

Guildhall Gainsborough
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AGENDA

This meeting will be livestreamed and the video archive published on our website

Regulatory Committee
Thursday, 10th March, 2022 at 6.30 pm
Council Chamber - The Guildhall

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

Members:

- Councillor Mrs Jessie Milne (Chairman)
- Councillor Mrs Angela Lawrence (Vice-Chairman)
- Councillor Liz Clews
- Councillor David Cotton
- Councillor Timothy Davies
- Councillor Mrs Caralyne Grimble
- Councillor Paul Howitt-Cowan
- Councillor Mrs Cordelia McCartney
- Councillor Peter Morris
- Councillor Keith Panter
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Diana Rodgers
- Councillor Jim Snee
- Councillor Jeff Summers

1. **Apologies for Absence**

2. **Public Participation**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

3. **Declarations of Interest**

Members may make declarations of Interest at this point or may make them at any point in the meeting

4. **Minutes of Previous meetings**

To confirm and sign as a correct record the Minutes of the Meeting

(PAGES 3 - 6)

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

of the Regulatory Committee held on Thursday 9 December 2021.

5. **Matters Arising** (PAGES 7 - 8)
Matters Arising schedule setting out current position of previously agreed actions as at 2 March 2022.

6. **Public Reports for approval**

- i) Taxi Fare Increase Request (PAGES 9 - 15)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Wednesday 2 March 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall on 9 December 2021 commencing at 6.30 pm.

Present: Councillor Mrs Jessie Milne (Chairman)
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor David Cotton
Councillor Mrs Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney
Councillor Peter Morris
Councillor Mrs Judy Rainsforth
Councillor Jim Snee

In Attendance:
Andy Gray Housing and Enforcement Manager
Katie Storr Democratic Services & Elections Team Manager

Apologies: None received

Membership: No substitutes appointed for the meeting.

16 CHAIRMAN'S WELCOME

The Chairman opened the meeting by welcoming all Members and Officers. The safety measures that were in place were highlighted. In the absence of a public gallery, due to capacity within the Chamber, the Chairman advised the Committee meeting would be live webcast and extended her welcome to those watching at home.

17 PUBLIC PARTICIPATION

There was no public participation.

18 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

19 MINUTES OF PREVIOUS MEETINGS

Regulatory Committee – 16 September 2021

RESOLVED that the Minutes of the Meeting of the Regulatory Committee held on Thursday, 16 September 2021 be confirmed and signed as an accurate record.

20 MATTERS ARISING

With regard to the green action entitled “Fly Posting - Wider Consideration as Part of Gainsborough PSPO Work”, a Member of the Committee sought an update as to when the wider work was scheduled to be considered by Committee, citing further concerns and a continued presence of fly-posting.

In responding, Members were advised of the pending recruitment of a Senior Officer within the Licensing and Enforcement Team. This work would fall within their remit and it was anticipated progress would be made during 2022. Officers undertook to schedule an anticipated consideration date within the work plan.

In the absence of any further questions, the report was taken “as read” and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

21 FOOD, HEALTH AND SAFETY WORK PLAN - MID YEAR UPDATE

At its meeting in June 2021, Regulatory Committee resolved that an update on performance against the Food Standards Agency (FSA) Recovery Plan be submitted to the Committee by January 2022 in order that the Committee had assurance on what progress was being made, given the circumstances raised through the initial report. (The original report can be found at [Agenda for Regulatory Committee on Thursday, 10th June, 2021, 6.45 pm | West Lindsey District Council \(west-lindsey.gov.uk\)](#))

The requested update was therefore submitted to Committee for their consideration and in presenting the report, Officers were candid in the continued significant difficulties facing the Authority and which were impeding the delivery of the Recovery Plan in respect of food premise inspections.

The current position in respect of the number of inspections completed was set out at 3.1 of the report, (November’s inspections were not reflected) and the key points to note were highlighted: -

- * The number of premises requiring inspection had increased since June 2021. This was due to unrated premises being rated and then requiring further inspection alongside new premise registrations something not factored into the original plan and the number of new premises was considerable.
- * The overall number of inspections required had remained static, despite the number of inspections completed.

- * A large proportion of the inspections related to reactive work based on complaints from the public, from which an inspection occurs.
- * A number of inspections had been completed in line with the recovery plan requirements.
- * No sampling programme had been reintroduced as yet.
- * The likelihood of meeting the overall target within this FSA Recovery Plan was now reduced.
- * The number of staff available to complete the required inspections had reduced within the period due to vacancies and one officer not becoming fully competent until the end of September 2021.

Coupled alongside this was the current resourcing issue and difficulties with recruiting fully qualified staff as detailed in Section 4 of the report. Officers outlined the steps which were being taken to address this including recent Management Team decisions. The main risks arising from the current position were set out in Section 5 of the report and were again highlighted to the Committee.

The Authority was not the only authority experiencing similar issues in recruiting fully qualified staff and increased workloads. Officers would be meeting with the FSA to seek assurance that the steps they were taking to meet the plans requirements were acceptable and to be honest about the challenges the Plan in its current form brought to the sector.

A further emerging risk not referenced within the report was the Government's move to Plan B it was unclear yet as to whether there would be additional duties on Officers as had been the case throughout the Pandemic. It would be the same Team, responsible for food inspections, requested to undertake additional activity again impeding planned work.

Debate ensued and whilst Members welcomed the candidness and openness concern was expressed at the current situation. Members considered there was real reputation risk, given the front facing nature of this service. The lack of capacity to re-introduce sampling was of concern given its importance. Members questioned whether 3 FTEs would be sufficient and challenged whether resources were always focussed on the highest priority tasks. Noting November's inspections rates were not reflected in the report, Members requested they receive this information. Officers undertook to provide the revised data and it was also suggested the Chairman's January briefing, referenced in the recommendation could be shared with wider Committee Members.

In responding to Members' comments, Officers offered reassurance that they were able to respond to the most serious complaints and respond swiftly. The team had since June instigated two voluntary closures and were dealing with customer complaints which required an inspection. Further comfort could be taken in that food standards across West Lindsey were not generally low with most achieving a 3* rating. Close liaison would be held with the FSA in the New Year and it was hoped the impact of the temporary resource recently approved would start to show an impact.

Whilst acknowledging the situation raised by a Member, it had to also be recognised that not

all Officers within the Team had the relevant competency standard to complete Inspections of Food Premises. The staffing levels and caseload in the service were under constant monitoring, with this matter being at the forefront of Management Team's attention. Officers were satisfied the additional resource cited in the report would provide enough resource.

Bringing the debate to a close the Chairman and Committee Members thanked and offered appreciation to the team for all the work undertaken, acknowledging the considerable pressure and new demands the service had been under since the outset of the Pandemic.

RESOLVED that: -

- a) the update report, as requested by Members at their meeting on 10 June 2021, in regards to the Food Standards Agency Recovery Plan and the action plan, that is being developed, to address the issues be received; and
- b) a further update on the resources and inspection position be provided to the Chairman and Vice Chairman at the end of January 2022.

The meeting concluded at 6.58 pm.

Chairman

Licensing and Regulatory Committee Matters Arising Schedule

Purpose:

To consider progress on the matters arising from previous Licensing and Regulatory Committee meetings.

Recommendation: That members note progress on the matters arising and request corrective action if necessary.

Meeting	Licensing and Regulatory Committee				
Status	Title	Action Required	Comments	Due Date	Allocated To
Black	FLY POSTING - WIDER CONSIDERATION AS PART OF GAINS PSPO WORK	<p>extract frm Reg Cttee Mins June 2021: -</p> <p>fly-posting be considered as part of the broader Public Space Protection Order work due to be undertaken for Gainsborough.</p>	<p>will remain on matters arising until the wider work completed .</p> <p>Update 11/2/22: Item added to forward plan for consideration at December 2022 Regulatory Committee</p> <p>As at 9 December : -a Member of the Committee sought an update as to when the wider work was scheduled to be considered by Committee,progress would be made during 2022. Officers undertook to schedule an anticipated consideration date within the work plan.</p>	31/01/22	Andy Gray
Black	ABANDONED SHOPPING TROLLEYS - SCHEDULE 4	<p>Extract from mins of mtg 16/9/21 that consultation on the continuation of the Scheme and any subsequent decision on it, in line with the legislation, be carried out in 2023 when the Scheme has been in place for around 5 years.</p>	<p>Update 11/2/22: Item added to Regulatory Committee work plan for March 2023.</p> <p>LONGER TERM ACTION- but logged here for oversight until report is added to the workplan in due course</p>	31/12/22	Andy Gray
Black	food safety - resources update	<p>Extract from mins of mtg 9/12/21 a further update on the resources and</p>	<p>please provide update by end of Jan as agreed</p>	31/01/22	Andy Gray

		inspection position be provided to the Chairman and Vice Chairman at the end of January 2022	11/2/22: Update provided to Chair and Vice Chair via e mail.		
Black	food health and safety plan - updated figures in respect of inspections	Extract from mins of mtg - 9 Dec 2021: - Noting November's inspections rates were not reflected in the report , Members requested they receive this information. Officers undertook to provide the revised data	please provide revised tables as requested by Committee Update 11/2/22: Information provided to Chair and Vice Chair. Update 22/2/22: Discussed at Chairs Briefing and agreed to send to remaining committee members. Distributed on 02.03.22.	06/01/22	Andy Gray



Regulatory Committee

Thursday 10th March 2022

Subject: Request from taxi trade for an increase in hackney carriage fares

Report by:	Andy Gray Housing and Environmental Enforcement Manager andy.gray@west-lindsey.gov.uk
Contact Officer:	Tracy Gavins Licensing Enforcement Officer tracy.gavins@west-lindsey.gov.uk
Purpose / Summary:	Requests have been received from hackney carriage proprietors for an increase to the hackney carriage scale of fares they can charge to their customers.

Recommendations:

Regulatory Committee are asked to:

- a) Approve the renaming of tariffs
- b) Determine whether the current scale of fares should be increased (considering the request from the taxi proprietors)
- c) Determine by what amount fares should increase, subject to approval of an increase.

Implications

Legal:

Under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the District Council is the Authority responsible for licensing hackney carriages and private hire vehicles.

The Council is also obliged to advertise any increase by publication of the required statutory notice and reconsider if any objections are received.

Financial: FIN/184/22/MT/SL

The cost of publishing the public notice (referred to above) can be met from existing budgets.

For the avoidance of doubt the subject matter within this paper has no direct link to the fees and charges WLDC apply to any type of taxi application e.g. drivers, vehicles or operators. The fees considered are the fees that the licensed taxi driver can charge their passengers.

Staffing:

No additional resources required as a result of this report.

Equality and Diversity including Human Rights:

The increase of any fares will have an impact on various groups, given the nature of the service that is provided.

An increase will provide operators with additional income to contribute towards covering additional costs that may have been incurred over the years since the last increase.

An increase may also adversely affect service users who are on low income or who are dependent on the service to gain access to employment, education, shopping and facilities or other support services.

Risk Assessment:

Not applicable.

Climate Related Risks and Opportunities:

None as a result of this report.

Title and location of any background papers used in the preparation of this report:

Email responses received by the Licensing Team from hackney carriage proprietors are held within the work area but are not shared specifically within the report.

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1 Introduction

- 1.1 Under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the District Council is the Authority responsible for licensing hackney carriages and private hire vehicles. The council also sets a scale of fares which is the maximum amount that can be charged by hackney carriage proprietors. The Council cannot, however, control fares for private hire vehicles.
- 1.2 The Council currently licenses 55 hackney carriages, 26 private hire vehicles and 103 drivers in the District. In the last 10 years there have been two increases in the scale of fares that WLDC taxi proprietors charge their customers, the last one being in 2017.
- 1.3 As a result of a hackney carriage proprietor contacting the licensing team to request a fare increase, officers contacted all West Lindsey licensed hackney carriage drivers to seek their views. As there is no hackney association in West Lindsey each proprietor was contacted individually for their views as to whether they felt there is a need for an increase in fares.
- 1.4 Out of 43 proprietors consulted, 14 are in favour of an increase suggesting various options and 7 are not in favour of an increase. The tariffs were last reviewed and increased in 2017 and before that in 2011.

2 Scale of fares

- 2.1 The Council's current scale of fares is attached as Appendix 1.
- 2.2 Hackney carriage drivers and proprietors refer to the tariffs as '1', '2' and '3'. Therefore, it is suggested that the names are changed to reflect this. If agreed by Members, 'normal rate' would become tariff 1, 'premium rate 1' would become tariff 2 and 'premium rate 2' would become tariff 3. The main reason for this change is to align the wording with how licensed taxi drivers refer to the tariffs.

Comparative tariffs	Fare for 1 mile on normal rate	Fare for 5 miles on normal rate	Fare for 20 miles on normal rate	%age Increase
Present Start Rate = £2.80				
Present rate once started (inc. Start Rate @ £1.60 pm	£4.40	£12.40	£42.40	
Suggested Changes from consultation with the trade				
No change (7)				0%
Start rate £3 + 10p per 88 yards	£4.30	£12.30	£42.30	-2%
Start rate £3 (2)	£4.60	£12.60	£42.60	5%
Start rate £3.10	£4.70	£12.70	£42.70	7%
Start rate £3.20	£4.80	£12.80	£42.80	9%
Start rate £3 + 50p increments (3)	£5.00	£15.00	£52.50	14%
15% increase on all fares	£5.06	£14.26	£48.76	15%

£2.50 per mile increments	£5.30	£15.30	£52.80	20%
Start rate £3 + £2.50 per mile	£5.50	£15.50	£53.00	25%
Start rate £4 (3)	£5.60	£13.60	£43.60	27%
Start rate £3.60 + £3 per mile	£6.60	£18.60	£63.60	50%

2.3 The suggested changes to the current scale of fares are listed below. These have been made as part of the consultation. Each proposal is noted individually, with duplicates noted in brackets. Below are examples of the cost to the customer for various journeys, based on the suggested increase in tariff at the normal rate:

2.4 Below are examples of the cost to the customer for various journeys, based on the suggested increase in tariff in relation to Premium Rate 1:

Comparative tariffs	Fare for 1 mile on Premium Rate 1	Fare for 5 miles on Premium Rate 1	Fare for 20 miles on Premium Rate 1	%age Increase
Present Start Rate = £4				
Present rate once started (inc. Start Rate @ £2.40pm)	£6.40	£18.40	£63.40	
Suggested Changes from consultation with the trade				
No change (7)				0%
Start rate £4.20	£6.60	£18.60	£63.60	3%
Increased increments by 10p (2)	£6.80	£20.80	£73.30	6%
15% increase on all fares	£7.36	£21.16	£72.91	15%
Start rate £5	£7.40	£19.40	£64.40	16%
Start rate £6 (2)	£8.40	£20.40	£65.40	31%

2.5 **N.B. PREMIUM RATE 2** – Although there has been a couple of suggestions to increase the start rate of this tariff, Members should be aware that Premium Rate 2 is always double that of the tariff set for the Normal Rate.

3 Procedure

3.1 Any proposed change in hackney carriage fares must be advertised in the press for a 28 day period. If any objections are received these must be considered by the Council. If no objections are received the new fare structure comes into effect from the date specified in the public notice. The public notice would be placed at the earliest opportunity following on from any decision and on this basis would be likely to be published on or around the first week of April 2022.

3.2 The Council's Regulatory Committee must approve any fare increase and officers cannot make a specific recommendation as to what that increase should be.

4 Conclusion

- 4.1 Since 2017, operating costs such as vehicle insurance, fuel prices and staffing have increased, which has direct impact on the business. The consultation has not provided unanimous support for an increase, however around 66% of the respondents do support this.
- 4.2 Between January 2017 and February 2022 the average price of diesel has risen from 120.34 pence per litre to 152.58ppl and in the same period the average price of unleaded petrol has risen from 117.77ppl to 149.12ppl (source: <https://www.racfoundation.org/data/uk-pump-prices-over-time>)
- 4.3 Alongside this, for the consumer, the rate of inflation increased to 5.5% in January 2022, the highest reading since 1992. This figure for inflation in 2017 was 2.68%.
- 4.4 During the Covid-19 pandemic of 2020/2021 the trade were not eligible for any main grants, nor offered any help by way of discretionary grants from the council, some may have been able to claim from the self-employment income support scheme. When taking all these factors into account it would seem, therefore, that a small rise in fare could be justified at the present time.

END

Appendix 1 – West Lindsey District Council current scale of fares.

LICENSED HACKNEY CARRIAGE NO.	NORMAL RATE Mileage	PREMIUM RATES
	If the distance does not exceed 704 yards (approximately 643.7 metres) £ 2.80	1. For hirings starting between 11.00 pm and 7.00am on any day and at any time on Bank Holidays and any immediately preceding Sunday and on Christmas Eve and New Years Eve until 6.00pm – for the first 704 yards (643.7 metres) .. £ 4.00 – for each subsequent 352 yards (321.85 metres)..... £ 0.60
	– for the first 704 yards £ 2.80	
MAXIMUM	For each subsequent 352 yards (approximately 321.85 metres) or uncompleted part thereof £ 0.40	
	Waiting time or Working time (when vehicle is stationary) For each minute or uncompleted part thereof £ 0.30	
PASSENGERS	EXTRA CHARGES For each domestic animal (carried at driver's discretion) £ 1.50 Soiling of vehicle by domestic animal or customer, a charge not exceeding £75.00	2. For hiring starting between 6.00pm 24 th December to 8.00am 27 th December and starting between 6.00pm 31 st December to 7.00am 2nd January – for the first 704 yards (643.7 metres) ... £ 5.60 – for each subsequent 352 yards (321.85 metres) £ 0.80 Waiting time – for each minute or uncompleted part thereof £ 0.60
	During periods of extreme / severe weather, and only on receiving written permission from the Local Authority to do so, Premium Rate 1 be applied.	