



# Epping Forest District Council

## **LICENSING COMMITTEE** **Tuesday 26th March 2024**

You are invited to attend the next meeting of **Licensing Committee**, which will be held at:

**Council Chamber - Civic Offices**  
on **Tuesday 26th March 2024 at 7.00 pm**

**Georgina Blakemore**  
Chief Executive

**Democratic Services Officer:** Therese Larsen (Democratic Services)  
Tel: 01992 564243 Email:  
democraticservices@eppingforestdc.gov.uk

**Members:** Councillors R Morgan (Chairman), L Mead (Vice-Chairman),  
I Allgood, I Hadley, S Heather, P Keska, A Lion, T Matthews,  
L Morgan, Caroline Pond, R Sharif, D Stocker, D Sunger and  
J M Whitehouse

**This meeting will be broadcast live and recorded for repeated viewing.**

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### **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast and Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.”

**2. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

Please use the Members Portal webpage to report non-attendance at meetings [https://eppingforestdc-self.achieveservice.com/service/Member\\_Contact](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us' <https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**3. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**4. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent items is required.

**5. MINUTES OF THE LICENSING COMMITTEE (Pages 4 - 6)**

To confirm the minutes of the Licensing Committee meeting held on 26 October 2023 (attached).

**6. MINUTES OF THE LICENSING SUB-COMMITTEES**

The minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

**7. TAXI LICENCE TARIFF UPDATE 2024 (Pages 7 - 9)**

To consider the attached report on Taxi Licencing Tariff Update 2024.

**8. LEVELLING UP WHITE PAPER (Pages 10 - 11)**

To consider the attached report on the Levelling Up white paper.

**9. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES**

To review the proceedings of the Licensing Sub-Committee held during the preceding period and consider any issues of procedure, policy or organisation that have adversely affected the operation or management of meetings.

**10. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE**

To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

**11. MATTERS ARISING**

To consider any further matters arising in respect of the Council's Licensing function, not covered elsewhere on the agenda.

**12. DATE OF NEXT MEETING**

The next meeting of the Licensing Committee has been scheduled for 10 October 2024 at 7.00pm in the Council Chamber.

# Agenda Item 5

## EPPING FOREST DISTRICT COUNCIL LICENSING COMMITTEE MEETING MINUTES

Thursday 26 October 2023, 7.00 pm - 7.25 pm

### Council Chamber - Civic Offices

<b>Members Present:</b>	Councillors R Morgan (Chairman), L Mead (Vice-Chairman), I Allgood, I Hadley, S Heather, P Keska and R Sharif
<b>Apologies:</b>	Councillor(s) A Lion, T Matthews, L Morgan, Caroline Pond, D Stocker, D Sunger and J M Whitehouse
<b>Officers In Attendance:</b>	David King (Licensing Manager), Gary Woodhall (Team Manager - Democratic & Electoral Services), Therese Larsen (Democratic Services Officer) and Pat Seager (Chairman's Officer)

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### [A RECORDING OF THIS MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

#### 1 WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest made by the Councillors present pursuant to the Council's Member Code of Conduct.

#### 3 ANY OTHER BUSINESS

The Committee noted that there was no additional business for consideration at the meeting.

#### 4 MINUTES OF THE LICENSING COMMITTEE

##### RESOLVED:

That the minutes of the meeting held on 01 November 2022 be taken as read and signed by the Chairman as a correct record.

#### 5 MINUTES OF THE LICENSING SUB-COMMITTEES

Mr Woodhall, Team Manager for Democratic & Electoral Services, informed the Committee that minutes from previous meetings of Licensing Sub-Committees would not require signing at this meeting, as DocuSign was being implemented. This agenda item would not appear on the agenda for future meetings of the Committee.

#### 6 LICENSING STATISTICS MARCH TO SEPTEMBER 2023

Mr David King (Licensing Team Manager) updated the Committee on the number of applications received under the Licensing Act 2003 and the Gambling Act 2005 during the period 1 October 2022 to 30 September 2023.

**7 NATIONAL REGISTER OF TAXI AND PRIVATE HIRE LICENCE REVOCATION AND REFUSALS (NR3).**

Mr King updated the Committee on the Council's duties to update the National register of Taxi and Private Hire Licence Revocations and Refusals (NR3). This duty came into force as part of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 with the aim to improve public safety and confidence in Taxi and Private Hire Vehicle Licensing.

**8 PAVEMENT LICENCING**

Mr King informed the Committee that on the current regime on Pavement Licensing, which was due to end on 30 September 2023, had been extended for a further twelve months until 30 September 2024.

**9 TEMPORARY EVENT NOTICES**

Mr King (Licensing Team Manager) advised the Committee that the government had announced that the maximum annual number of Temporary Events Notices which a premises could apply for would return to 15, from the current 20, and that the maximum number of days on which temporary events could be held would be 21 per year.

**10 MARTYN'S LAW**

Mr King (Licensing Team Manager) updated the committee on the Protect Duty, ('Martyn's Law'), which was at the Draft Bill stage. The aim of the legislation was to reduce the risk to the public from terrorism at public venues.

In response to questions from the Committee, Mr King explained that:

- Free training was already available on-line for organisations.
- The measures would apply to all venues with a capacity of 100 or more.
- Monitoring needed to determine sufficient Risk Assessment for different size venues.
- No information was currently available on enforcement measures, which would be determined by the Secretary of State.
- The Council would need its own plan and would engage with organisations across the District when further information was available.
- There was no information currently available regarding possible financial support to implement these measures.

The Committee felt that the measures proposed was not proportionate to the threat level, and Mr King highlighted that concerns had been raised about the Bill at the Home Affairs Select Committee.

**Action:**

- (1) Mr King to signpost to further information on Martyn's law.

**11 REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES**

The Committee believed that the current procedures were sufficient and working well.

**12 REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE**

The Committee felt that the current training was satisfactory. D King advised the Committee that the Licensing Training would be available online in Litmos.

**13 MATTERS ARISING**

D King informed the Committee that the Taxi Fares tariff public consultation exercise had been agreed by the Cabinet and would commence in November for 28 days. If there were no objections to the consultation, the new tariff would be implemented, but if there were any objections, the Taxi Fares tariff would need to be referred back to the Cabinet for a final decision.

**14 DATE OF NEXT MEETING**

The Committee noted that the next meeting was scheduled for 19 March 2024.

**CHAIRMAN**

## Report to Licensing Committee

**Date of meeting:** 26<sup>th</sup> March 2024



**Epping Forest  
District Council**

**Subject:** Taxi Tariff

**Officer contact for further information:**

David King Licensing Manager, 01992564034

**Committee Secretary:**

**Recommendations:** For Information

### Background

Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, any charge made by a Hackney carriage, must not exceed the table of fares published by the licensing authority, irrespective of how that journey was arranged (from a rank or street, being hailed or pre-booking the journey).

The previous fee tariff was adopted in 2014, and whilst subject to a review in 2018 it had not been increased since. The tariff was scheduled to be reviewed as part of the wider taxi policy review however, due to increasing fuel prices, cost of living and inflation, it became necessary to bring that review forward to support our licensed taxi trade.

Benchmarking showed that based on an average 2-mile fare, Epping Forest District Councils tariff was the lowest in Essex and we were ranked 279<sup>TH</sup> lowest nationwide out of 355 Councils.

Council	2 Mile Fare	Essex Ranking	National Ranking	% Increase since March
Uttlesford	£8.30	1	9	0%
Brentwood	£8.10	2	71	23%
Chelmsford	£7.70	3	28	8%
Colchester	£6.90	4	93	0%
Southend on Sea*	£6.80 (includes £0.40 surcharge)	5	118	6%
Tendering	£6.80	5	118	6%
Braintree	£6.70	6	124	8%
Harlow	£6.60	7	143	0%
Basildon	£6.40	8	165	0%
Castle Point	£6.40	8	167	7%
Rochford	£6.20	9	215	0%
Thurrock	£6.00	10	262	0%
<b>Epping Forest</b>	<b>£5.50</b>	<b>11</b>	<b>310</b>	<b>0%</b>
Maldon	negotiate individual fares	Unknown	Unknown	

In October 2022, Licensing Committee were presented with a number of options for consideration, and it was agreed that the increase proposed under option 3 be endorsed.

Increase tariff for the first 1760 yards (1 mile) across tariffs rates 1,2,3 and 4 by £1.00 and £0.30 for each additional unit of 176 yards or part thereof or period of 40 seconds.

	<b>Minimum daytime fare for up to 1 mile</b>	<b>Each additional unit of 176 yards (160.9m) or part thereof</b>	<b>Average 2-mile journey</b>
Rate 1 - hiring between 6am & 10pm Mon to Sat	£4.50	£0.30 (£3.00 per mile)	£7.50
Rate 2 - hiring between 10pm & 6am Mon to Fri	£4.70	£0.40 (£4.00 per mile)	£8.70
Rate 3 - hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas & New Year's Eve	£5.10	£0.50 (£5.00 per mile)	£10.10
Rate 4 – hiring on Christmas, Boxing & New Year's Day and after 6pm on Christmas and New Year's Eve	£6.50	£0.60 (£6.00 per mile)	£12.50

The setting of fares is a function of the Executive and therefore cannot be undertaken by a regulatory committee or full Council and before any published fares can be increased the Council must undertake consultation with the trade and public consultation by way of placing a public notice in a local newspaper. The consultation period must last no less than 14 days.

Due to Town/Parish Council elections in May 2023 and Cabinet timetable constraints, consultation on the new tariff was delayed however, on 9<sup>th</sup> October 2023, Cabinet agreed to the public consultation endorsed by the Licensing Committee and in doing so it agreed to:

- (1) Extend the minimum 14-day public consultation required to allow for the proposal to be properly considered and sufficient time for responses to be made.
- (2) Where no objections are made, the proposed taxi tariff be implemented on the date specified in the public notice, or
- (3) Where objections are made, it will reconsider the proposal in light of those objections within 2 months of the date specified in the public notice.

The consultation began on 30<sup>th</sup> November 2023 and ended on 31<sup>st</sup> December 2023.

During this period the Councils Licensing team consulted widely on the proposed tariff increase. This included a public notice being published in the Epping Forest Guardian on 30<sup>th</sup> November, on the Councils website and at Civic Office.

All taxi drivers, operators, Councillors, Town and Parish Councils were directly consulted, a press release was issued, it was included on the EFDC mailing list (made up of mostly residents) and posted on our social media accounts (Facebook, Instagram, LinkedIn and Twitter) throughout December.

During the consultation the Councils Licensing Team received 27 responses from residents, taxi drivers/operators, Epping Town Council, Loughton Town Council and a ward Councillor.

13 of those responses were in favour of the proposed increase, 6 related to fares being charged by private hire vehicles which the Council does not have the power to regulate and is not part of this consultation, 2 opposed any increase to the existing tariff, 5 raised concerns



that the proposed £4.50 fare for the first mile was too low but otherwise no objections and 1 suggested that the fares should increase to £5.50 for the first mile and to £0.50 for each additional 176 yards or part thereof.

Cabinet met to consider the responses on 15<sup>th</sup> January 2024, and it agreed that the tariff detailed in the consultation (option 3), represented what it believed to be fair increase for drivers, whilst maintaining a reasonable fare that passengers can be expected to pay.

However, in reaching its decision, Cabinet acknowledged the concerns expressed by some respondents who believe the starting fare for the first mile to be too low, and it agreed that the fare will be subject to further review in 12 months' time following the implementation of the new tariff and at regular intervals going forward to ensure that fares remain reasonable and fair to both the licensed taxi trade and the fare paying public.

Accordingly, the taxi tariff proposed in the consultation was agreed and came into effect on **28<sup>th</sup> February 2024**.

All Hackney Carriage drivers were advised of the decision and the meter update took place at North Weald Airfield on 28<sup>th</sup>, 29<sup>th</sup> February and 7<sup>th</sup> March 2024.

Over this three-day period, the Council updated 173 meters to the new tariff, which represents 81% of the fleet. The remaining 19% of drivers have been given guidance on how to update their meters going forward.

It should be noted that the Council can only set a maximum taxi tariff, it is permissible for Hackney Drivers to charge a lesser fare should they wish to do so. Therefore the remaining 19% of drivers can continue to operate under the previous taxi tariff until such time as the meter is updated to reflect the new maximum permitted fare.

# Agenda Item 8

## Report to Licensing Committee

**Date of meeting:** 26<sup>th</sup> March 2024

**Subject:** Levelling Up White Paper

**Officer contact for further information:**  
David King Licensing Manager, 01992564034

**Committee Secretary:**

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**Recommendations:** For Information

### Background

Governments Levelling Up white paper contains a proposal to explore the transferring control of taxi and private hire licensing to combined and upper-tier authorities. On page 179, the white paper states:

*The UK Government will also explore transferring control of taxi and private hire vehicle licensing to both combined authorities and upper-tier authorities. Taxis and private hire vehicles are a key part of local transport systems, so this would allow Local Transport Authorities (LTAs) to fully integrate these modes into their Local Transport Plans.*

This follows up on the recommendation by the Task and Finish Group report that the Government should emulate the model of licensing which currently exists in London (where taxi/PHV licensing is managed by Transport for London) in large urban areas as well as consider the consolidation of non-metropolitan licensing areas.

The report states:

*While the legislation relating to taxis/PHVs is extensive, it is mainly concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Within London, taxis and PHVs are licensed under the Metropolitan Public Carriage Act 1869 and London Cab Order 1934. This legislation provides a broad framework for the licensing of drivers, vehicles and operators, but the detail of how this is done, including standards and conditions, is the responsibility of individual district and unitary councils.*

*This causes issues including enforcement officers being unable to take action against drivers and vehicles licensed outside their areas; congestion and disruption to local residents where certain areas attract large numbers of drivers; and frustration about an uneven playing field, with drivers licensed according to different standards in different areas.*

The report acknowledges that whilst there have been positive developments, including the Taxi and Private Hire Statutory Standards, Department for Transport best practice guidance and the introduction of the national register of licence revocations and refusals (NR3) that provides a mechanism for licensing authorities to record and share details of where a taxi or PHV drivers' licence has previously been refused or revoked. The LGA and others still believe that overall reform is needed to update taxi/PHV legislation and make it fit for the 21st century.

The LGA and others have been lobbying Government to introduce a comprehensive Taxi and PHV Reform Bill that covers the full range of safeguarding, market and enforcement issues that need addressing.



**Epping Forest  
District Council**

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However, the proposed consultation set out in the Levelling Up White Paper indicates that legislative reform would inevitably consider fundamental changes, including to current licensing boundaries, which may not be welcomed by licensing authorities.

As a general principle, the LGA does not comment on proposals to remove responsibilities from one part of local government and switch them to another, given the likely different views of different LGA members and they are expected to take the same approach in relation to any consultation on the future of taxi/PHV licensing.

However, the LGA have met with the DfT and advised that there are some broad principles that should be considered, including:

- A major reform to taxi/PHV licensing as outlined in the levelling up white paper could not be considered in isolation: it must be part of a full and holistic look at all the changes required in taxi/PHV licensing, with any changes forming part of the comprehensive taxi and PHV reform Bill that the LGA has long called for.
- Taxi/PHV licensing does not happen in isolation – it is part of a much wider set of licensing authority responsibilities and therefore any possible changes should also consider the implications for other regimes such as alcohol and entertainment and gambling licensing.

The proposals in the Levelling Up White Paper apply to England only. The Welsh government is progressing its own reform proposals for taxi/PHV licensing in Wales.

In 2024 The Department for Transport (DfT) are expected to engage with Councils and the Taxi and Private Hire Sector on this proposal and the LGA will continue to engage with the DfT as they develop their plans for consultation.

It is hoped that consultation will include more details on how the proposal will work in practice, to allow an informed and meaningful response.

Once I have further information, I will update Members so we can consider our response to the proposal.