance cover for at least £1,000,000 (one million pounds). You must not trade unless you have given us a copy of your insurance certificate. You must also give us evidence proving you have renewed insurance cover if it ends before the Consent does;
- e. if trading is to take place from a fixed site, a map should be submitted showing all streets within a radius of at least 500 metres of the proposed site. This should clearly identify the proposed location by marking the site boundary with a red line; and
- f. a plan which clearly shows the dimensions of the unit i.e. vehicle, trailer, stall, tent etc. and three colour photographs of the trading unit illustrating different elevations of the unit.
- g. An application fee of £25 which is non-refundable.

The following may be required with the application:

- h. For food businesses, evidence that it is properly registered with the appropriate Council and both applicant and assistants are adequately trained and competent in food safety and hygiene, e.g. it is recommended that food hygiene training is completed to at least Level 2 and that any course of training undertaken is approved by the Chartered Institute of Environmental Health.
- i. Basic Disclosure and Barring Services check (also known as a Criminal Records Check). Not more than one month old unless a previous DBS check has been submitted to the Authority within the last 12 months.
- j. Written permission from land owner to use the site for the purposes of Street Trading.
- k. MOT certificate and, as a minimum, third party insurance documents where a motorised vehicle will be used for Street Trading.
- l. If appropriate, a current Gas Safety Certificate. This is to be kept up to date throughout the period of Consented Trading.
- m. Evidence that appropriate consents, permissions and licenses have been obtained or applied for e.g. Planning, Building Regulation, Licensing Act such as for late night refreshment, sale of alcohol or provision of entertainment.
- n. Such other particulars as the Council may reasonably require.

Renewing an Application

To ensure continuity of an existing Consent, application for renewal should be made **at least 14 days prior to the expiry** of the Consent. **Failure to do this may result in the Consent being cancelled and a new full application having to be made.**

The following will be required to be submitted with a renewal application:

- a) A completed and signed renewal application form.
- b) The appropriate fee in full which is non-refundable unless circumstances are exceptional. This can be paid by card over the phone (01273 484354) or by cheque payable to "Lewes District Council".
- c) New photos of the applicant if appearance has changed.
- d) A copy of a Certificate of Public Liability Insurance cover for at least £1,000,000 (one million pounds).
- e) Such other particulars as the Council may reasonably require.
- f) An application fee of £25 which is non-refundable.

Mobile Traders and Trading from Multiple Sites

Some applicants may wish to engage in Street Trading from a number of locations across the District rather than from a fixed location.

In such cases applicants must, when submitting the application, clearly identify, as far as reasonably practicable, all of the locations they wish to Trade from.

If an applicant proposes to trade on streets where there is already an existing Street Trading Consent, commercial need will be a relevant consideration.

Sites that Attract Applications from more than One Applicant

Multiple Street Trading Consents may be granted to different applicants for the same site, provided specific trading days/periods are applied for do not clash.

In normal circumstances only one Consent Holder will be permitted to Trade on a site and in its immediate vicinity (i.e. within 100 metres) at any one time.

Special Events/Markets

At such events/markets the Council will consider a single application and issue a single Consent, covering all Traders, to the person organising the event/market, rather than to each individual Trader. The Consent Holder will be responsible for ensuring that conditions are met by all Traders.

Charitable or Public Service Application for Consent to use Lewes or Newhaven Precincts

The Council offers the opportunity for the free use of these areas for the promotion of Public Wellbeing and Charitable giving or involvement in Public or Charitable service. This can include the incidental sales of related goods. This opportunity is subject to conditions applied in line with the Councils Policy on Street Trading.

Deemed Consents

The following activities are deemed to already have consent and therefore an application is not required to be submitted.

- a. Mobile traders who visit a site location on a temporary basis such as ice cream vans and sandwich wagons. These vehicles should not be static for more than 15 minutes or they will be determined to require a consent.
- b. Local Authority land including Town and Parish Council's that is used for car boot fairs and Charitable, local authority organised and community type events (where an admission charge is not made for entry) (i.e. outdoor school fayres, carnivals, fund raisers, car boot sales)
- c. Individual householders
- d. community group sales without profit (such as churches, village halls etc)

Service Standards for Processing your Application

We aim to process your application within seven working weeks from the date it is properly received as complete and it is not contentious.

In this time we will undertake several steps including:

1. Consult with some or all of the following before granting consent:

- Sussex Police
- East Sussex Fire and Rescue Service
- The Highways Authority, Children's Safeguarding Team, Public Health Network and Trading Standards at East Sussex County Council
- Various section of Lewes District Council, including: Planning, Public Health and Noise Control Team, Commercial Food and Occupational Safety Team, Parking Team, Clean/Green Team
- Relevant Ward Councillor of Lewes District Council
- Relevant East Sussex County Councillors
- Relevant Town and Parish Councils
- Local Business Groups or their Representatives
- Immediate Neighbours (usually by Public Notice in the area)

A period of 28 days will be allowed for comments to be received.

NB: It is unlikely that consultation will take place in respect of applications for a site that has an existing Consent (i.e. Renewals) or where a Consent has recently expired, provided that no complaints have been received; the same goods are to be sold; and the application is largely the same as the existing or previous Consent. It is also likely that for new single day applications a trial day will be allowed without full consultation or with a very reduced consultation.

2. The Council's designated Licensing Officer may display a Site Notice at the proposed site for 28 consecutive days for applications of 3 months or longer and if practicable.
3. The Council will maintain a register of applications, including mobile Traders on its website which will be updated regularly.
4. The Council will make its decision as follows:
 - a) The Council's designated Licensing Officer can grant or decline most applications for Street Trading Consents under delegated powers.
 - b) However, where an applicant feels that they are not happy with the decision of the Licensing Officer they can appeal the decision to the licensing committee.

- c) Where the Licensing Officer is of the opinion that the application is very contentious e.g. because of objections, the Licensing Committee will be asked to make the decision.
- d) In addition, within the 28 day consultation period, local Ward Councillors have the option to request that the Licensing Committee consider any application about which there are serious concerns even if the Licensing Officer is minded to issue a Consent.

5. Where the application is to go before the Licensing Committee:

- a) The Applicant is expected to attend and will be advised in writing of the date, time and place when the application will be heard.
- b) The Applicant can be represented by a solicitor or supported by a colleague.
- c) The Applicant will be given the opportunity to make representations to Committee both in writing and in person.
- d) Written representations will need to be received by a set date to ensure there is proper time to arrange and inform Committee members. **This will usually be at least seven working days before the Committee meeting.**
- e) The Council's designated Licensing Officer will prepare a report for the Committee regarding the application. The report will be made available to the Applicant at least five working days before the date of the meeting.
- f) When considering the application the Committee will ensure that all persons receive a fair Hearing and a formal process will be followed to ensure this occurs.
- g) The application will be decided upon at the end of the Hearing and reasons for any decision will be provided in writing following the Committee meeting.
- h) There is no Appeal available against the Committee decision.

Duration of Consents and Fees

Street Trading Consents will initially be issued for one of the following periods:

- a) Daily
- b) Weekly
- c) Monthly
- d) 3 Monthly
- e) 6 Monthly
- f) Annually

Consents are not transferrable to other individuals.

Consent holders not able to make use of their Consent on the appointed day(s) can request that the Consent is carried forward to a date to be agreed with the Council. Such requests are likely to be agreed if conditions such as poor weather or serious family illness or bereavement are established.

All fees must be paid in full in advance unless an alternative arrangement has been agreed with the Council. The Council's fees and charges can be found using the following link www.lewes.gov.uk/environment/1652.asp

Applicants will be advised of the appropriate fee which may vary according to the type and regularity of trading.

Failure to pay fees may result in any Consent being revoked or, in the case of renewal, the Applicant not being permitted to engage in Street Trading once the previous Consent has expired. Non-payment of renewal fees may also result in any subsequent application being treated as a new application.

Consent fees are set by the Licensing Committee.

Appendix A – General Conditions that will normally be attached to Street Trading Consents

General conditions will be attached to all Consents detailing the Consent Holder's responsibilities.

The general conditions may include provisions to ensure:

- maintaining public safety;
- preventing nuisance;
- generally preserving the amenity of the locality;
- limitations on the days and the hours when Street Trading is permitted;
- the goods which may be sold;
- the size of the trading pitch; or
- any other relevant matter.

Additionally, conditions may be attached which relate specifically to the type of Consent granted. These conditions may include special controls or be drawn from relevant sections of the following Appendices:

- a) General Conditions
- b) Motor Vehicle Conditions
- c) Fixed Site Conditions
- d) Food Related Conditions
- e) Gas Safety Conditions
- f) Bonfire Night Plan
- g) Public Service and Charitable Use of Lewes and Newhaven Precinct Conditions
- h) Use of Petroleum Conditions

In addition the following Appendices provide guidance to be used in considering applications and Consent implementation:

- i) Definitions
- j) Guidance on Criminal Offences
- k) Offences

Failure to comply with conditions may lead to prosecution, revocation or non-renewal of Consent.

Persons engaging in Street Trading without a Consent may be liable to prosecution.

Decisions regarding enforcement action will be made in accordance with the Council's Enforcement Policy.

THE GENERAL CONDITIONS

The Consent Holder shall:

1. only Trade on the days and between the times stated on the Consent. Trading will not generally be permitted between 23:00 and 07:00 hrs or on Christmas Day, Easter Sunday or on or around Bonfire Night;
2. only Trade in the position, and way described or Trade in the articles stated on the Consent;
3. not begin setting up more than 30 minutes before any trading start time in the Consent;
4. at the end of any trading day, remove from the highway all goods, receptacles, structures and any other objects associated with trading no later than 30 minutes after the time shown on any Consent;
5. ensure that all goods, receptacles, structures and any other objects associated with trading are easily and immediately removable in the event of emergency access being required;
6. when carrying on business relating to a Street Trading Consent, be sober, conduct him/herself, and ensure persons under his/her control conduct themselves, in a proper, civil and courteous manner and not use behaviour or language which could reasonably be seen as abusive, harassing or intimidating;
7. at all times conduct business and position all goods, receptacles, structures and any objects associated with trading, or used in connection with his/her business, in such a manner to prevent danger to persons trading or likely to be affected by trading;
8. ensure all risks in connection with the trading activity are assessed and reviewed periodically. Ensure any identified risk reduction measures are put in place. Risk assessments to be made available to an Authorised Officer of the Council for inspection.
9. at all times conduct his/her business in a clean and tidy manner;
10. make a copy of the Consent immediately available, upon request, to an authorised Officer of the Council or the Police;
11. if appropriate, ensure a current Gas Safety Certificate is valid for the trading activities throughout the period of trading. A copy of this Certificate is to be provided to the Council;
12. wear, and ensure any assistants wear, any identification badges issued by the Council at all times of trading;
13. allow access to, and comply immediately with, all reasonable directions given by the Council, its authorised Officers or Police Officers regarding any Street Trading.

Ensure a responsible person always is in attendance and available to receive such directions;

14. report any change that occurs in the particulars and information contained in the application for the Consent, such as a change of address, to the Licensing Authority within 72 hours of it occurring;
15. indemnify the Council against all claims, liabilities, actions, demands and expenses whatsoever in respect of, or in any way arising out of any Consent to Trade granted by the Council and shall, without prejudice to the foregoing, maintain in force at all times with a reputable insurance company approved by the Council a valid Public Liability Insurance Policy to a minimum value of £1,000,000 (one million pounds) and shall provide, on request, and to the satisfaction of the Council, the insurance certificate and evidence of full premium payment. If the Consent to Trade is terminated by the Council for any reason the Council shall accept no liability for financial or other loss of the Consent Holder;
16. ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle;
17. ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas (LPG) used in mobile catering units or similar units, see Appendix B and E;
18. ensure all stalls and vehicles are provided with adequate and appropriate fire extinguishers, which shall be regularly serviced and certified accordingly. Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher which complies with the standards set out in BS 5423: 1987 must be provided. Where hot fat/oil cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly; and
19. ensure cooking and heating appliances are positioned well clear of tent, walls and roofs. Where bottled gas is to be used the Appendix B and E of the conditions for LPG should be followed as appropriate. Cylinders should stand outside any tent, or similar structure, and should be handled and changed only by persons fully conversant with the supplier's instructions. Precautions should be taken to prevent tampering with cylinders or valves, and to prevent cylinders (and associated pipework) being damaged or falling.
20. fully utilise the consent and be present on consent days and times without good reason. Failure to utilise the consent will result in a written warning and further occasions will result in the consent being revoked.

The Consent Holder shall not:

1. under any circumstances, Trade within the areas defined green on the map in Appendix F **or, without specific Consent**, within the boundaries of the Lewes Town on Bonfire Night - November 5th or the preceding Saturday if November 5th falls on a Sunday;
2. cause obstruction or danger to people using the street. In particular, not block access for disabled people, disabled parking or force disabled people to use inappropriately surfaced areas.

3. place, store, sell, expose or offer for sale any article outside any specified trading area;
4. sell, expose or offer for sale goods similar to and in direct competition with fixed businesses or other Consented Traders within 100 metres;
5. trade close to the boundaries of hospitals or care premises (within 250 metres) or schools (500 metres);
6. permit any person to assist in trading unless the details of that person have been supplied to in writing and approved by the Council;
7. sell, display or wear merchandise or items which are likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation. The Licensing Officer should be consulted if doubt exists on whether article/material could be considered offensive, his/her decision is final;
8. place or display advertisements or other notices in the immediate area of the trading site without the approval of the Council;
9. place any furniture or equipment in the immediate area of the premises other than as permitted by the Consent;
10. transfer any Consent or dispose of any Consent to any other person;
11. cause any nuisance or annoyance to persons using the street or to the occupants of any properties in the vicinity. No amplification equipment shall be used unless authorised by the Council;
12. leave rubbish or other waste arising from trading activity, or allow it to be left or accumulate, on or around any Consent site. Removal and disposal of rubbish must be to the satisfaction of the Council - this may require a special collection to be arranged and relevant details to be provided;
13. use any device for the generation of electricity, light or heat without the Council's permission.

The following section to be removed to an Appendix see Appendix H

Any Trader using any device for this purpose must complete a documented Risk Assessment, submit the Risk Assessment with their application, and must keep the Risk Assessment at the site where trading is taking place. The Assessment must be available to an authorised Officer of the Council on demand.

The Risk Assessment must address at least the following matters:

- a) the position and siting of the device;
- b) the storage container for fuel for the device;
- c) the labelling of the fuel container;
- d) the number, type and maintenance of fire extinguishers at the site;
- e) the provision of fire blankets; and/or
- f) the prevention of hazard or nuisance from fumes or noise.

For guidance please be aware of the following:

- Fuel must be stored away from the stall in a container of a type approved under the Petroleum Spirit (Motor Vehicles) Regulations 1929 or Petroleum Spirit (Plastic Containers) Regulations 1982. All petroleum spirit, or other highly inflammable liquid used in connection with the device, must be stored in a metal container with a secure leak-proof cap not exceeding 10 litres or a plastic container not exceeding 5 litres capacity.
 - The container to be labelled “Petroleum Spirit Highly Inflammable”.
 - The container shall be stored securely and remote from sources of ignition.
 - Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher, which complies with the standards set out in BS 5423: 1987 must be provided. Where hot fat/oil cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
 - Use of the device should not cause fume or odour nuisance.
14. use oil burning appliances for lighting, heating or cooking. No naked flames, including candles, should be used;
 15. sell or display articles such as firearms, replica firearms, knives, tobacco or fireworks;
 16. bring pets or other animals to the trading site without written permission from the Council;
 17. sell or offer goods for sale as ‘seconds’, soiled or damaged, unless a clear notice is displayed stating this; or
 18. make any excavations or indentations of any description whatsoever in the surface of the highway or fix any equipment of any description on or in the street surfaces.
 19. trade in either Newhaven or Lewes pedestrian precincts on a day when another community activity is scheduled to take place. The consent holder shall be notified at least 28 days prior to the event by the Licensing Officer. There shall be no more than 4 of these such occasions per year.

The Council reserves the right, if it considers it to be reasonably necessary, to alter or amend these conditions at any time.

Any Consent is issued without prejudice to any other statute, bye-law or regulation. A Consent does NOT override any regulations regarding planning, parking, food hygiene, obstruction, noise nuisance etc.

APPENDIX B - Motor Vehicle Conditions

1. Any vehicles and trailers used for the purposes of Street Trading shall be removed from the highway when the Consent is not in operation.
2. Any motor vehicle used for the purpose of Street Trading shall at all times be in a roadworthy condition and have the relevant and up to date documents i.e.

insurance, tax and MOT to make the use of that vehicle on a road legal. These documents will be produced by the Consent Holder to any Police Officer or authorised Officer of the Council.

3. Delete this paragraph - A Trader shall not leave his vehicle in the street in which he trades, except in approved parking spaces. Loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion. All parking restrictions in any street must be strictly adhered to by the operator.
4. Where the Trader trades from a stationary vehicle, that vehicle shall, in all respects, comply with the Road Vehicles (Construction and Use) Regulations 1986. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
5. All vehicles shall be provided with adequate and appropriate fire extinguishers which shall be regularly serviced and certified accordingly.
6. The Trader must not park or site their vehicle within 500 metres of any school; 250 metres of any hospital or care premises or within 20 metres of any road junction.
7. Delete this paragraph -The Trader shall not station any vehicle so as to be in direct competition, in terms of goods sold, with fixed businesses within 100 metres.
8. The Trader must not trade from a point within 100 metres of an existing Trader of a similar nature without the consent of the Council.
9. The Trader shall comply with Appendix D and E relating to use of LPG and sale of food as appropriate.
10. The Trader shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it appropriately elsewhere and, in particular, shall not deposit any such waste near or into any street, drain or channel.
11. The Trader's vehicle must not obstruct the free flow of pedestrians or traffic at any time.
12. The Trader must not park, or site their vehicle, on a classified road or prohibited area at any time.
13. The Trader must comply with all reasonable instructions given by Officers from the Council, Police and/or Highways Authority regarding the initial location and relocation of sites and other such related matters. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
14. The appearance of vehicles must not be detrimental to the existing properties in the area in which the vehicle is stationed.
15. All goods shall be displayed on the vehicle and no freestanding racks or displays are permitted.

16. Delete as repeat of General Conditions “Traders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.”

The following conditions apply to ice cream vans and any other vehicle from which food will be sold using a chime or loudspeaker:

1. The chime or loudspeaker should only be operated between 12:00 and 19:00 hrs.
2. The chime or loudspeaker is fixed to a vehicle used for the conveyance or sale of perishable food.
3. The chime or loudspeaker is used solely for informing members of the public that goods are for sale.
4. The chime or loudspeaker is not operated in a way as to give rise to unreasonable annoyance to persons in the vicinity.
5. The volume of the chime, or music, must be carefully adjusted so as to avoid distortion of the sound.
6. The noise level from a chime or loudspeaker should not exceed LAmax 80 dB (at 7.5 metres) in any direction. This may need to be reduced in narrow streets.
7. The chime or loudspeaker must not last more than twelve seconds and not be used more frequently than once every two minutes or more than once when the vehicle is stationary at a selling point.
8. The chime or loudspeaker should not be played more often than once every two hours in any one length of street i.e. within 500 metres.
9. The chime or loudspeaker should not be played when in sight of another van (whether moving or stationary) which might reasonably be taken to be in the street for trading purposes.
10. Chimes and loudspeakers should only be played as often as is necessary to let customers know the commodity is for sale from the vehicle.
11. The chime or loudspeaker should not be played within 50 metres of any hospital (or similar institution), of a school during school hours or of a place of worship on a recognised day of worship.
12. At all times the provisions of any relevant Code of Practice on the use of chimes or loudspeaker shall be observed.

APPENDIX C – Fixed Site Conditions

1. The Consent Holder shall ensure that sufficient sanitary accommodation is available for both the Consent Holder and assistants when operating at a static site.

APPENDIX D – Food Related Conditions

1. The Consent Holder, if intending to sell food from a stationary vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force and any subsequent changes to those regulations. There must be an up to date registration of the food business with the Council.
2. All hot food vans/trailers are required to comply with current legislation on fire safety, see Appendix E. Where gas cylinders are used an annual Gas Safety Certificate shall be required to ensure the safety of all gas cooking and heating equipment. A fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
3. All hot food vans/trailers are required to carry a basic first aid kit.
4. The Consent Holder shall ensure that litter checks are carried out regularly in the vicinity of the trading area and litter attributed to the activity is collected and disposed of to the satisfaction of the Council.
5. A Consent Holder selling food shall at all times comply with any Food Hygiene Regulations in force at that time, and when required by the Council or its Officers, shall produce appropriate Food Hygiene Training Certificates for relevant food handlers.
6. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
7. Odour from any flue used for the dispersal of cooking smells serving the site shall not cause nuisance to the occupants of any properties in the vicinity.

It is recommended that any flues for the dispersal of cooking smells shall either:

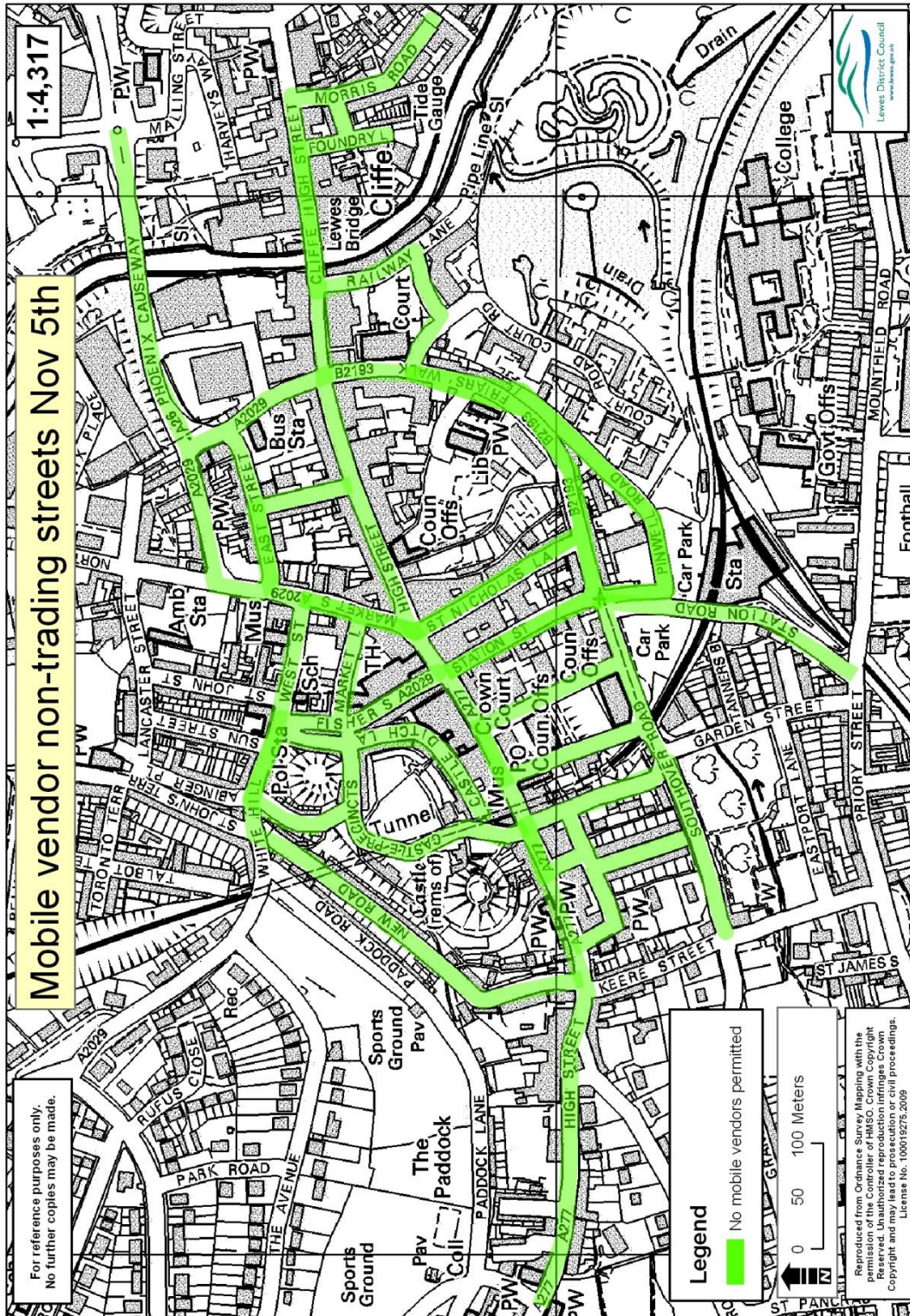
- i. terminate at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air; or
 - ii. have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.
8. The Food Hygiene Rating Scheme score must be visibly displayed at all times when trading. Traders are expected to achieve a score of at least “3”.

APPENDIX E - Gas Safety Related Conditions

1. Gas appliances, including pipework, should be installed and regularly serviced and maintained by a competent person (Gas Safe registered for LPG). A current Gas Safety Certificate to be submitted with each application and to be maintained throughout the period of trading.

2. Cylinders should be fitted with automatic cut-off valves and be protected from tampering.
3. Cylinders must be stored upright so that they cannot fall and be positioned away from heat and ignition sources.
4. Gas storage compartments in trailers or stalls must have complete half an hour fire protection. Access to the compartment must be from the outside of the unit and there should be adequate ventilation at high and low levels.
5. The cylinder must be secured in an upright position and be securely fastened during transit.
6. All gas pipes and fittings should be to the correct British Standard for LPG and kept as short as possible with appropriate crimp or compression fittings (not slip-on fittings).
7. All gas pipes should be protected from abrasion or mechanical damage (armoured if subject to temperatures over 50° C)
8. Flexible gas piping must be checked regularly and replaced if damaged or worn.
9. All gas appliances must be fitted with a flame failure device and be adequately ventilated.
10. All fryers should be fitted with an automatic high temperature-limiting device (operates at a fat temperature of 250° C or lower).
11. Suitable warning signs indicating: '**Caution – LPG**'; and '**Highly Flammable**' and should be clearly displayed.
12. People who change the cylinders should be properly trained and a safety notice on how to connect and disconnect the LPG bottles should be displayed in the gas compartment.
13. Cylinder valves and gas appliances must be turned off when not in use.

APPENDIX F - Bonfire Night Non-Trading areas



APPENDIX G - Conditions for Public Service or Charitable activity in Lewes and Newhaven Precincts

In addition to the General Conditions the use of the precincts is subject to the following:

1. As a general rule stalls, units, vehicles or displays should be positioned in the widest parts of precincts and obstruction reduced as far as possible.
2. All vehicles, unless an agreed part of the activity/event and in the agreed position, must be removed from the precinct.
3. The granite paving area of the Lewes precinct is able to be used only by activities, units, displays, stalls or vehicles that can be cleared immediately in the event of need for emergency access.
4. The “blue brick” area of Newhaven High Street shall be kept clear and not be used without express consent of the Council.
5. Public rights of way must be maintained as far as reasonably practicable.
6. Emergency access routes to be maintained clear to the satisfaction of the Council or Emergency Services.
7. Amplification is not permitted unless with prior permission from the Council

APPENDIX H - Use of Petroleum

- 1) Any Trader using any petroleum fueled device must complete a documented Risk Assessment, submit the Risk Assessment with their application, and must keep the Risk Assessment at the site where trading is taking place. The Assessment must be available to an authorised Officer of the Council or the East Sussex Fire and Rescue Service on demand.

The Risk Assessment must address at least the following matters:

- A) the position and siting of the device;
 - B) the storage container for fuel for the device;
 - C) the labelling of the fuel container;
 - D) the number, type and maintenance of fire extinguishers at the site;
 - E) the provision of fire blankets; and/or
 - F) the prevention of hazard, nuisance from fumes or noise.
- 2) For guidance please be aware of and implement the following, as applicable:
 - Fuel must be stored away from the stall in a container of a type approved under the Petroleum Spirit (Motor Vehicles) Regulations 1929 or Petroleum Spirit (Plastic Containers) Regulations 1982.

- All petroleum spirit, or other highly inflammable liquid used in connection with the device, must be stored in a metal container with a secure leak-proof cap not exceeding 10 litres or a plastic container not exceeding 5 litres capacity.
- The container to be labelled “Petroleum Spirit Highly Inflammable”.
- The container shall be stored securely and remote from sources of ignition.
- Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher, which complies with the standards set out in BS 5423: 1987 must be provided. Where hot fat/oil cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
- Use of the device should not cause hazard, fume or odour nuisance.

APPENDIX I - Definitions

“Advertisement” - means any word, letter, model, sign, placard, board, notice, whether illuminated or not, the nature of, and employed wholly or partly for the purposes of: advertisement, announcement or direction and includes hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

“Awning” - means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.

“Assistant” - means a person employed by and acting under the directions of a Trader to assist him/her about the business of the stall and whose name and address has been notified to the Council.

“Bonfire Night” - November 5th or the preceding Saturday if this falls on a Sunday.

“Consent Holder” - the person granted a Consent by the Council to undertake Street Trading.

“Consented Street Trading Pitch”- means a pitch in any street authorised as a place at which Street Trading may be engaged in by a Street Trader, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

“Deemed Consent” – means that consent for street trading is deemed to have already been granted without the need for an application.

“The Council” - means the Lewes District Council and usually its Environmental Health Service.

“Goods” - means any goods, wares or merchandise for sale at a stall.

“Pitch Limits” - means the authorised ground markings defining the area within which a Street Trading stall is to be contained.

“Premises” - means any shop, house or block of flats behind or adjacent to the licensed pitch.

“Refuse” - includes any waste material.

“Stall” - means any structure used by a Trader for the display of goods, or in connection with his or her business and which occupies a licensed Street Trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. This also included all rubbish or refuse created as a result of the business.

“Street” - any part of a street and includes any road, footway, beach or other area to which the public have access without payment.

“Street Trading” – means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.

“Street Trading Consent” – means a Consent granted under the Act and valid for not more than three years. Please Note: The use of a street as a smoking area outside premises is not considered to be Street Trading. The Council will not therefore usually consider requests for Consent where the use is solely for these purposes.

“Trader” - means a person in whose name a current Consent is held authorising Street Trading.

‘Temporary Consent’ – means a Consent granted under the Act valid for a single day or for a period not exceeding 6 months.

“Vehicle” – includes any **trailer**, stall, barrow, cart etc., used in connection with trading.

Any other term not defined in these conditions shall have the same meaning as in the Local Government (Miscellaneous Provisions) Act 1982.

APPENDIX J - Guidance on Criminal Convictions and Street Trading

Each case will be decided on its own merits however, the Council may refuse to grant or renew a Street Trading Consent on any of the following grounds:

- (i) there has been a conviction/caution for an offence involving dishonesty, indecency, certain sexual offences, violence or drugs;
- (ii) there has been a conviction/caution for an offence under the relevant licensing legislation; or
- (iii) any other reasonable grounds.

If a period of imprisonment, community sentence or Court Order is imposed, the applicant must show a minimum of 3 years without further convictions from the end of imprisonment or sentence, not the reduced sentence.

A person with a current unspent conviction for serious crime need not be permanently barred from obtaining a Consent, but should be expected to remain free of conviction for

3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the action to be taken where convictions are admitted:

Offences involving violence

It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug Related Offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency Offences

Applicants with recent indecency offences, i.e. within the last 5 years, would normally be debarred.

Dishonesty

Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before application.

APPENDIX K - Offences

The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:

a) Schedule 4, paragraph 10

(1) A person who:

- (a) engages in street trading in a prohibited street; or
- (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
- (c) contravenes any of the principal terms of a street trading licence; or
- (d) being authorised by a street trading consent to trade in a consent street, trades in that street—

(i) from a stationary van, cart, barrow or other vehicle; or

(ii) from a portable stall,

without first having been granted permission to do so under paragraph 7(8) above;

or

(e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(3) Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

(4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.



BARCOMBE NURSERIES

ORGANIC VEGETABLE GROWERS & CUSTOMISED BOX SCHEME



Ed Hele,
Principal Environmental Health Officer,
Lewes District Council,
Southover House,
Southover Rd,
Lewes BN7 1AB

12th February 2015



Dear Mr Hele,

I am writing to ask you and the licensing committee to support us, and other entre-prises like us, to be a part of the licensed market in Lewes.

We are a small business in Barcombe, 3 miles from the centre of Lewes, growing Organic Vegetables and running a vegetable box delivery scheme. Producing food on a small scale without the use of chemicals is not very profitable; yet one that is, we believe, crucial. The closure of small dairies around the country is testimony to the challenges of being a small, food producer.

Food costs now make up a much smaller percentage of the average household income than it did even 40 years ago. People expect food to be unsustainably cheap. We do not use the currently cheap, imported petrol based fertilisers; we invest in the soil adding compost and growing green manure; supporting the growth of a healthy, biodiverse ecosystem; and working the land in a way that reduces soil erosion and the risk of flooding.

We have been bringing a market into Lewes Cliffe for over 6 years and have built up a loyal customer base. There are many people in Lewes who want us there; we also bring people into the town who otherwise might go elsewhere. The stall does not make much profit (see attached); we justify it as raising the profile of our box scheme in the town. We enthusiastically share our passion for good food and sustainable farming; sharing recipes and gardening tips. There are no Green Grocer shops in Lewes.

Selling food, produced locally, directly to the consumer also befits the character of a market town such as Lewes. We would like the licensing committee to acknowledge and support a variety of initiatives locally; making the market accessible by offering discounted fees and having a flexible pricing policy (eg. charging by the day or part of; size of stall; size of business; turnover; etc.) for example:

Charities and local community initiatives and information-giving stalls

Businesses such as 'Fresh from the Ground Producers' and start ups; allowing them to invest their money in their work

Businesses that support council remits, such as the sustainability policy, or promote health and wellbeing

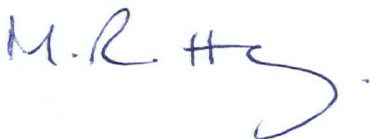
Currently we only trade on 28 Saturdays through LDC - 24 are with Common Cause, from whom you already receive a fee; we do not have the staff to trade on other days. We are charged £700 for the year (the price of a second hand, time saving tractor, or a huge contribution to our seed bill) ie £25 /stall. This seems to be a flat rate and would be the same if we were selling Double Glazing. Common Cause charge the same rate but with this, pay for a market organiser, publicise the markets, support local farmers and do educational work.

We are residents of the district and want to see the centre of Lewes a vibrant and dynamic place. We believe our weekly stall adds to this. Shop rates are so high in the centre of town that most businesses on the Cliffe are part of larger chains. The small independents cannot afford to trade there. We don't want our town centre to be a carbon copy of many other towns around the country.

We would like to be a part of the consultation process; if people have issues with any of the markets we would like to be able to respond and find solutions with them. Obviously the Council needs to be fair, but we believe a system such as we have outlined above would allow this, at the same time as giving support where deemed appropriate.

If you have any more questions, we would be happy to meet with you, the public, other market traders or businesses in the Cliffe. We look forward to hearing from you,

Yours sincerely,



Maggie Harvey

Produce Manager

OUTLINE OF BARCOMBE NURSERIES TYPICAL MARKET TAKINGS FOR 9/12 MONTHS

MARKET TAKINGS	£300
MARKET EXPENSE	
Nursery & Produce cost (including picking) 50%	£150
Van costs - Tax, insurance, Servicing, MOT, Depreciation, Fuel	£ 10
Parking	£ 5
Disposable - paper/plastic/carrier bags, pens, notebooks, labels	£ 5
Hardware - label pins, market boxes, barrows, display, calculators, scales etc	£ 5
Market Prep (Tom/Maggie)	£ 25
Market Stall Labour (Maggie/Freya)	£ 60
Waste (10% back to compost)	£ 30
TOTAL EXPENSES	£290
PROFIT	£ 10

Agenda Item No: 7 **Report No:** 40/15
Report Title: Review of the Hackney Carriage Fare Tariff
Report To: Licensing Committee **Date:** 12th March 2015
Report By: Head of Service Delivery
Contact Officer(s)-

Name(s): Michael Moss
Post Title(s): Licensing Officer
E-mail(s): michael.moss@lewes.gov.uk
Tel No(s): 01273 484276

Purpose of Report:

To review the existing Hackney Carriage Fares adopted by Lewes District Council in October 2012.

Officers' Recommendation:

The Licensing Committee is recommended to adopt the Tariff as set out in **Appendix VII** of this report.

1. Reasons for Recommendations:

- 1.1 To ensure the business cost associated with operating Hackney Carriage vehicles is current and relevant to Lewes District Council.
- 1.2 To ensure taxi fares and charges reflect these costs and are reasonable.
- 1.3 To set a table of maximum fares (2014-2016) as required under the Local Government (Miscellaneous Provisions) Act 1976.
- 1.4 A successful balance between fares and costs will help the taxi businesses to develop successfully, provide a valuable public service and assist in developing a dynamic economy.
- 1.5 An increase in fares should maintain the income of Taxi Drivers of a comparable rate to average earnings. This aims to maintain a professional aspect to taxi drivers and seeks to encourage taxi drivers to commit to further education and job security.

2. Background:

- 2.1 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.
- 2.2 The existing Hackney Carriage Fares was approved by the Licensing Committee on 1st October 2012; as shown in **Appendix I**.
- 2.3 A report was brought to the Licensing Committee on 10th November 2014 to consider revising the existing Hackney Carriage Fares and if approved to commence with a five week consultation with the trade.
- 2.4 The consultation period expired on the 19th December 2014 and the Licensing Department received 80 responses from the 295 questionnaires sent out.

3. Financial Implications on licence holders:

- 3.1 Since the fares were last approved in October 2012, the price of fuel has varied dramatically, seeing fuel prices reach between 130-140 pence in 2013. Through 2014 the fuel prices has steadily fallen to the current price of 106.32 pence per litre; see **Appendix II**.
- 3.2 Insurance prices have increased steadily, as interest rates being the lowest seen for generations means low returns for the investment market and insurers are not making money on investing premiums. Unable to make significant profit in the current economy, insurers are less concerned with business volume at a competitive rate which means higher rates to all motorists.
- 3.3 Private Hire & Taxi Insurance is more expensive than conventional cover because taxi drivers complete more miles than the average motorist, which means there is an increased statistical risk of an accident happening, and this is reflected in the price.
- 3.4 Licensees are also required by Lewes District Council to have a Garage Inspection (mechanical vehicle check) every six months at an approximate cost of £70.
- 3.5 Members will note since the fares were adopted in October 2012, the statistics issued by the RAC Foundation show that motoring expenditure, as seen in **Appendix III**, has increased with the exception of fuel which fluctuates.

4. Results of the consultation:

- 4.1 Of the 295 questionnaires sent out, Lewes District Council received 80 responses, which equates to 27%.
- 4.2 The responses received will be considered a reflection of the trade as a whole and the majority vote has been taken; **Appendix IV** details the responses received. The statistics in Appendix IV are made clearer in the report submitted in **Appendix V**.

- 4.3 79% of the trade wants the existing Hackney Carriage Fares to be amended.
- 4.4 61% of the trade wants an increase in the initial flag rate at a reasonable 20p, but despite being very close, the majority vote of 35% did not want an increase in the initial flag rate for Christmas and New Years Eve.
- 4.5 64% of the trade wants to keep the initial flag distance to 880 yards, and the distance calculation set to the mile (proposed rate divided by 10 = 176 yards).
- 4.6 The responses were very close in some sections of the tariff, with the majority vote agreeing to an increase in the Day Time and Night-Time rate but not to an increase on the Sunday rate.
- 4.7 The majority vote of 41% did not want to adopt a 'Time and a Half' tariff for the Night-time rate.
- 4.8 43% of the trade agreed to the night-time hours being amended to 23:00 to 07:00hrs, though it should be noted that this was very close, with the majority vote going in the favour of the amendment.
- 4.9 46% of the trade did not want to amend the times set for Christmas and 58% did not want to amend the times for New Years Eve.
- 4.10 60% of the trade did not want to amend the current soiling charge rate, nor did they wish to increase the soiling charge at Christmas.
- 4.11 64% of the trade did not want a booking fee.
- 4.12 53% of the trade wanted to amend the waiting time and the highest percentage of those who wanted the change voted to amend the calculation to 40 seconds but retain the 20p charge.
- 4.13 The first proposed Hackney Carriage Tariff, reflecting the views of the trade, is displayed in **Appendix VI**.

5. Officers Observations:

- 5.1 When going with the majority vote, there will always be inconsistencies which require consideration. The tariff constructed from the responses above, as shown in Appendix VI, shows an increase in the initial flag rate of 20p except for Christmas and New Year's. There is also an increase in the mile rate of 20p (40p at Christmas and New Year) with no change to the Sunday rate.
- 5.2 The result of proposal means, Christmas and New Year's will no longer be double-time, and the further travelled on a Sunday will ultimately become cheaper than the Day Time rate.
- 5.3 In an effort to structure the table, I propose two tariffs for consideration as shown in **Appendix VII** and **Appendix VII**.
- 5.4 **Appendix VII** shows an increase to the Sunday flag rate by 10p, rather than the 20p as recommended by the trade. The reason for my proposal is the

majority of the trade wanted an increase, but if you reflect on the responses shown in Appendix IV, a good proportion of the trade wanted this Flag Rate to remain the same. We can then implement the same mile rate across the tariff (this proposal is for £2.20 = 22p per 176 yards) which would increase the Sunday rate above the Day Time rate, but keep the costs within a reasonable level. The Christmas and New Year's flag rate has been amended to £6.00 as this is a true reflection of double time.

5.5 **Appendix VIII** shows the same increase to the Sunday flag rate by 10p, but changes the proposed mile rate from £2.20 to £2.10 (21p per 176 yards). The responses were very close, as shown in Appendix IV, with the majority vote requesting an increase, and 10p is still an overall increase but retains a more competitive rate. The Christmas and New Year's flag rate has also been amended to £6.00 as this is a true reflection of double time.

6. Survey of National Fares:

6.1 The 'Table of Fares for England' published by the Private Hire & Taxi Monthly magazine (November 2014) shows that based on the two mile fare, shown in **Appendix IX**, the National tariff charges vary from £7.60 (London Heathrow) to £2.80 (Bolsover District Council).

6.2 The National average fare is £5.62 and the Southern average fare is £6.13.

6.3 Lewes District Council is currently placed 145th out of 365 nationally in the 'Table of Fares' with the 2 mile rate of £5.80.

6.4 If the Licensing Committee agrees to the amend the existing tariff, Lewes District Council would be placed 64th with a 2 mile rate of £6.30 (Appendix VI and VII) or 94th with a 2 mile rate of £6.15 (Appendix VIII); this is based on the assumption there have been no other fare changes by Local Authorities.

7. Comparison with Local Fares (Sussex):

7.1 The following table denotes the proposed Lewes District Council fares in comparison with other Councils in Sussex.

	2 Miles
Proposed Fare VI	£6.30
Proposed Fare VII	£6.30
Proposed Fare VIII	£6.15
Sussex Average	£6.35

7.2 This demonstrates how competitive the proposed Lewes District Council fares are, they are lower than the average for the rest of the Sussex Authorities.

7.3 Compared to the Southern average set in the 'Table of Fares for England' published by the Private Hire & Taxi Monthly magazine (November 2014), as shown in Section 6.2 of this report, the Sussex average is 22p higher than the rest of the Southern authorities.

8. Options

- 8.1 In determining this report, members are advised the following options are available to them:
- a) To grant in full the proposed amendment as shown in **Appendix VI** (68p above National average, 17p above Southern average and 5p below the Sussex average).
 - b) To grant in full the proposed amendment as shown in **Appendix VII** (68p above National average, 17p above Southern average and 5p below the Sussex average).
 - c) To grant in full the proposed amendments as shown in **Appendix VIII** (53p above National average, 2p above Southern average and 20p below the Sussex average).
 - d) To refuse any amendments to the existing Tariff as shown in **Appendix I** (18p above National average, 33p below Southern average and 55p below the Sussex average).
 - e) To propose an alternative tariff, taking into consideration the information which has been provided within this report.

9. Time table for consultation

- 9.1 If members agree to approve an increase in existing tariff, the proposed tariff will need to be published in a local newspaper to allow objections to be received, for a minimum period of fourteen days.
- 9.2 If objections are received these will be submitted for consideration by the committee at the next meeting, date to be determined.
- 9.3 The timetable for the public consultation shall be as follows:
- | | |
|------------------------------------------------------------------------------------------------|-----------------------------|
| • Licensing Committee agreed on proposed tariff | 12 th March 2015 |
| • 14 day consultation period begins | 16 th March 2015 |
| • 14 day consultation periods expires | 1 st April 2015 |
| • If no objections received, fares come into operation | 1 st April 2015 |
| • If objections received, Summary of Objections presented to the Licensing Committee | To be determined |
| • If objections received, Licensing Committee to consider whether to amend the proposed tariff | To be determined |
- 9.4 Following the comments made at the Environmental Review Board in August 2001, the proposed tariff will be published in the following local papers:
- Sussex Express
 - Seaford Gazette

Financial Implications:

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

Legal Implications:

The Legal Services Department has made the following comments:

Until 2013, all licensing fees have been set by Cabinet. Recent legal advice however has recommended that in future, the setting of all licensing fees, including taxi fares should be a function of the Licensing Committee. This is because the Local Authority (Functions & Responsibilities((England) Regulations 2000 state that the function of determining the terms of any approval, consent, licence, permission or registration or of imposing any condition, limitation or other restriction on such licenses etc. should not be a function of the Executive (Cabinet). The responsibility for fee and fare setting has always been somewhat of a grey area.

Whilst the regulations make it clear that determining the terms and conditions of any licence is the function of a Licensing Committee (unless delegated to an officer), the responsibility for setting the level of fees and fares was less clear. However expert opinion in the field is now unambiguous and it is clear that the setting of licence fees/ fares should also be the function of the Licensing Committee and not the Executive.

Sustainability Implications:

I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of this recommendation.

Equality Screening:

I have completed the Equalities Implications Questionnaire and there are no significant effects as a result of these recommendations.

Background Papers:

Previous report and Appendices are attached to this report.

Appendices:

Appendix I:	Existing Hackney Carriage Tariff (October 2012)
Appendix II:	Fuel Prices (Department of Energy & Climate Change)
Appendix III:	Motoring Costs (RAC Foundation)
Appendix IV:	Consultation Statistics (Excel Document)
Appendix V:	Consultation Response Report
Appendix VI:	Proposed Tariff (1): Trade recommendations
Appendix VII:	Proposed Tariff (2): Amendments to trade recommendations
Appendix VIII:	Proposed Tariff (3): Amendments to trade recommendations
Appendix IX:	National Table of Fares

MAXIMUM FARE TARIFF FOR HACKNEY CARRIAGES

THESE FARES APPLY TO ALL HIRINGS WITHIN LEWES DISTRICT AREA.
 JOURNEYS ENDING OUTSIDE LEWES AREA MAY NOT EXCEED THE AUTHORISED
 METERED FARE UNLESS A PRIOR CONTRACT IS MADE WITH THE DRIVER AT TIME
 OF HIRING

COMPLAINTS
 ANY COMPLAINTS TO
 TAXI LICENSING OFFICER
 TELEPHONE: 01273 484276

FARES FOR DISTANCE OR TIME	DAYTIME RATE 6AM - Midnight	SUNDAY RATE 6AM - Midnight	NIGHTIME AND BANK HOLIDAY	CHRISTMAS PERIOD AND NEW YEAR 8PM ON 24/12 TO 6AM ON 27/12 AND 8PM ON 31/12 TO 00.01AM 2/1	MULTI SEAT RATE 5 - 8 PASSENGERS
TO HIRE THIS TAXI	2.80	3.60	4.40	5.60	<u>PLUS 50% FOR ALL JOURNEYS</u>
<u>PRICE GUIDE</u>					
1 MILE	3.80	4.60	5.40	7.60	
2 MILES	5.80	6.60	7.40	11.60	
<u>FOR EACH MILE AFTER 2 MILES</u>	2.00	2.00	2.00	4.00	
3 MILES	7.80	8.60	9.40	15.60	
5 MILES	11.80	12.60	13.40	23.60	
10 MILES	21.80	22.60	23.40	43.60	
WAITING TIME PER 45 SECONDS	20p	20p	30p	40p	
SOILING CHARGE	100.00	100.00	100.00	100.00	100.00

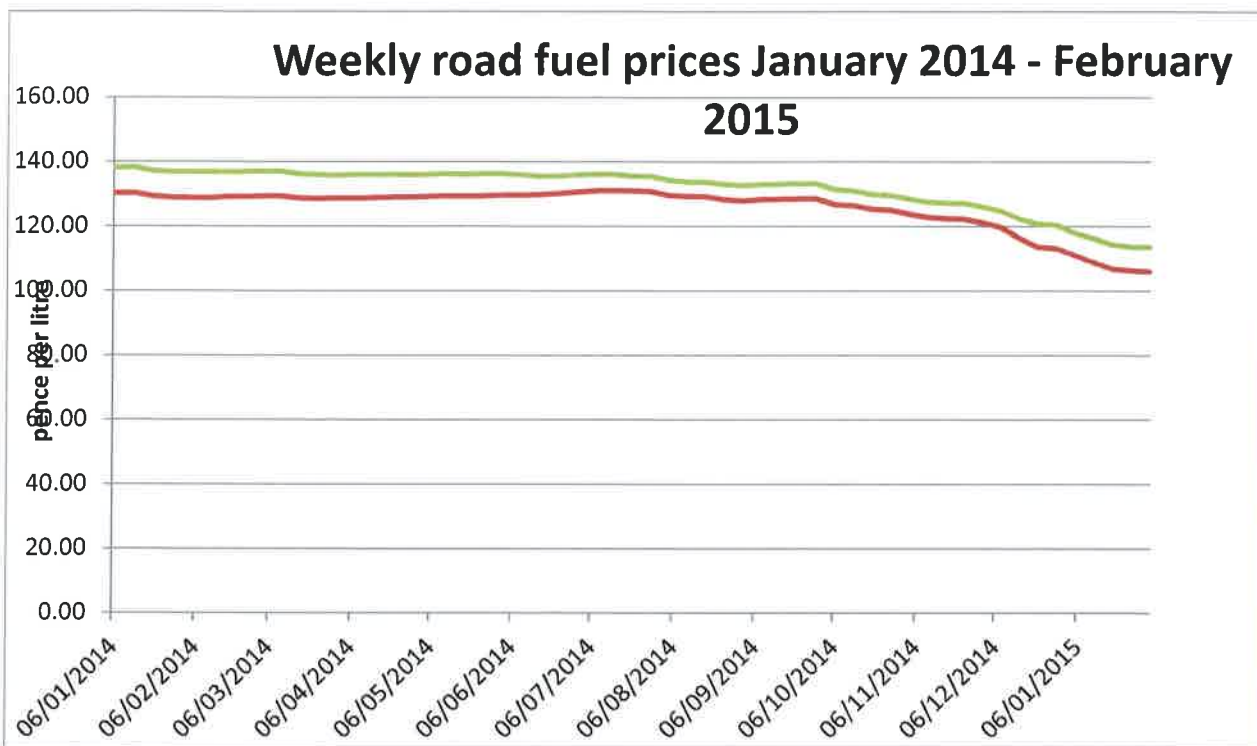
THE MAXIMUM NUMBER OF PERSONS THIS VEHICLE IS LICENSED TO CARRY INCLUDES CHILDREN OF ANY AGE

**A PERSON WHO HIRES THIS VEHICLE AND MAKES OFF WITHOUT PAYMENT OF THE FULL FARE COMMITS AN OFFENCE
 UNDER SECTION 3 THEFT ACT 1978**

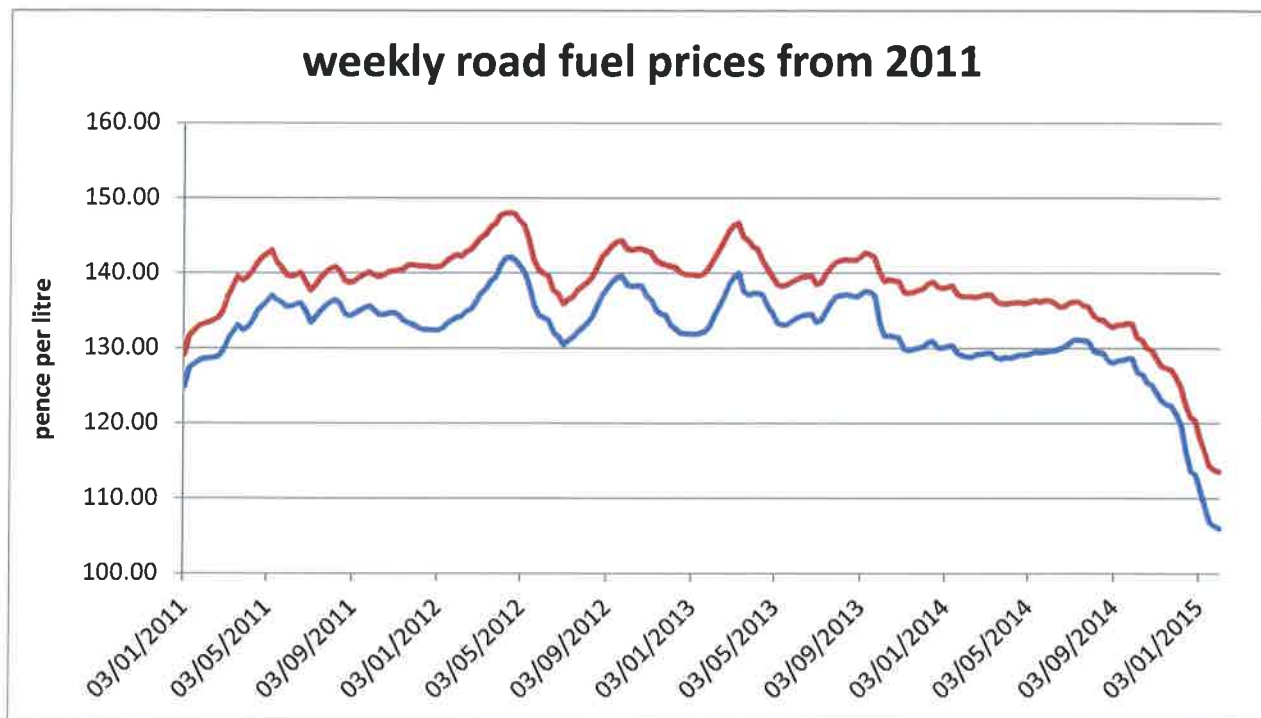
**THIS CARD MUST BE FIXED IN A CLEAR POSITION INSIDE THE TAXI. FAILURE TO DO SO IS AN OFFENCE UNDER THE BYE-
 LAWS.**

Appendix II: Fuel Prices

Information taken from the Department of Energy & Climate Change. Published 3rd February 2015



DIESEL	Green
PETROL	Red



DIESEL	Red
PETROL	Blue

Do you think the existing Hackney Carriage Fares should be amended?	Yes 63	No 14	No Response 3
Do you think the Daytime flag rate should be changed from £2.80?	Increase 49	Decrease 1	Remain the Same 12
Do you think the Sunday flag rate should be changed from £3.60?	Increase 31	Decrease 3	Remain the Same 29
Do you think the Night-time flag rate should be changed from £4.40?	Increase 34	Decrease 1	Remain the Same 27
Do you think the Christmas period and New Year's flag rate should be changed from £5.60?	Increase 27	Decrease 8	Remain the Same 28
Do you think we should keep the distance rate to the mile?	Yes 51	No 10	No Response 2
Do you think we should increase the Daytime mile rate?	Yes 30	No 29	No Response 4
Do you think we should increase the Sunday mile rate?	Yes 24	No 35	No Response 4
Should we make the Night-time rate time and a half?	Yes 28	No 33	No Response 2
Do you think we should make the mile rate higher than the day-time rate?	Yes 10	No 21	No Response 1
Do you think the night-time hours should be brought back to 23:00 (11pm)?	Yes 34	No 28	No Response 1
Do you think the morning rate should be brought forward to 07:00 (7am)?	Yes 32	No 31	No Response 0
Do you think we should amend the time set on Christmas Eve from 20:00 (8pm) to 23:00 (11pm)?	Yes 16	No 47	No Response 0

Do you think we should amend the time set on 27th December from 06:00 (6am) to 07:00 (7am)?	Yes 25	No 37	No Response 1
Do you think we should amend the time set on New Year's Eve from 20:00 (8pm) to 23:00 (11pm)?	Yes 16	No 46	No Response 1
Do you agree to reducing the soiling charge during the day to £60?	Yes 11	No 48	No Response 4
Do you think the soiling charge should be increased on the Christmas & New Year's tarriff?	Yes 23	No 36	No Response 4
Would you like to charge a booking fee?	Yes 11	No 51	No Response 1
Do you think we should amend the Waiting Time?	Yes 42	No 18	No Response 2
Do you think we should reduce the Waiting Time to 40 seconds but keep the 20p charge?	Yes 17	No 13	No Response 10
Do you think we should increase the time to one minute and charge 50p?	Yes 13	No 15	No Response 10
Do you think Lewes District Council should adopt a livery?	Yes 14	No 64	No Response 2
Do you think we should have a specific colour for Hackney Carriage Vehicles?	Yes 11	No 3	No Response 0
Do you think we should limit the Make and Model of the vehicle?	Yes 1	No 13	No Response 0
Do you think this should implemented by way of visual representation?	Yes 11	No 3	No Response 0

Table
Colour Code

RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2009
RISE IN 2008
RISE IN 2007
RISE IN 2006
RISE IN 2005
RISE IN 2002

For full tables see
www.phtm.co.uk
www.npha.org.uk

National Fares Tables NOVEMBER 2014

If you are going for a fare rise and you would like to see your financial percentages
call 0161 280 2800 or email npha@btconnect.com

Pos.	Council	Tariff 1:	2 Miles	Pos.	Council	Tariff 1:	2 Miles	Pos.	Council	Tariff 1:	2 Miles
1	LONDON (HEATHROW)		£7.80	74	HARLOW		£6.20	147	MIDLOTHIAN		£5.80
2	LUTON (AIRPORT)		£7.30	75	HORSHAM		£6.20	148	NEWCASTLE UPON TYNE		£5.80
3	EPSOM & EWELL		£7.20	76	LEEDS		£6.20	149	NORTH WARWICKS		£5.80
4	LONDON		£7.20	77	LINCOLN		£6.20	150	REIGATE & BANSTEAD		£5.80
5	DARTFORD		£7.00	78	MENDIP		£6.20	151	SELBY		£5.80
6	HERTSMERE		£7.00	79	NORTHAMPTON		£6.20	152	SOUTH AYRSHIRE		£5.80
7	MID SUSSEX		£7.00	80	RUNNYMEDE		£6.20	153	STOCKPORT		£5.80
8	SALISBURY		£7.00	81	SCARBOROUGH		£6.20	154	TAMWORTH		£5.80
9	GUILDFORD		£6.90	82	SEDGEMOOR		£6.20	155	UTTLESFORD		£5.80
10	VALE OF WHITE HORSE		£6.90	83	SHEPWAY		£6.20	156	WEST SOMERSET		£5.80
11	CARADON		£6.80	84	SOLIHULL		£6.20	157	EAST KILBRIDE		£5.70
12	CARRICK		£6.80	85	SOUTHAMPTON		£6.20	158	EASTBOURNE		£5.70
13	COLCHESTER		£6.80	86	ST ALBANS		£6.20	159	ISLE OF MAN		£5.70
14	EAST LOTHIAN		£6.80	87	STRATFORD ON AVON		£6.20	160	ISLE OF WIGHT		£5.70
15	HART		£6.80	88	TAUNTON DEANE		£6.20	161	LUTON		£5.70
16	READING		£6.80	89	TEIGNBRIDGE		£6.20	162	MANCHESTER		£5.70
17	KERRIER		£6.75	90	WAVERLEY		£6.20	163	MID DEVON		£5.70
18	WEST BERKSHIRE		£6.70	91	WEST OXFORD		£6.20	164	MONMOUTHSHIRE		£5.70
19	WYEMOUTH & PORTLAND		£6.70	92	WINCHESTER		£6.20	165	NORTH SOMERSET		£5.70
20	ADUR		£6.60	93	TORBAY		£6.15	166	PLYMOUTH		£5.70
21	BASINGSTOKE & DEANE		£6.60	94	EASTLEIGH		£6.10	167	RYEDALE		£5.70
22	BOURNEMOUTH		£6.60	95	ELMBRIDGE		£6.10	168	WELWYN HATFIELD		£5.70
23	BRIGHTON & HOVE		£6.60	96	NEW FOREST		£6.10	169	WORCESTER		£5.70
24	CRAWLEY		£6.60	97	SPELTHORNE		£6.10	170	CARLISLE		£5.65
25	EXETER		£6.60	98	SWINDON		£6.10	171	VALE OF GLAMORGAN		£5.65
26	JERSEY		£6.60	99	SOUTH SOMERSET		£6.08	172	WYCOMBE		£5.65
27	MAIDSTONE		£6.60	100	ABERDEENSHIRE		£6.00	173	CHARNOOD		£5.63
28	POOLE		£6.60	101	BRACKNELL FOREST		£6.00	174	BASILDON		£5.60
29	TUNBRIDGE WELLS		£6.60	102	BRENTWOOD		£6.00	175	BROXBORNE		£5.60
30	WAVENEY		£6.60	103	CANTERBURY		£6.00	176	EDINBURGH		£5.60
31	WEALDEN		£6.60	104	CARMARTHENSHIRE		£6.00	177	FOREST HEATH		£5.60
32	GHELMSFORD		£6.50	105	CASTLE POINT		£6.00	178	GOSPORT		£5.60
33	MOLE VALLEY		£6.50	106	DOVER		£6.00	179	HINCKLEY & BOSWORTH		£5.60
34	RESTORMEL		£6.45	107	EAST HAMPSHIRE		£6.00	180	NORTH WEST LEICESTER		£5.60
35	ARUN		£6.40	108	GREAT YARMOUTH		£6.00	181	NOTTINGHAM		£5.60
36	BATH & N.E. SOMERSET		£6.40	109	IPSWICH		£6.00	182	PORTSMOUTH UA		£5.60
37	CAMBRIDGE		£6.40	110	KENNET Now Wiltshire (East Zone)		£6.00	183	RENFREWSHIRE		£5.60
38	GRAVESHAM		£6.40	111	KETTERING		£6.00	184	RUSHCLIFFE		£5.60
39	GUERNSEY		£6.40	112	MILTON KEYNES		£6.00	185	SANDWELL		£5.60
40	HARROGATE		£6.40	113	NORTH DORSET		£6.00	186	SHEFFIELD		£5.60
41	MALVERN HILLS		£6.40	114	NORTH WILTSHIRE		£6.00	187	SOUTH BUCKINGHAM		£5.60
42	NORTH HERTS		£6.40	115	ROCHFORD		£6.00	188	SUFFOLK COASTAL		£5.60
43	NORWICH		£6.40	116	SLOUGH		£6.00	189	TAMESIDE		£5.60
44	OXFORD		£6.40	117	SOUTHEND-ON-SEA		£6.00	190	WOLVERHAMPTON		£5.60
45	PURBECK		£6.40	118	STEVENAGE		£6.00	191	WREXHAM		£5.60
46	ROTHER		£6.40	119	THREE RIVERS		£6.00	192	WYRE		£5.60
47	SOUTH CAMBRIDGE		£6.40	120	THURROCK		£6.00	193	DUNDEE		£5.58
48	SOUTH GLOUCESTER		£6.40	121	WEST DORSET		£6.00	194	CHERWELL		£5.56
49	SOUTH LAKELAND		£6.40	122	WEST WILTSHIRE		£6.00	195	DURHAM COUNTY COUNCIL		£5.55
50	STROUD		£6.40	123	WORTHING		£6.00	196	CALDERDALE		£5.52
51	SURREY HEATH		£6.40	124	DARLINGTON		£5.95	197	CANROCK CHASE		£5.50
52	WATFORD		£6.40	125	TENDRING		£5.95	198	CASTLE MORPETH		£5.50
53	WOKING		£6.40	126	HIGH PEAK		£5.92	199	CENTRAL BEDFORDSHIRE		£5.50
54	WOKINGHAM		£6.40	127	TORRIDGE		£5.92	200	CHESTER		£5.50
55	SEVENOAKS		£6.32	128	CHRISTCHURCH		£5.90	201	DUMFRIES & GALLOWAY		£5.50
56	COUNTY OF HEREFORD		£6.30	129	DUDLEY		£5.90	202	EAST CAMBRIDGESHIRE		£5.50
57	COVENTRY		£6.30	130	EAST DORSET		£5.90	203	EAST STAFFORDSHIRE		£5.50
58	DACORUM		£6.30	131	EAST LINDSEY		£5.90	204	EDEN		£5.50
59	EAST DEVON		£6.30	132	HASTINGS		£5.90	205	EPPING FOREST		£5.50
60	PENWITH		£6.30	133	RUSHMOOR		£5.90	206	GWYNEDD		£5.50
61	SWALE		£6.30	134	WALSALL		£5.90	207	HAMBLETON		£5.50
62	TONBRIDGE & MALLING		£6.30	135	NORTH DEVON		£5.85	208	HUNTINGDONSHIRE		£5.50
63	YORK		£6.30	136	TEWKESBURY		£5.85	209	MORAY		£5.50
64	FOREST OF DEAN		£6.27	137	BLACKPOOL		£5.80	210	OLDHAM		£5.50
65	HARBOROUGH		£6.27	138	BRAINTREE		£5.80	211	SHETLAND ISLANDS		£5.50
66	NUNEATON & BEDWORTH		£6.25	139	BROMSGROVE		£5.80	212	SHROPSHIRE		£5.50
67	ARGYLL & BUTE		£6.20	140	EAST HERTS		£5.80	213	SOUTH HAMS		£5.50
68	ASHFORD		£6.20	141	FIFE		£5.80	214	STAFFORD		£5.50
69	BIRMINGHAM		£6.20	142	FTLDE		£5.80	215	TYNEDALE		£5.50
70	BRISTOL, CITY OF UA		£6.20	143	GLOUCESTER		£5.80	216	WANSBECK		£5.50
71	CHELTENHAM		£6.20	144	LEICESTER		£5.80	217	SCOTTISH BORDERS		£5.45
72	CHICHESTER		£6.20	145	LEWES		£5.80	218	GEDLING		£5.44
73	CREWE & NANTWICH		£6.20	146	MEDWAY *****		£5.80	219	ABERDEEN		£5.40

Pos.	Council	Tariff 1 :	2 Miles	Pos.	Council	Tariff 1 :	2 Miles
220	ANGUS		£5.40	293	CONWY		£5.00
221	BARROW IN FURNESS		£5.40	294	COPELAND		£5.00
222	CARDIFF		£5.40	295	DAVENTRY		£5.00
223	CHILTERN		£5.40	296	EREWASH		£5.00
224	CLACKMANNAN		£5.40	297	LIVERPOOL		£5.00
225	DERBY		£5.40	298	NEATH PORT TALBOT		£5.00
226	FAREHAM		£5.40	299	NORTH EAST DERBYSHIRE		£5.00
227	HAVANT		£5.40	300	NORTH TYNESIDE		£5.00
228	LANCASTER		£5.40	301	PETERBOROUGH		£5.00
229	MID SUFFOLK		£5.40	302	SOUTH LANARKSHIRE(clydsle)		£5.00
230	NEWARK & SHERWOOD		£5.40	303	SOUTH NORTHANTS		£5.00
231	NORTH LINCOLNSHIRE		£5.40	304	THANET		£5.00
232	PEMBROKESHIRE		£5.40	305	WARWICK		£5.00
233	PERTH & KINROSS		£5.40	306	WEST LINDSEY		£5.00
234	RUGBY		£5.40	307	STOKE ON TRENT UA		£4.95
235	SOUTH RIBBLE		£5.40	308	BRIDGEND		£4.90
236	SUNDERLAND		£5.40	309	CHORLEY		£4.90
237	TANDRIDGE		£5.40	310	CLYDEBANK		£4.90
238	TEST VALLEY		£5.40	311	CONGLETON		£4.90
239	TRAFFORD		£5.40	312	FLINTSHIRE		£4.90
240	WEST LOTHIAN		£5.40	313	KINGSTON-UPON-HULL		£4.90
241	WINDSOR & MAIDENHEAD		£5.40	314	NORTH KESTEVEN		£4.90
242	WYCHAVON		£5.40	315	ROSSENDALE		£4.90
243	BROXTOWE		£5.36	316	TELFORD & WREKIN		£4.90
244	KINGS LYNN & W. NORFOLK		£5.36	317	WELLINGBOROUGH		£4.90
245	BASSETLAW		£5.35	318	REDDITCH		£4.88
246	RICHMONDSHIRE		£5.35	319	ALLERDALE		£4.85
247	BRADFORD		£5.30	320	ASHFIELD		£4.80
248	BURY ST EDMUNDS		£5.30	321	CAERPHILLY		£4.80
249	COTSWOLD		£5.30	322	DERBYSHIRE DALES		£4.80
250	CRAVEN		£5.30	323	DONCASTER		£4.80
251	DUMBERTON		£5.30	324	GATESHEAD		£4.80
252	FENLAND		£5.30	325	HAMILTON		£4.80
253	LICHFIELD		£5.30	326	MANSFIELD		£4.80
254	MELTON		£5.30	327	NORTH AYRSHIRE		£4.80
255	NORTH EAST LINCOLNSHIRE		£5.30	328	ROCHDALE		£4.80
256	NORTH NORFOLK		£5.30	329	ROTHERHAM		£4.80
257	RIBBLE VALLEY		£5.30	330	RUTHERGLEN		£4.80
258	WYRE FOREST		£5.30	331	TORFAEN		£4.80
259	SALFORD		£5.26	332	STAFFS MOORLANDS		£4.75
260	VALE ROYAL		£5.25	333	BARNSELY		£4.70
261	BLABY		£5.24	334	BERWICK ON TWEED		£4.70
262	BEDFORD		£5.20	335	BLACKBURN		£4.70
263	BOLTON		£5.20	336	EAST AYRSHIRE		£4.70
264	BOSTON		£5.20	337	EAST NORTHANTS		£4.70
265	BURY		£5.20	338	FALKIRK		£4.70
266	DENBIGHSHIRE		£5.20	339	HIGHLANDS		£4.70
267	ELLESMERE PORT		£5.20	340	HYNDBURN		£4.70
268	GLASGOW		£5.20	341	INVERCLYDE		£4.70
269	HALTON		£5.20	342	WEST LANCASHIRE		£4.70
270	MACCLESFIELD		£5.20	343	EAST DUNBARTONSHIRE		£4.60
271	ORKNEY ISLANDS		£5.20	344	EAST RENFREW		£4.60
272	POWYS		£5.20	345	SEFTON		£4.60
273	PRESTON		£5.20	346	WAKEFIELD		£4.60
274	RHONDDA CYNON TAFF		£5.20	347	BURNLEY		£4.50
275	SOUTH TYNESIDE		£5.20	348	CORBY		£4.50
276	STIRLING		£5.20	349	MERTHYR TYDFIL		£4.50
277	WARRINGTON		£5.20	350	REDCAR & CLEVELAND		£4.50
278	WIRRAL		£5.20	351	ST. HELENS		£4.50
279	YNYS MON		£5.20	352	STOCKTON ON TEES		£4.50
280	CEREDIGION		£5.18	353	KIRKLEES		£4.40
281	EAST RIDING		£5.15	354	KNOWSLEY		£4.40
282	BRECKLAND		£5.14	355	NORTH LANARKSHIRE		£4.40
283	AMBER VALLEY		£5.10	356	OADBY & WIGSTON		£4.40
284	BABERGH		£5.10	357	PENDLE		£4.40
285	NEWPORT		£5.10	358	AYLESBURY VALE		£4.30
286	SOUTH STAFFORDSHIRE		£5.10	359	BLAENAU GWENT		£4.30
287	WIGAN		£5.10	360	MIDDLESBROUGH		£4.30
288	ALNWICK		£5.05	361	NEWCASTLE-U-LYME		£4.20
289	SOUTH HOLLAND		£5.05	362	WESTERN ISLES		£4.20
290	SWANSEA		£5.05	363	HARTLEPOOL		£4.10
291	BLYTH VALLEY		£5.00	364	SOUTH KESTEVEN		£3.50
292	CHESTERFIELD		£5.00	365	BOLSOVER		£2.80

THE NATIONAL AVERAGE FARE

Flag at T1 is now	£2.73
Flag at T2 is now	£3.60
1 mile fare T1 is now	£3.77
1 mile fare T2 is now	£4.96
2 mile fare T1 is now	£5.62
2 mile fare T2 is now	£7.37
5 mile fare T1 is now	£11.17
5 mile fare T2 is now	£14.62
10 mile fare T1 is now	£20.56
10 mile fare T2 is now	£26.85
Running mile on T1 is now	£1.85
Running mile on T2 is now	£2.42

AREA FARE AVERAGES

Tariff One

	Flag	1 mi.	2 mil.	5 mi.	10 mi.	Running Mile
East Anglia	£3.00	£3.93	£5.70	£10.99	£19.85	£1.77
Midlands	£2.70	£3.65	£5.40	£10.60	£19.28	£1.73
North	£2.44	£3.50	£5.22	£10.35	£18.97	£1.72
South	£2.94	£4.16	£6.13	£12.10	£22.44	£1.99
South West	£2.72	£4.02	£6.15	£12.51	£23.18	£2.12
Scotland	£2.71	£3.50	£5.27	£10.57	£19.41	£1.72
Wales	£2.82	£3.32	£5.16	£10.65	£19.79	£1.83
Nat. Avg.	£2.73	£3.77	£5.63	£11.18	£20.58	£1.85

Tariff Two

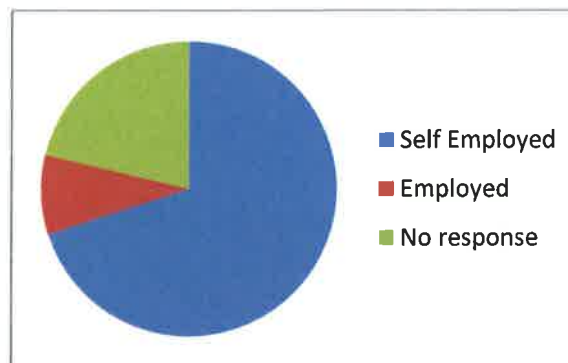
	Flag	1 mi.	2 mil.	5 mi.	10 mi.	Running Mile
East Anglia	£3.91	£5.06	£7.35	£14.16	£25.54	£2.27
Midlands	£3.58	£4.84	£7.14	£13.99	£25.88	£2.30
North	£3.02	£4.34	£6.53	£13.07	£23.96	£2.19
South	£4.05	£5.75	£8.55	£16.63	£30.49	£2.74
South West	£3.76	£5.44	£8.29	£16.91	£31.27	£2.87
Scotland	£3.42	£4.31	£6.26	£12.10	£21.81	£1.90
Wales	£3.57	£4.20	£6.58	£13.66	£25.46	£2.36
Nat. Avg.	£3.60	£4.96	£7.38	£14.63	£26.87	£2.42

APPENDIX V:

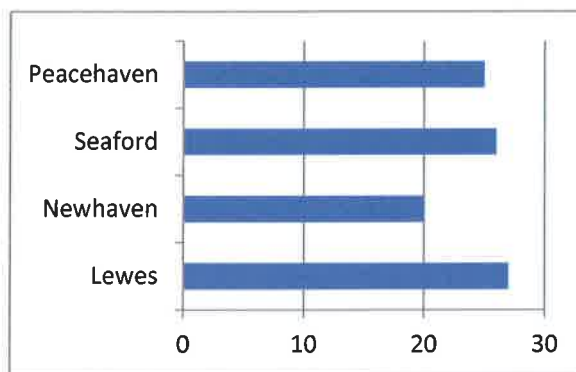
Results of the Lewes District Council: Table of Fare Consultation

295 Consultation letters sent and 80 responses were received, this equates to **27%** overall response. The key responses have been outlined in the committee report but a visual representation is shown below.

Of the **80 responses** received, a breakdown of the individuals is as follows:

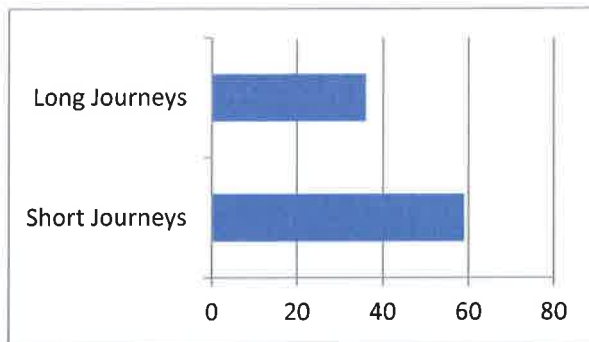


The largest majority of drivers to respond to the consultation were self-employed. This demonstrates the importance of setting the right tariff to balance the costs of fares against the costs of operation, to ensure job security.

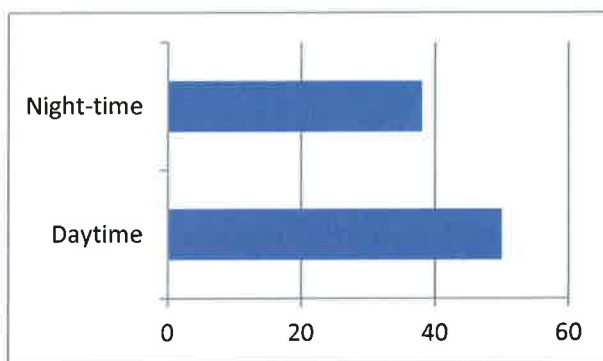


54% of the responses ordinarily work in one of the four main towns (Lewes, Seaford, Newhaven and Peacehaven); with the highest ratio working in **Lewes**; however the remaining **46%** of drivers who work in more than one of the four main towns had the highest ratio shared between **Seaford, Newhaven and Peacehaven**.

This outcome demonstrates a clear divide between the coastal towns and Lewes; however the overall number of drivers covering each of the four towns appears more or less equal, with **Newhaven** being slightly less in demand than the rest, as shown in the graph above.



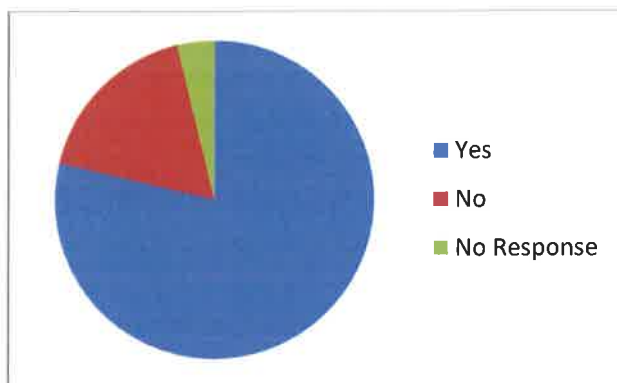
Only 3 responses deal exclusively with long journeys and 26 responses deal exclusively with short journeys; the remaining **64%** do a combination of both. Therefore the highest ratio of journeys within the Lewes District is short journeys, which means an increase in the initial flag rate is important to our drivers.



From the responses received, it appears as though the majority of the trade work during the daytime, with a **24%** decrease during the night-time hours.

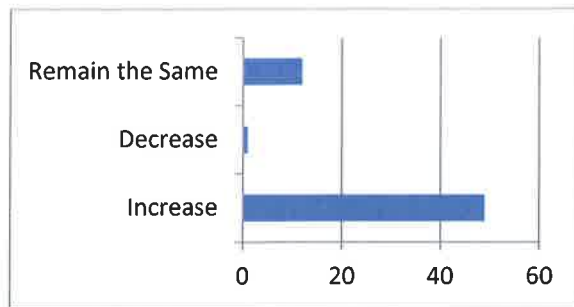
The following shows a visual representation of the response received from the Consultation Questionnaire sent to the trade; a copy of the questionnaire is shown in the **Background Papers** attached to this committee report.

Do you think the existing Hackney Carriage Fares should be amended?



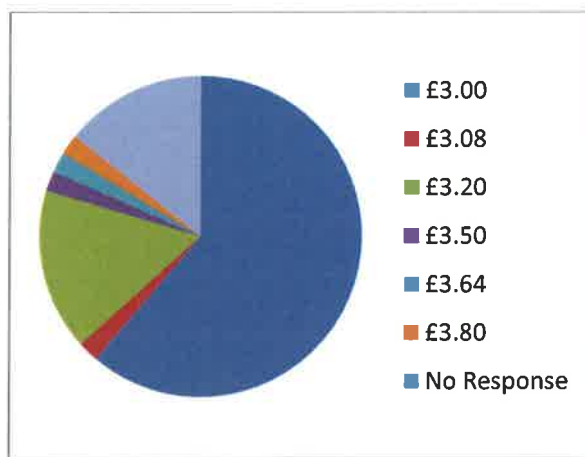
FLAG RATE: The initial rate for hiring a Hackney Carriage/ Private Hire vehicle.

1. Do you think the Daytime flag rate should be changed from £2.80?

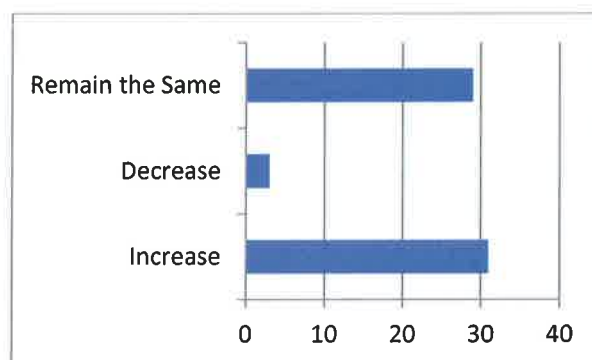


Suggestions:

Of the 49 drivers who wanted an increase, the following are suggested rates. Two drivers proposed an increase by percentage (10% and 30%) which has been worked out as £3.08 and £3.64 respectively.

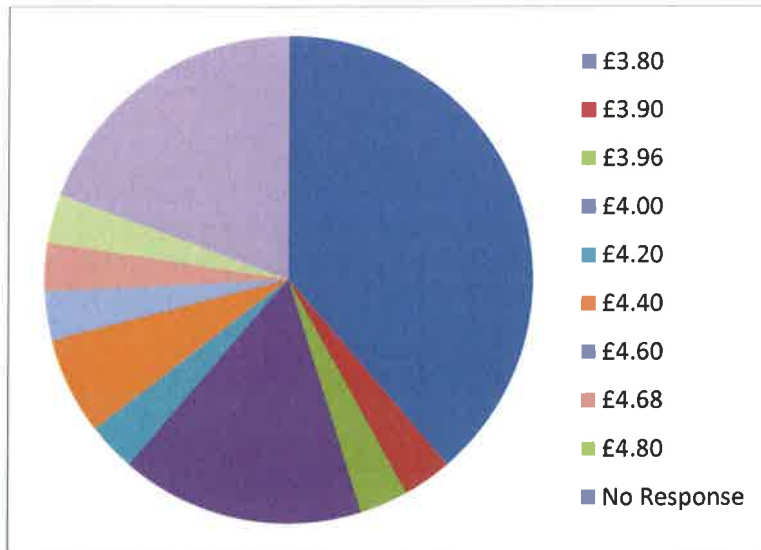


2. Do you think the Sunday flag rate should be changed from £3.60?

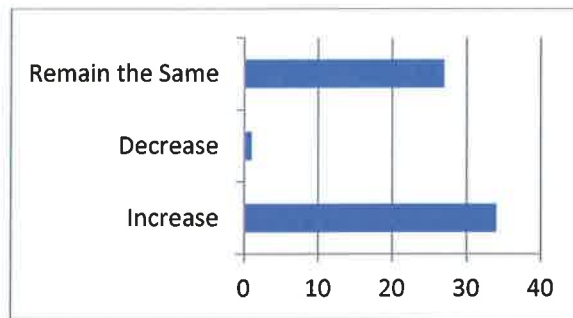


Suggestions:

Of the 31 drivers who wanted an increase, the following are the suggested rates. Two drivers proposed an increase by percentage (10% and 30%) which has been worked out as £3.96 and £4.68 respectively. It should be noted in the report that it was almost an even split between an increase in the fare and the rate remaining the same.

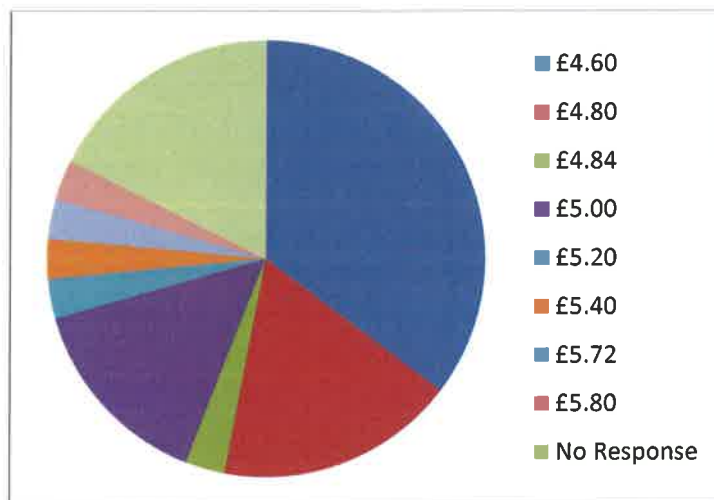


3. Do you think the Night-time flag rate should be changed from £4.40?

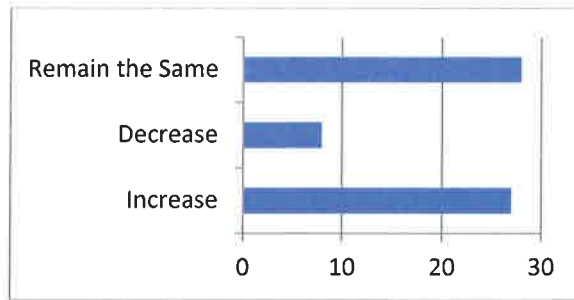


Suggestions:

Of the 34 drivers who wanted an increase, the following are suggested rates. Two drivers proposed an increase by percentage (10% and 30%) which has been worked out as £4.84 and £5.72 respectively. One driver suggested an increase to £4.50 which changes at midnight to £5.00, this has been taken as a vote for £5 as it depends on the outcome of the Hours Section.

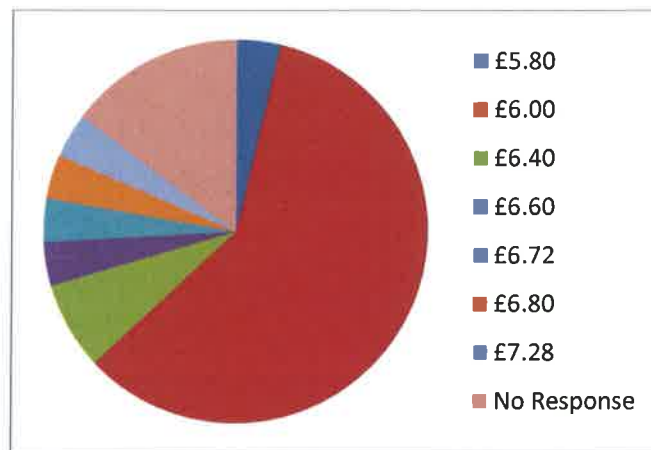


4. Do you think the Christmas period and New Year's flag rate should be changed from £5.60?



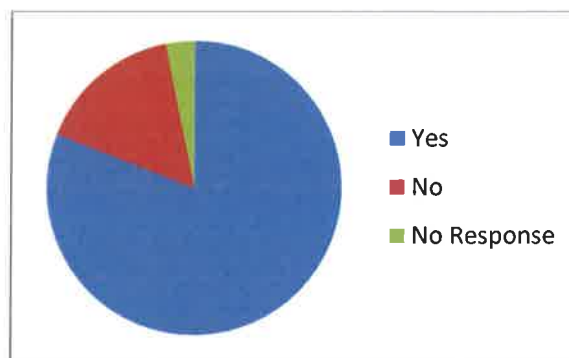
Suggestions:

The majority would like the rate to remain the same, but the report should reflect that there was almost an even split between remaining the same and increasing the rate; therefore I have calculated the responses for the fare increase below for consideration.

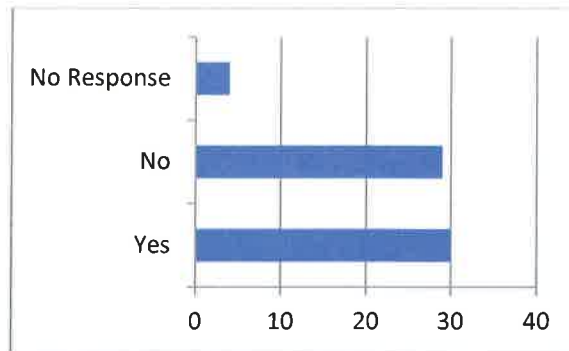


DISTANCE: The distance travelled before the meter increases and the rate it should change by.

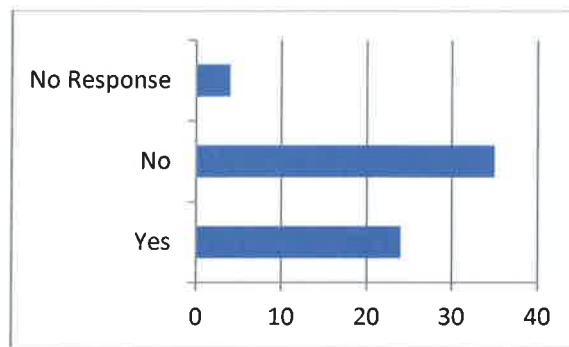
5. Do you think we should keep the distance rate to the mile?



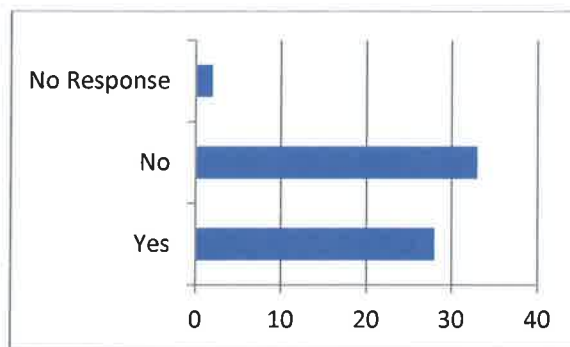
6. Do you think we should increase the Daytime mile rate?



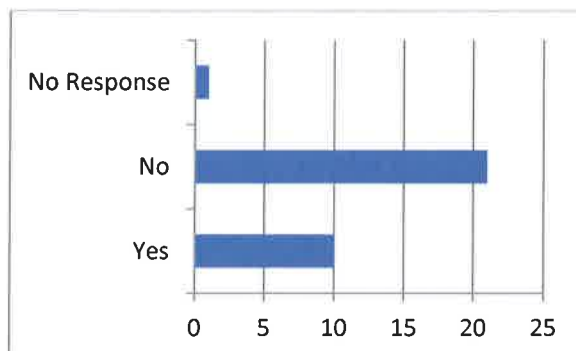
7. Do you think we should increase the Sunday mile rate?



8. Should we make the Night-time rate time and a half?

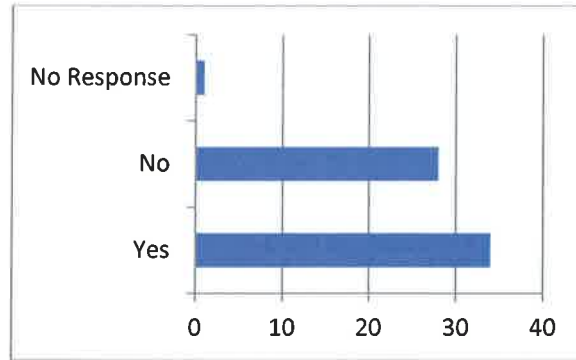


9. Do you think we should make the mile rate higher than the day-time rate?

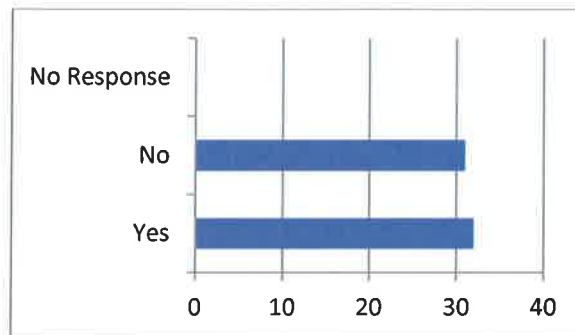


HOURS: When should the Meter change between the day-time and night-time tariff.

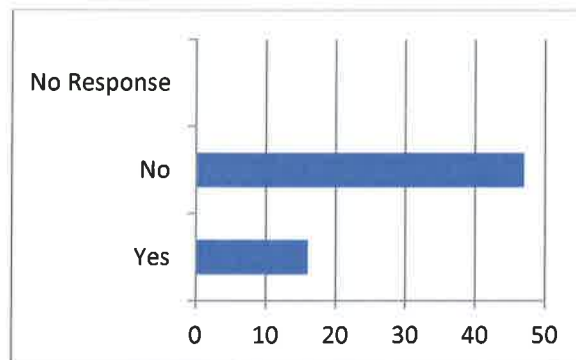
10. Do you think the night-time hours should be brought back to 23:00 (11pm)?



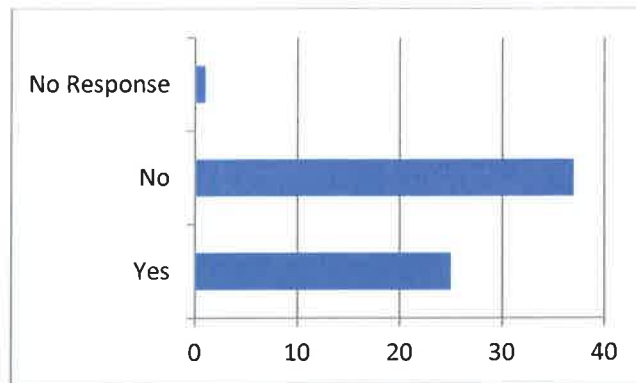
11. Do you think the morning rate should be brought forward to 07:00 (7am)?



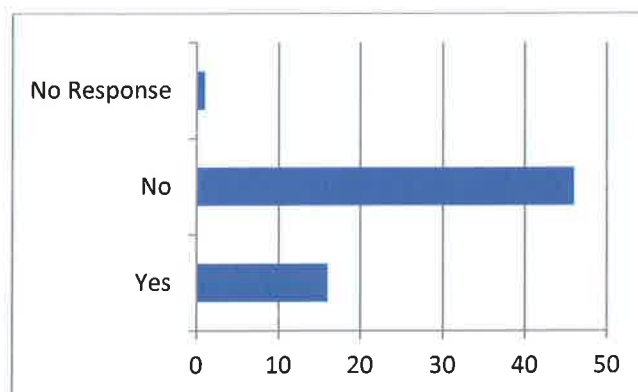
12. Do you think we should amend the time set on Christmas Eve from 20:00 (8pm) to 23:00 (11pm)?



13. Do you think we should amend the time set on 27th December from 06:00 (6am) to 07:00 (7am)?

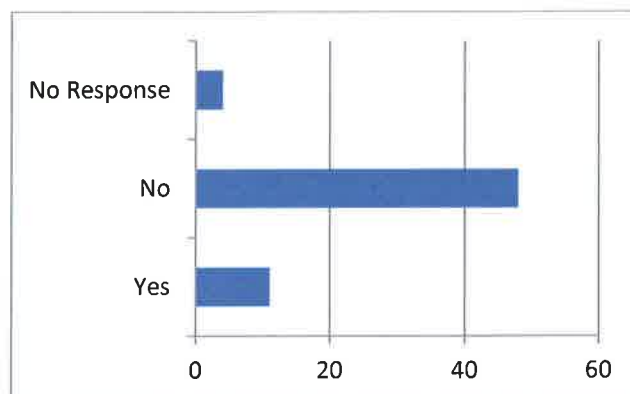


14. Do you think we should amend the time set on New Year's Eve from 20:00 (8pm) to 23:00 (11pm)?

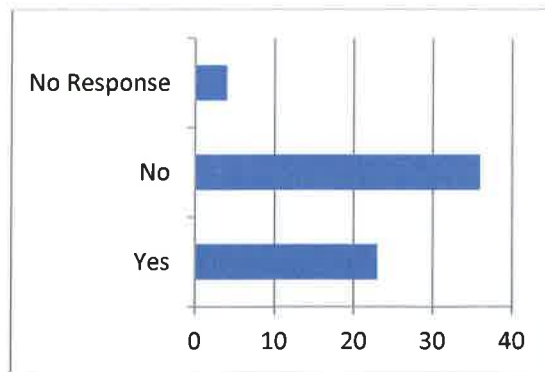


OTHER CHARGES: Other charges which appear on the 'Table of Fares' which do not directly relate to the journey.

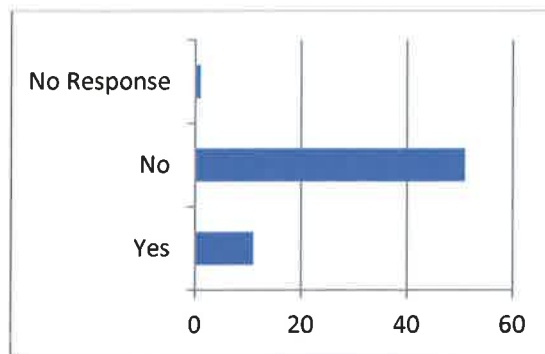
15. Do you agree to reduce the soiling charge during the day to £60?



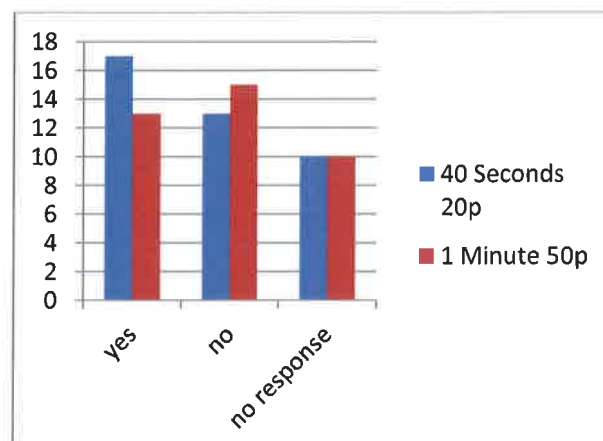
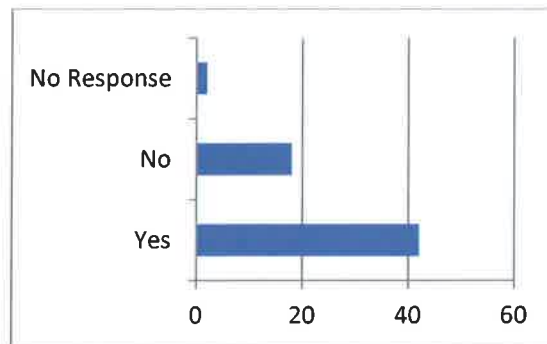
16. Do you think the soiling charge should be increased on the Christmas & New Year's tariff?



17. Would you like to charge a booking fee?

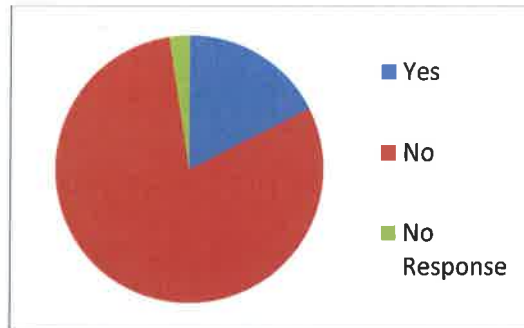


18. Do you think we should amend the Waiting Time?

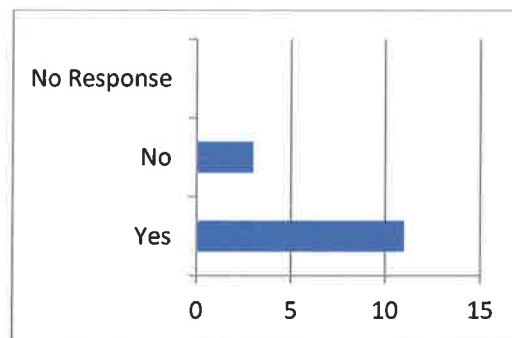


LIVERY: The following information was requested by the Licensing Committee and should not be part of the 'Table of Fares' consultation and has been gathered for information only.

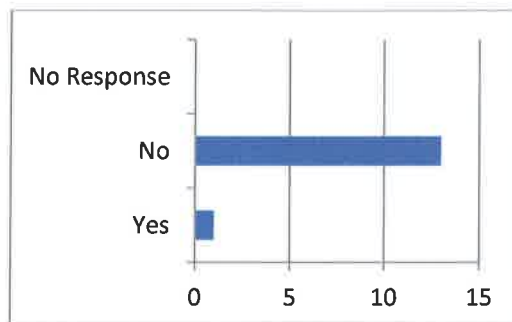
1. Do you think Lewes District Council should adopt a livery?



2. Do you think we should have a specific colour for Hackney Carriage Vehicles?



3. Do you think we should limit the Make and Model of the vehicle?



APPENDIX VI

LEWES DISTRICT COUNCIL

MAXIMUM FARE TARIFF FOR HACKNEY CARRIAGES

THESE FARES APPLY TO ALL HIRINGS WITHIN LEWES DISTRICT AREA.
 JOURNEYS ENDING OUTSIDE LEWES AREA MAY NOT EXCEED THE AUTHORISED
 METERED FARE UNLESS A PRIOR CONTRACT IS MADE WITH THE DRIVER AT TIME
 OF HIRING

COMPLAINTS
 ANY COMPLAINTS TO
 TAXI LICENSING OFFICER
 TELEPHONE: 01273 484276

FARES FOR DISTANCE OR TIME	DAYTIME RATE 07:00 – 23:00hrs	SUNDAY RATE 07:00 – 23:00hrs	NIGHTTIME 23:00 – 07:00hrs & BANK HOLIDAYS	CHRISTMAS PERIOD 20:00hrs on 24/12 to 07:00hrs on 27/12 NEW YEAR 20:00hrs on 31/12 to 00:01hrs 2/1	MULTI SEAT RATE 5 - 8 PASSENGERS
TO HIRE THIS TAXI	3.00	3.80	4.60	5.60	PLUS 50% FOR ALL JOURNEYS
PRICE GUIDE					
1 MILE	4.10	4.80	5.70	7.80	
2 MILES	6.30	6.80	7.90	12.20	
<u>FOR EACH MILE AFTER 2 MILES</u>	2.20	2.00	2.20	4.40	
3 MILES	8.50	8.80	10.10	16.60	
5 MILES	12.90	12.80	14.50	25.40	
10 MILES	23.90	22.80	25.50	47.40	
WAITING TIME PER 40 SECONDS	20p	20p	30p	40p	
SOILING CHARGE	100.00	100.00	100.00	100.00	100.00

APPENDIX VII

LEWES DISTRICT COUNCIL

MAXIMUM FARE TARIFF FOR HACKNEY CARRIAGES

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TO HIRE THIS TAXI	3.00	3.70	4.60	6.00	<u>PLUS 50% FOR ALL JOURNEYS</u>
PRICE GUIDE					
1 MILE	4.10	4.80	5.70	8.20	
2 MILES	6.30	7.00	7.90	12.60	
<u>FOR EACH MILE AFTER 2 MILES</u>	2.20	2.20	2.20	4.40	
3 MILES	8.50	9.20	10.10	17.00	
5 MILES	12.90	13.60	14.50	25.80	
10 MILES	23.90	24.60	25.50	47.80	
WAITING TIME PER 40 SECONDS	20p	20p	30p	40p	
SOILING CHARGE	100.00	100.00	100.00	100.00	100.00

APPENDIX VIII

LEWES DISTRICT COUNCIL

MAXIMUM FARE TARIFF FOR HACKNEY CARRIAGES

THESE FARES APPLY TO ALL HIRINGS WITHIN LEWES DISTRICT AREA.
 JOURNEYS ENDING OUTSIDE LEWES AREA MAY NOT EXCEED THE AUTHORISED
 METERED FARE UNLESS A PRIOR CONTRACT IS MADE WITH THE DRIVER AT TIME
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COMPLAINTS
 ANY COMPLAINTS TO
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FARES FOR DISTANCE OR TIME	DAYTIME RATE 07:00 – 23:00hrs	SUNDAY RATE 07:00 – 23:00hrs	NIGHTTIME 23:00 – 07:00hrs & BANK HOLIDAYS	CHRISTMAS PERIOD 20:00hrs on 24/12 to 07:00hrs on 27/12 NEW YEAR 20:00hrs on 31/12 to 00:01hrs 2/1	MULTI SEAT RATE 5 - 8 PASSENGERS
TO HIRE THIS TAXI	3.00	3.70	4.60	6.00	PLUS 50% FOR ALL JOURNEYS
PRICE GUIDE					
1 MILE	4.05	4.75	5.65	8.10	
2 MILES	6.15	6.85	7.75	12.30	
<u>FOR EACH MILE AFTER 2 MILES</u>	2.10	2.10	2.10	4.20	
3 MILES	8.25	8.95	9.85	16.50	
5 MILES	12.45	13.15	14.05	24.90	
10 MILES	22.95	23.65	24.55	45.90	
WAITING TIME PER 40 SECONDS	20p	20p	30p	40p	
SOILING CHARGE	100.00	100.00	100.00	100.00	100.00