



East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT

Licensing Committee

Members:

Councillor Keith Robinson (Chairman)
Councillor Mark Newton (Vice-Chairman)
Councillor Paul Ashdown
Councillor Edward Back
Councillor Linda Coulam
Councillor Janet Craig
Councillor John Fisher
Councillor Tony Goldson
Councillor Colin Hedgley
Councillor Frank Mortimer
Councillor Trish Mortimer
Councillor Keith Patience
Councillor Russ Rainger
Councillor Rachel Smith-Lyte
Councillor Steve Wiles

Members are invited to a **Meeting of the Licensing Committee** to be held in the Deben Conference Room, East Suffolk House, on **Monday, 1 August 2022 at 6.30 pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://www.youtube.com/watch?v=cG3s4tlubKE>

An Agenda is set out below.

Part One – Open to the Public

Pages

2	Declarations of Interest	
	Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Minutes	1 - 6
	To approve as a correct record the Minutes of the Meeting held on 11 April 2022.	
4	Application for Taxi Fare Increase ES/1215	7 - 22
	Report of the Cabinet Member with Responsibility for Community Health	
5	Fuel Surcharge for Hackney Carriage Vehicles in the East Suffolk District ES/1216	23 - 29
	Report of the Cabinet Member with Responsibility for Community Health	
6	Introduction of two new pieces of legislation – The Taxis And Private Hire Vehicles (Disabled Persons) Act 2022, and The Taxis and Private Hire Vehicles (Safeguarding And Road Safety) Act 2022 ES/1217	30 - 57
	Report of the Cabinet Member with Responsibility for Community Health	
7	Issued Licences in East Suffolk and an Overview of the work of the Licensing Sub-Committees April – June 2022 ES/1218	58 - 67
	Report of the Cabinet Member with Responsibility for Community Health	

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded.

The Council cannot guarantee public seating areas will not be filmed or recorded. By entering the Conference Room and sitting in the public seating area, those present will be deemed to have consented to the possible use of filmed images and sound recordings. If you do not wish to be recorded, please speak to a member of the Democratic Services team at the earliest opportunity.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email:

democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Licensing Committee** held in the Conference Room, Riverside, on **Monday, 11 April 2022 at 6.30pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Edward Back, Councillor Linda Coulam, Councillor Janet Craig, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Keith Patience, Councillor Keith Robinson

Other Members present:

Councillor Judy Cloke, Councillor Mary Rudd

Officers present: Teresa Bailey (Senior Licensing Officer), Sarah Carter (Democratic Services Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Alli Stone (Democratic Services Officer)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Newton, Rainger, Smith-Lyte and Wiles.

Councillor Cloke attended the meeting as a Substitute for Councillor Newton.

2 Declarations of Interest

There were no Declarations of Interest.

3 Minutes

RESOLVED

That the Minutes of the Meeting held on 14 February 2022 be confirmed as a correct record and signed by the Chairman.

4 Street Trading at Lowestoft Seafront

The Cabinet Member with responsibility for Community Health introduced report ES/1112 which related to the review of the Council's Street Trading Policy at Lowestoft Seafront in order to support the Council's project for the redevelopment of the East Point Pavilion.

Members were reminded that, at their meeting on 14 February 2022, they agreed to commence consultation on the process to un-designate from the Street Trading Policy Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park and the portion of Royal Green Car Park within 20m of the East Point Pavilion project area.

That consultation had run from 18 February to 18 March and four responses had been received during that time. Those responses were contained in Appendix C to the report.

The Licensing Manager and Housing Lead Lawyer advised that Suffolk County Council and Suffolk Constabulary had no objections, Lowestoft Town Council supported the policy and Halesworth Town Council's comment was neutral. Members therefore had two options before them:

1. To retain the status quo, which was not being recommended as it would impact on the proposed events at the Pavilion.
2. Un-designate the specified area from the Street Trading Policy and allow street trading to take place without any licensing fees or restrictions. Consent from the Council as landowner would still be required.

The Licensing Manager and Housing Lead Lawyer drew Members' attention to Appendix D in the updated policy [agenda page 33] and advised that the current fees, as from 1 April 2022, were now £405 for application and annual fee, with a daily fee of £27. As previously mentioned, this report was the first part of a planned review of the Street Trading Policy which would continue in the Autumn. The proposals now before Members would be a useful guide in undertaking that full review.

In response to a question, the Licensing Manager and Housing Lead Lawyer confirmed that the statutory bodies had accepted the proposal, with County Highways having no objection and Suffolk Constabulary had no comments to make.

A Member raised questions over the current Street Trading Policy and expressed concern over the prohibited streets in Halesworth and how that would affect current events that had been taking place over a number of years.

The Licensing Manager and Housing Lead Lawyer advised that no changes were being proposed for Halesworth; the policy had been in place for a number of years and prior to him joining the Council. The Senior Licensing Officer confirmed that the report before Members related to an area in Lowestoft only and no other part of the District. The policy itself was to be reviewed later in the year and that review would look at the rest of the District including Halesworth. Events that were currently taking place in Halesworth were likely to be covered by a single event licence for street trading.

The Cabinet Member with responsibility for Community Health advised that she would undertake discussions with the Licensing Team that week to investigate the points made with regard to any street trading in Halesworth and report back to Councillor Goldson.

Further questions were raised as to how changes to street trading in the seafront area of Lowestoft would affect the small businesses in London Road South and further comment was made that businesses had not responded to the consultation. The Licensing Manager and Lead Housing Lawyer advised that two notices had been published in the local press and the proposal had been made available to the general public via the Council's website. It appeared therefore that local traders had not responded to the advertisements. Any trader on the seafront would still need the Council's permission to trade as it owned the land.

The Chairman reminded the Committee that, at its last meeting, it had agreed for the proposals to be consulted on and this report outlined the comments that had been received. The Senior Licensing Officer explained that the necessary consultation had been undertaken and it was up to individuals or businesses to respond as they saw fit.

Following a proposal for the recommendation in the report which was duly seconded, it was

RESOLVED

That it be agreed that Lowestoft Sea Front between East Point Pavilion and Claremont Pier, Royal Terrace, Royal Plain, Parade Road North, Marine Parade between Parade Road North and the first junction of the Royal Green Car Park, and the portion of Royal Green Car Park within 20 metres of the East Point Pavilion Project Area be undesignated from the Street Trading Policy.

5 Fuel Surcharge for Hackney Carriage Vehicles in the East Suffolk District

The Cabinet Member with responsibility for Community Health introduced report ES/1113 which related to a proposal from a group of licenced hackney carriage drivers for a fuel surcharge of 60p per journey requesting a temporary period of 12 months.

The report outlined the fact that the Council was responsible for licensing hackney carriage and private hire drivers, vehicles and operators and had the power to set and vary fares in accordance with the relevant 1976 legislation. Section 55 of the Town Police Clauses Act 1947 prohibited the driver of a hackney carriage from charging more than the set fare. A fuel surcharge was an extra charge added to the fare according to the fluctuation of fuel costs, outside the existing fare adjustment mechanism, which meant that a driver could add the additional charge at the start of a journey without the need to have their vehicle meter recalibrated and tested.

The Committee was advised that there was currently no fuel surcharge in place in East Suffolk. However, due to the rapid and significant increase in fuel prices, a proposal had been received from several drivers requesting consideration be given to a temporary fuel surcharge, details of which were contained in Appendix A to the report. If Members were minded to approve such a fuel surcharge, a notice would

need to be published in a local newspaper allowing time for objections, advising how objections could be submitted and, if no objections were received, a date would be specified for the new fares to come into force.

The Senior Licensing Officer advised that a fuel surcharge was being proposed to assist drivers with the cost of fuel for their licensed vehicles. It was always likely to be a temporary measure and might need to be reviewed on a regular basis and at short notice. As a result, it was suggested that authority be given to the Chairman of the Licensing Committee, in consultation with the Vice-Chairman and Cabinet Member for Community Health to introduce and carry out a review of any fuel surcharge that might be necessary.

Members questioned:

- The number of licensed drivers in East Suffolk.
- The number of drivers who had signed the petition.
- Whether 60p was sufficient and who would pay.
- The fees already being charged were higher in the south of the District than in the north.
- Number of journeys per day.
- Whether a flat rate was fair and should it depend on the length of the journey.

The Senior Licensing Officer confirmed there were currently 187 licensed hackney carriage drivers and nine drivers had signed the petition. Any surcharge would be a flat rate fee payable by the hirer. Mr Stokell of Felixstowe Cabs had indicated that drivers undertook around 18 jobs per day resulting in around £8-10 increase in fuel costs per day.

Whilst recognising the fact that there different fees were applicable in the former Waveney and Suffolk Coastal areas, a Member expressed concern that the Council was losing drivers in the north and there was a shortage of drivers for taxis, as some were earning more money by undertaking food deliveries. Comment was made that everyone in the whole country was affected by cost of living rises and in some areas people had no choice but to use a car; taxi drivers were not the only ones to be struggling financially. Some Members were of the opinion that 60p was too much and a surcharge should certainly not be considered for a temporary period of as long as 12 months. Some Members expressed the view that they had not heard from taxi drivers that they were struggling financially and perhaps consultation should be taken prior to making any firm decision.

The Licensing Manager and Housing Lead Lawyer advised that, in accordance with the relevant legislation, it would be necessary to have a proposal on which to consult, so Members could approve the consultation on a surcharge as set out in the report or the Committee could set its own surcharge amount. The Senior Licensing Officer confirmed that the hackney carriage drivers had proposed the amount of 60p and anyone in the trade could submit such a request. The petition appended to the report had come from the south of the District. If the Committee did agree to a consultation, they could delegate to the Chairman as outlined in the report which would save the matter of surcharges coming back to Committee.

The Senior Licensing Officer confirmed the current minimum fare in the north and the

south areas and that the 2020 review had been undertaken because the drivers in the south of the District had requested it. It was understood that the drivers in the north were looking to potentially review their tariffs and that might result in a report coming back to Committee at its next meeting in July. The consideration of a surcharge was a separate issue.

A proposal to refuse the request for a 60p fuel surcharge per journey was made as it was felt further consideration should be given to the request.

A proposal to agree the recommendation in the report was made and there being no seconder, that motion **fell**.

The Chairman stated that the meeting would be adjourned to enable Members to draft an alternative recommendation.

Note: *The meeting was adjourned from 7.22pm and reconvened at 7.28pm.*

On reconvening, the Chairman explained that no decision had been made during the adjournment and he invited Councillor Goldson to offer an alternative recommendation. He recommended that a surcharge of 20p per journey for a period of 3 months be proposed following consultation with the hackney carriage drivers and that that surcharge be reviewed by the Committee after that period of time. The proposal was seconded by Councillor Coulam.

The Senior Licensing Officer confirmed that they could now go out to consultation on that proposal if agreed, and would report back to Committee in July.

Following a vote, it was

RESOLVED

1. That a surcharge of 20p per journey for a period of 3 months be proposed following consultation with the hackney carriage drivers.
2. That the 20p surcharge be reviewed by the Committee after that 3 month period of time.

6 Issued Licences in East Suffolk and an Overview of the Work of the Licensing Sub-Committees - January to March 2022

The Cabinet Member with responsibility for Community Health introduced report ES/1114 which provided Members with information relating to issued licences in east Suffolk and gave an overview of the work of the Licensing Sub-Committees during the period.

The Chairman thanks the officers for producing a report that provided very interesting reading.

The Senior Licensing Officer advised that the report was for noting and was happy to answer Members’ questions. She provided an update with regard to paragraph 1.4 in the report with regard to those licences that had been in consultation at the time of preparing the report.

There being no specific questions, Members accepted the report and

RESOLVED

That the overview of the work of the Licensing Team and the Licensing Sub-Committees during the first quarter of 2022 be noted.

Announcement

Prior to the closure of the meeting, on behalf of the Committee, the Chairman expressed thanks to Sarah Carter, Democratic Services Officer, for her support and wished her all the best her retirement.

As Chairman of Planning Committee North, Councillor Ashdown reiterated his comments and thanked Sarah for doing a fantastic job in supporting PCN. They would all miss Sarah.

The meeting concluded at 7.36pm.

.....
Chairman



LICENSING COMMITTEE
Monday, 01 August 2022

Subject	Application for Taxi Fare Increase
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Licensing Manager and Housing Lead Lawyer 01502 523226 Martin.clarke@eastssuffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

For the Licensing Committee to consider a proposal received from a group of licensed hackney carriage drivers in the North of the East Suffolk district for an increase to the hackney carriage fares tariff for the North of the district.

Options:

- 1) To approve the proposal for the increase to the hackney carriage fare tariff for the North of the district.
- 2) Not to approve the proposal for the increase to the hackney carriage fare tariff for the North of the district and leave the current tariff in place.

Recommendation/s:

That the Committee considers and determines the proposed increase to the hackney carriage fares tariff for the North of the district.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Hackney carriage and private hire licensing policy

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:

No impact

Legal:

No impact

Risk:

No impact

External Consultees:

Licensed Hackney Carriage Drivers within East Suffolk.
Members of the public.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			

Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our community's Hackney carriage (and private hire vehicles) are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

Background and Justification for Recommendation

1 Background facts	
1.1	<p>The Council is responsible for licensing hackney carriage and private hire drivers and vehicles, and private hire operators. It has the power to set and vary fares for hackney carriages under section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Section 55 of the Town Police Clauses Act 1847 prohibits the driver of a hackney carriage from charging more than the set fare.</p>
1.2	<p>If the Council proposes to make any changes to the existing fares it must publish a notice in a local newspaper, setting out the proposed variation. The notice must specify a date (not less than 14 days from publication), and manner by which any objections should be made and if no objections are received then the new fares will come into force on the date specified. The Council must consider any objections that have been made and have not been withdrawn.</p>
1.3	<p>The last increase to the hackney carriage fare tariff in the North of the district was in September 2012. Mr Ibisler states in his proposal that the last increase was in 2008, but this is incorrect.</p> <p>There was a fare increase in November 2007. This was followed by a further request for an increase in 2011 but the Committee decided not to approve an increase at that time. Another request for an increase was received in 2012 which the committee approved at its June 2012 meeting and following consultation, it came into force in September 2012.</p>
2 Current position	
2.1	<p>The current North fare tariff table is attached as Appendix A.</p>
2.2	<p>The proposal for the increase to the North fare tariff has been presented by Mr Ibisler on behalf of a number of licensed drivers:</p> <p style="text-align: center;">In relation to Tariff 1 for journeys carried out between 7am and 11pm -</p>

	<ul style="list-style-type: none">• There should be a £1.00 increase in the minimum fare and a reduction to 880 yards in distance. This would result in a minimum fare of £4.00• There should be a reduction in the subsequent distance from 146.66 yards to 125 yards. <p>In relation to Tariff 2 for journeys carried out between 11pm and 7am -</p> <ul style="list-style-type: none">• There should be a £1.20 increase in the minimum fare and a reduction to 700 yards in distance. This would result in a minimum fare of £4.40.• There should be a reduction in the subsequent distance from 121.37 yards to 106 yards. <p>In relation to additional charges -</p> <ul style="list-style-type: none">• Extra passengers – remove the charge for each additional passenger in excess of 2 and up to 4 (i.e. passengers 3 and 4). Reduce the charge from 90p to 80p for each additional passenger in excess of the first 2 additional passengers (i.e. passengers 5,6,7 and 8)• There should be an increase from 30p to 80p for luggage using the luggage compartment.• There should be an increase from £40 to £60 for the soiling charge (where a passenger soils the vehicle). <p>Mr Ibisler’s proposals are attached at Appendix B.</p>																																				
2.3	<p>The effect of the proposal is as follows:</p> <p>Tariff 1:</p> <table><tr><th>Distance</th><th>Current Fare</th><th>Proposed Fare Flag-fall increase of 20p @ 125 yardage</th></tr><tr><td>987yds</td><td>£3.00</td><td>£4.00</td></tr><tr><td>1 mile</td><td>£4.20</td><td>£5.60</td></tr><tr><td>2 miles</td><td>£6.60</td><td>£8.40</td></tr><tr><td>5 miles</td><td>£13.80</td><td>£16.80</td></tr><tr><td>10 miles</td><td>£25.80</td><td>£30.80</td></tr><tr><td>15 miles</td><td>£37.80</td><td>£45.00</td></tr><tr><td>20 miles</td><td>£49.80</td><td>£59.00</td></tr></table> <p>Tariff 2:</p> <table><tr><th>Distance</th><th>Current Fare</th><th>Proposed fare Flag-fall increase of 20p @ 106 yardage</th></tr><tr><td>789yds</td><td>£3.20</td><td>£4.40</td></tr><tr><td>1 mile</td><td>£4.80</td><td>£6.40</td></tr><tr><td>2 miles</td><td>£7.80</td><td>£9.80</td></tr></table>	Distance	Current Fare	Proposed Fare Flag-fall increase of 20p @ 125 yardage	987yds	£3.00	£4.00	1 mile	£4.20	£5.60	2 miles	£6.60	£8.40	5 miles	£13.80	£16.80	10 miles	£25.80	£30.80	15 miles	£37.80	£45.00	20 miles	£49.80	£59.00	Distance	Current Fare	Proposed fare Flag-fall increase of 20p @ 106 yardage	789yds	£3.20	£4.40	1 mile	£4.80	£6.40	2 miles	£7.80	£9.80
Distance	Current Fare	Proposed Fare Flag-fall increase of 20p @ 125 yardage																																			
987yds	£3.00	£4.00																																			
1 mile	£4.20	£5.60																																			
2 miles	£6.60	£8.40																																			
5 miles	£13.80	£16.80																																			
10 miles	£25.80	£30.80																																			
15 miles	£37.80	£45.00																																			
20 miles	£49.80	£59.00																																			
Distance	Current Fare	Proposed fare Flag-fall increase of 20p @ 106 yardage																																			
789yds	£3.20	£4.40																																			
1 mile	£4.80	£6.40																																			
2 miles	£7.80	£9.80																																			

	5 miles	£16.40	£19.80
	10 miles	£31.00	£36.40
	15 miles	£45.60	£53.00
	20 miles	£60.00	£69.60
	Tariff 3:		
	Distance	Current Fare	Proposed fare Flag-fall increase of 20p @ 100 yardage
	1440yds	£5.60	£7.00
	1 mile	£6.20	£8.00
	2 miles	£9.60	£11.60
	5 miles	£19.40	£22.20
	10 miles	£36.00	£39.80
	15 miles	£52.40	£57.40
	20 miles	£68.80	£75.00

3 How to address current situation

- 3.1 Mr Ibisler, in his proposal, has stated increased costs to licensed drivers including an increase in fuel costs, the cumulative increase in inflation, an increase in vehicle prices and knowledge that private hire operators in Lowestoft have increased their fares recently.
- The Committee will need to consider the proposal for the increase in the fare tariff in order to meet some of these costs.

4 Reason/s for recommendation


- 4.1 There has not been an increase to the hackney carriage maximum scale of fares in the North of the district for nearly ten years. Mr Ibisler has said that related costs have increased during the last ten years.
- 4.2 To comply with the requirements to determine applications for an increase in a fare tariff in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

Appendices

Appendices:

- Appendix A** Current North fare tariff table.
- Appendix B** Request for increase to fare tariff from Mr M Ibisler.

Background reference papers:**None**

FARE TABLE NORTH ZONE		 EASTSUFFOLK <small>COUNCIL</small>	ES/1215
300p	TARIFF 1 (7am – 11pm) For the first 987 yards (902.5m) or 5 minutes 2.9 seconds or part thereof or a combination of parts of such distance and time.		
20p	For each subsequent 146.66 yards (134.1m) or 45 seconds or part thereof or a combination of parts of such distance and time.		
320p	TARIFF 2 (11pm – 7am) For the first 789 yards (721.4m) or 3 minutes 8.6 seconds or part thereof or a combination of parts of such distance and time.		
20p	For each subsequent 121.37 yards (110.9m) or 29 seconds or part thereof or a combination of parts of such distance and time.		
560p	TARIFF 3 (CHRISTMAS AND NEW YEAR) For the first 1,440 yards (1316.7m) or 4 minutes 02 seconds or part thereof or a combination of parts of such distance and time.		
20p	For each subsequent 107 yards (97.8m) or 18 seconds or part thereof or a combination of parts of such distance and time		
30p	EXTRA CHARGES Additional passengers – each additional passenger in excess of two (excluding infants in arms).		
90p	Additional passengers – each additional passenger in excess of the first 2 additional passengers incurring 30p, in vehicles licensed to carry more than 4 passengers.		
30p	Luggage – for the use of the luggage compartment (no restriction on the number of items).		
Tariff 2	NIGHTS, SUNDAYS & PUBLIC HOLIDAYS * For any hiring commenced between the following periods: Monday to Friday 11pm to 7am and between 11pm Saturday to 7am Monday, Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, August Bank Holiday, and after 6am New Years Day.		
Tariff 3	CHRISTMAS AND NEW YEAR For hiring's between 6pm 24 th December and 6am 27 th December. For hiring's between 6pm 31 st December and 6am 1 st January.		

*NOTE: ONLY ONE OF THESE CHARGES IS PAYABLE IN RESPECT OF ONE HIRING VEHICLE SOILING: A CHARGE OF £40 MAY BE MADE FOR SOILING THE VEHICLE.

When Boxing Day falls on a day other than 26 December, Tariff 3 will apply on that day from 6pm to 6am the following day. The interval between 6am on the day following Christmas day and 6pm on the evening preceding the day designated as Boxing Day bank holiday will revert to Tariff 2.

Complaints: Complaints regarding the conduct of the driver or the condition of the vehicle should be addressed to: Licensing, Riverside, 4 Canning Road, Lowestoft NR33 0EQ together with the driver's badge number or the number of the vehicle.

PETITION FOR TARIFF INCREASE

To Taxi Licensing Team / Committee

Dear Alison Woodley

Further to our telephone conversation regarding fare increase in our zone 15th March 2022 our request letter as your instruction.

We Hackney Carriage Taxi Drivers of East Suffolk North Zone below named and signed along with Badge Numbers , would like to request to increase taxi fares in East Suffolk North Zone area.

As a direct result of those factors

- Last time we had tariff increased was 2008
- Average Fuel prices was 103p in 2008 and 175p average of fuel prices of today
- The pound had an average inflation rate of 2.54% per year between 2008 and today, producing a cumulative price increase of 42.17%
- And vehicle prices are doubled up since 2019
- We also aware that all taxi firms in Lowestoft have increased their tariff.

Our Proposed New Tariff For East Suffolk North Zone

TARIFF 1 7am-11pm

£ 4.00 For the first 880 yards (804.67 m) or 5min or part thereof or a combination of parts of such distance and time.

20p For each subsequent 125 yards (114.3m) or 45 seconds or part thereof or a combination of parts of such distance and time.

TARIFF 2 11pm-7am, Sundays and Bank Holidays

£ 4.40 For the first 700 yards (640 m) or 3min or part thereof or a combination of parts of such distance and time.

20p For each subsequent 106 yards (96.93m) or 30 seconds or part thereof or a combination of parts of such distance and time.

TARIFF 3 Christmas Eve, Christmas Day, Boxing Day and New Year Eve

£ 7.00 For the first 1260yards (1152.15 m) or 4min or part thereof or a combination of parts of such distance and time.

20p For each subsequent 100 yards (91.44m) or 20 seconds or part thereof or a combination of parts of such distance and time.




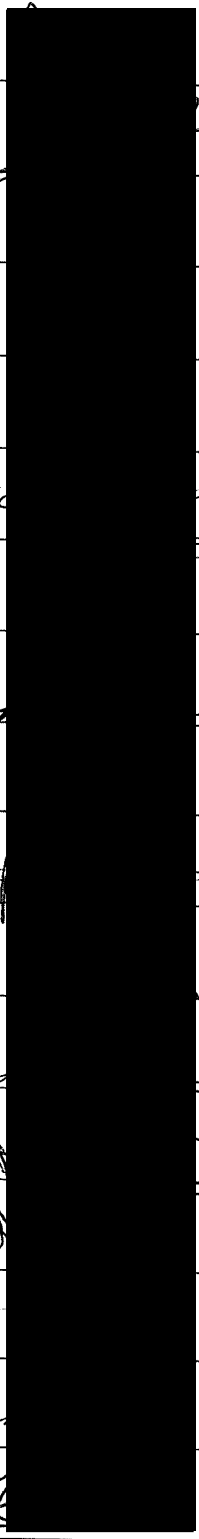

Additional Charges

80p Each additional passenger in excess of four Max of £3.20

80p Luggage / Shopping for the use of the luggage compartment

SOILING CHARGE £60

SINCERELY YOURS

BADGE NUMBER	NAME	SIGNATURE
856	MUSTAFA E. IBISLER	
1068	MR. MURUGIAH YOKITHAN	
1066	NOOR ZADA	
	MIR AZAM	
1035	REHA OVER	
1047	HACI B. ERIS	
880	Cuma Yuruk	
889	Ali COLAK	
556	Stephen 	
3084.	ESER COLAK	
765	Adnan WAERAN	
1004	YILMAZ SIL	
1019	PHILIP FITZPATRICK	
1074	Daniel Bolton	
859	João Costa	
1075	NAEEM SHAIKH	
1044	Murad Khan	
85	Ali Ruvolos	
0034	GARY FENNELL	
1028	Yusuf Atalay	

[illegible]

Teresa Bailey

From: MUSTAFA E IBISLER <[REDACTED]>
Sent: 27 May 2022 14:53
To: Teresa Bailey
Subject: Re: PETITION FOR TARIFF INCREASE

Hello Mrs Bailey

I am sorry for delayed reply unfortunately your mail was in junk/spam box.

Regarding your question I would like confirm that the first 880 yards would be £4.00 and then £4.20 after a further 125 yards (1005 yards), and then £4.40 after a further 125 yards (1030 yards) etc.

This is also the same for tariff 2 – £4.40 for the first 700 yards and then £4.60 after a further 106 yards , and then £4.80 for a further 106 yards etc?

The same for tariff 3 – £7.00 for the first 1260 yards and then £7.20 for a further 100 yards etc?

Regards
Mustafa Egemen Ibisler

[Get Outlook for Android](#)

From: Teresa Bailey <Teresa.Bailey@eastsuffolk.gov.uk>
Sent: Tuesday, May 24, 2022 1:23:21 PM
To: [REDACTED]
Subject: FW: PETITION FOR TARIFF INCREASE

Good afternoon Mr Ibisler

A report regarding your proposed increase to the taxi tariff in the North of the district will be taken to the Licensing Committee on 18 July 2022.

Before I can complete the report I have a question regarding the proposed tariff. In you text you state that the start fare would be £4.00 and then 20p for each subsequent 125 yards. But on your table you state the start fare would be £4.20 and then £4.40 after 125 yards. Please could you confirm that the first 880 yards would be £4.00 and then £4.20 after a further 125 yards (1005 yards), and then £4.40 after a further 125 yards (1030 yards) etc.

This is also the same for tariff 2 – do you mean £4.40 for the first 700 yards and then £4.60 after a further 106 yards , and then £4.80 for a further 106 yards etc?

The same for tariff 3 – do you mean £7.00 for the first 1260 yards and then £7.20 for a further 100 yards etc?

Regards
Teresa



LICENSING COMMITTEE

Monday, 01 August 2022

Subject	Fuel Surcharge for Hackney Carriage Vehicles in the East Suffolk District
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Licensing Manager and Housing Lead Lawyer 01502 523226 Martin.clarke@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To report to the Licensing Committee:

- 1) The outcome of the recent consultation exercise on the proposals from a group of licensed hackney carriage drivers for a fuel surcharge.
- 2) The reasons why the suggestion made by the lone respondent to the consultation would be unlawful.

Options:

Taking into account the one response to the consultation:

- 1) Further consider the possibility of introducing a fuel surcharge.
- 2) To not introduce a fuel surcharge.

Recommendation/s:

Due to the fact that there is no easy way to introduce a fuel surcharge and that there has only been one response to the consultation, no fuel surcharge is introduced at this time.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Hackney carriage and private hire licensing policy.

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:

No impact

Legal:

No impact

Risk:

No impact

External Consultees:

All licensed Hackney Carriage Drivers within East Suffolk were contacted directly by way of a letter in April 2022. The consultation ran for 28 days from 16 April to 13 May 2022. One response was received.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our community's Hackney carriage (and private hire vehicles) are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

Background and Justification for Recommendation

1 Background facts	
1.1	<p>The Council is responsible for licensing hackney carriage and private hire drivers and vehicles, and private hire operators. It has the power to set and vary fares for hackney carriages under section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Section 55 of the Town Police Clauses Act 1847 prohibits the driver of a hackney carriage from charging more than the set fare.</p>
1.2	<p>At its meeting on 11 April 2022 the Licensing Committee considered a proposal for a fuel surcharge from Mr Stokell on behalf of a number of licensed drivers.</p>
1.3	<p>The Committee rejected the proposal and instead suggested a proposal for a fuel surcharge of 20p per journey for a temporary period of 3 months.</p>
1.4	<p>All licensed Hackney Carriage Drivers within East Suffolk were consulted directly by way of a letter in April 2022. The consultation ran for 28 days from 16 April to 13 May 2022. One response was received from Mr Ian Pescott and this is attached as Appendix A.</p>
1.5	<p>Private hire operators are able to set and amend their own fare prices so any fuel surcharge agreed will not apply to private hire vehicles.</p>
1.6	<p>If a fuel surcharge is approved by the Committee, a notice must be published in a local newspaper setting out the proposed variation. The notice must specify a date (not less than 14 days from publication), and manner by which any objections should be made and if no objections are received then the new fares will come into force on the date specified. The Council must consider any objections that have been made and have not been withdrawn.</p>

2 Current position

2.1	The Council does not currently have any surcharge in place.
2.2	A fuel surcharge is an extra charge added to the fare according to the fluctuation of fuel costs outside the existing fare adjustment mechanism meaning that a driver can add the additional charge at the start of the journey without the need to have the vehicle meter recalibrated and tested.
2.3	<p>The one respondent to the consultation, Mr Pescott, states:</p> <p><i>If it is accepted that fuel prices have risen dramatically in recent times and that there is a fair case for an increase in fares to compensate for the extra costs, surely it is logical that the increase should reflect the amount of fuel used on the job undertaken. To have a set amount for all jobs regardless of distance involved, be it 60p or 20p, just doesn't make sense. There is also a degree of inequality shown to our customers to charge the same amount to those who only travel perhaps half a mile as those who travel twenty.</i></p> <p><i>Since our last fare increase in November 2020, fuel has reached a figure of something like 30p per litre more than it was. Very much in round figures, I estimate that a twenty mile fare (forty mile round trip back to the starting point) would cost between £1.30 and £1.40 more than it did at that time. 20p barely covers it.</i></p> <p><i>I would suggest that an increase should be pro rata to the distance involved in the metered fare, perhaps something like 20p per four miles. A driver could use his tripmeter to measure the distance and show the customer if required. An explanatory notice from the Council could be displayed next to the fare chart in the cab to avoid the inconvenience and cost of having meters changed and a three monthly review would be reasonable.</i></p>
2.4	<p>A surcharge of 20p for every 4 miles travelled, calculated by the trip meter, is not lawful for a hackney carriage.</p> <p>The Town Police Clauses Act 1847, s58, states it is an offence to charge more than the fare shown on the meter. The previous suggestion for a surcharge for each journey would have been lawful as 'extras' could be added to the meter and the final fare would have been displayed for the passenger.</p> <p>Any charge made by a hackney carriage driver for a journey within the district must not exceed that specified on the table of fares. Any additional charge for distance shown on the 'trip' meter would not show on the meter as a final fare.</p> <p>The council could modify the table to increase the mileage rate, or add a flat rate surcharge, although for the reasons outlined by the driver that would be unfair for a number of passengers.</p> <p>A solution could be to increase the mileage rate under the table of fares. This could then be reduced in future if fuel prices drop dramatically. However, any change to the fare table would mean that each vehicle taximeter would need to be recalibrated. This would be at a cost to the driver of approximately £60</p>

	-£70 to have the meter recalibrated, and then the same cost again to reduce fares if fuel prices dropped again.
--	---

3 How to address current situation

3.1	The one consultation response is attached to this report as Appendix A .
3.2	The Committee is asked to consider the consultation response and the fact that the suggestion made may be unlawful.

4 Reason/s for recommendation

4.1	No solution has been provided by licensed drivers since the original proposal made by Mr Stokell in March 2022, which the Committee rejected.
4.2	Only one response to the consultation was received and the suggestion made by Mr Pescott is deemed unlawful.

Appendices

Appendices:

Appendix A	Response to consultation – Mr I Pescott
-------------------	---

Background reference papers:

None

From: [REDACTED]
To: [Licensing](#)
Subject: Temporary Fuel Surcharge
Date: 13 May 2022 08:44:04

ES/1216

Re: your letter of 13th April 2022.

I believe that the proposal put forward by some hackney carriage drivers and subsequently rejected by the Licensing Committee was ill conceived but I also feel that the alternative proposed by the Committee to be just as much so.

If it is accepted that fuel prices have risen dramatically in recent times and that there is a fair case for an increase in fares to compensate for the extra costs, surely it is logical that the increase should reflect the amount of fuel used on the job undertaken. To have a set amount for all jobs regardless of distance involved, be it 60p or 20p, just doesn't make sense. There is also a degree of inequality shown to our customers to charge the same amount to those who only travel perhaps half a mile as those who travel twenty.

Since our last fare increase in November 2020, fuel has reached a figure of something like 30p per litre more than it was. Very much in round figures, I estimate that a twenty mile fare (forty mile round trip back to the starting point) would cost between £1.30 and £1.40 more than it did at that time. 20p barely covers it.

I would suggest that an increase should be pro rata to the distance involved in the metered fare, perhaps something like 20p per four miles. A driver could use his tripmeter to measure the distance and show the customer if required. An explanatory notice from the Council could be displayed next to the fare chart in the cab to avoid the inconvenience and cost of having meters changed and a three monthly review would be reasonable.

I write this as an individual, not attempting to represent a body of drivers. I am also conscious that I write with my experience as a driver based in Felixstowe and the type of work generated there. I do not know how this compares with work in the Northern area of the Council and whether my suggestion would suit my colleagues based there.

I hope you might give this some consideration.

Yours faithfully

I.Pescott
HCD 1033

Click [here](#) to report this email as spam.



LICENSING COMMITTEE

Monday, 01 August 2022

Subject	Introduction of two new pieces of legislation – The Taxis And Private Hire Vehicles (Disabled Persons) Act 2022, and The Taxis and Private Hire Vehicles (Safeguarding And Road Safety) Act 2022
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Licensing Manager and Housing Lead Lawyer 01502 523226 Martin.clarke@east Suffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

To report to the Licensing Committee:

The introduction of two new pieces of legislation-

- 1) Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 and
- 2) Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Options:

- 1) To approve the additions and updates to the Hackney Carriage and Private Hire Licensing Policy
- 2) Not to approve the additions and updates to the Hackney Carriage and Private Hire Licensing Policy bearing in mind that any actions proposed are required by law.

Recommendation/s:

To approve the additions and updates to the Hackney Carriage and Private Hire Licensing Policy

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Hackney carriage and private hire licensing policy.

Environmental:

No impact

Equalities and Diversity:

No impact

Financial:

No impact

Human Resources:

No impact

ICT:
No impact
Legal:
No impact
Risk:
No impact

External Consultees:	All licensed Hackney Carriage Drivers within East Suffolk were contacted directly by way of a letter in April 2022. The consultation ran for 28 days from 16 April to 13 May 2022. One response was received.
-----------------------------	---

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>

P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

Licensing plays an important role in the themes in the Council's Strategic Plan of growing our economy and enabling our community's Hackney carriage (and private hire vehicles) are a key part of the public transport system, enabling people without their own private transport or without easy access to other means of public transport to travel for education, employment, and entertainment, to shop and to attend medical appointments or deliver/receive care.

Background and Justification for Recommendation

1 Background facts	
1.1	The Council is responsible for licensing hackney carriage and private hire drivers and vehicles, and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
1.2	Requirements of the Equality Act 2010 came into force on 6 April 2017 and there are sections within it which are aimed directly at hackney carriage and private hire drivers and vehicles – sections 160 to 173.
1.3	On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") took effect in England, Scotland, and Wales. It amends the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively. New guidance has been issued to Local Authorities and is attached as Appendix A .
1.4	The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers.

	<p>From 28 June, all hackney carriage and PHV drivers and operators, regardless of whether the vehicle is wheelchair accessible, will be subject to duties under the Equality Act. The main changes are set out below.</p> <p>All hackney carriage and PHV drivers will be required to:</p> <p>Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.</p> <p>Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.</p> <p>All PHV operators will be required to:</p> <p>Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.</p> <p>Exemptions</p> <p>Currently, drivers of designated wheelchair accessible vehicles may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all of the duties at section 165.</p> <p>As a result of the new Act, from 28 June 2022:</p> <p>All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).</p> <p>Both existing and new exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties at sections 164a and 165 – meaning, for example, that a driver’s medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person. All licensed hackney carriage and private hire drivers will be subject to the new duties introduced by the 2022 Act, any who consider themselves medically or physically unfit to perform the mobility assistance duties would have to inform the Licensing Team.</p>
1.5	<p>On 31 May 2022 the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 came into force. The effect of this legislation is to ensure that:</p> <ul style="list-style-type: none"> • if any licensing authority in England has information about a taxi or PHV driver licensed by another authority that is relevant to

	<p>safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence.</p> <ul style="list-style-type: none"> any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision and the reasons for that decision licensing authorities in England must input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety
--	--

2 Current position	
2.1	<p>The Council's current Hackney Carriage and Private Hire Licensing Policy states:</p> <p>Wheelchair Accessibility</p> <p>Sections 167 of the Equality Act 2010 allows Licensing Authorities to publish a list 'designated vehicles' which is a list of the wheelchair accessible vehicles licensed in their area. This list is available on the East Suffolk Council website.</p> <p>Section 165 requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra.</p> <p>Section 166 of the 2010 Act allows an exemption certificate to be issued by the authority if there are grounds making it impossible or unreasonably difficult for them to comply with those duties, but there can be no exemption from the prohibition on charging extra for wheelchair passengers.</p> <p>The specific duties placed on the drivers of designated wheelchair accessible hackney carriage and private hire vehicles are:</p> <ul style="list-style-type: none"> to carry the passenger while in the wheelchair; not to make any additional charge for doing so; if the passenger chooses to sit in a passenger seat to carry the wheelchair; to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and to give the passenger such mobility assistance as is reasonably required.
2.2	<p>The policy will be updated to ensure this section covers the additional duties for all drivers and operators regardless of whether the vehicle is wheelchair accessible. It will also expand the information provided with regard to exemption certificates. Details of the new Act have been published on the Council's website since 13 June 2022.</p>
2.3	<p>With regard to the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, the Council already has a policy in place for information</p>

	<p>sharing and does share information about drivers licensed with other Local Authorities with that Authority. The current policy states:</p> <p>Information Sharing</p> <p>In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.</p> <p>The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/ regulated Authorities or if it is required by law. Other parties may include the Department for Work and Pensions, the Home Office, the Police, the DVLA, DEFRA (air quality data), HM Revenues and Customs, Disclosure and Barring Service, NAFN and other local authorities.</p>
2.4	<p>The policy will be updated to ensure the if the Council is provided with such information by another authority it must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision and the reasons for that decision.</p>
2.5	<p>The Council is already using the NR3 database and the policy states:</p> <p>The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.</p>

3 How to address current situation

3.1	To amend and update the Hackney Carriage and Private Hire Licensing Policy to ensure all aspects of the two new pieces of legislation are clear.
-----	--

4 Reason/s for recommendation

4.1	To ensure all aspects of the new legislation are clear in the Hackney Carriage and Private Hire Licensing Policy and that the Council acts in accordance with the law.
-----	--

Appendices

Appendices:

Appendix A	Guidance – Access to Taxis and Private Hire Vehicles for Disabled Users
-------------------	---

Background reference papers:
None

1. Home (<https://www.gov.uk/>)
 2. Transport (<https://www.gov.uk/transport>)
 3. Transport accessibility and mobility (<https://www.gov.uk/transport/transport-accessibility-and-mobility>)
 4. Taxi and private hire accessibility (<https://www.gov.uk/transport/taxi-and-private-hire-accessibility>)
 5. Access to taxis and private hire vehicles for disabled users (<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>)
- Department for Transport (<https://www.gov.uk/government/organisations/department-for-transport>)

Statutory guidance

Access to taxis and private hire vehicles for disabled users

Published 20 June 2022

Contents

Introduction

Section 167: List of designated wheelchair accessible vehicles – statutory guidance for LLAs

Section 166: Driver exemptions – non-statutory guidance

Duties on drivers – non-statutory guidance

Offences for PHV operators

Enforcement

Annex A: The duties on taxi drivers and PHV drivers and operators under the Equality Act 2010



© Crown copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users-2>

Introduction

1. Status of this guidance

(1.1) This guidance has been updated from the version published in February 2017 to reflect the amendments made by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“the 2022 Act”) to the Equality Act 2010. It provides both statutory and non-statutory guidance on the duties and offences under the taxi and private hire vehicle sections in the Equality Act 2010, including those introduced as a result of the 2022 Act, with updated text on the previously existing duties and offences. Therefore, this guidance should be used as a standalone (rather than alongside the 2017 guidance, which has now been withdrawn).

(1.2) The intention of this guidance is to assist local licensing authorities (“LLAs”) to implement the Equality Act 2010 provisions intended to assist disabled passengers in their use of taxi and private hire vehicle (“PHV”) services. It provides advice on designating vehicles as being wheelchair accessible, communicating with drivers and operators regarding their responsibilities, handling requests from drivers for exemptions from the mobility assistance requirements, and enforcing the duties.

(1.3) In this guidance ‘driver’ refers to both taxi and PHV drivers collectively. Where there is reference relevant to only one of the two, then we have specified either ‘taxi driver’ or ‘PHV driver’.

(1.4) This guidance is made up of both statutory and non-statutory guidance.

(1.4.1) Paragraphs 3.1 to 6.1 are statutory guidance issued under section 167(6) of the Equality Act 2010. These paragraphs constitute the Secretary of State for Transport’s formal guidance to LLAs in England, Wales and Scotland on the application of section 167 of the Equality Act 2010. LLAs must have regard to these paragraphs when undertaking relevant licensing activity.

(1.4.2) Paragraphs 7.1 – 17.4 are non-statutory guidance relating to sections 164A, 165, 165A, 166, and 167A of the Equality Act 2010. These paragraphs are intended to provide guidance on the duties and offences for drivers and operators, and, in the case of 166, for the LLA itself. We strongly encourage all LLAs to consider these paragraphs, so they can ensure drivers and operators in their area understand what is expected of them under the taxi and PHV sections of the Equality Act 2010.

(1.5) The following sections from the Equality Act 2010 are covered:

(1.5.1) Section 164A [Paragraphs 12.1 – 12.11]: provides duties on any driver to accept the carriage of any disabled person and to refrain from charging them extra for doing so. This section also provides duties on any non-exempt taxi or PHV driver to provide reasonable assistance to any disabled passenger.

(1.5.2) Section 165 [Paragraphs 12.1 – 12.11]: requires drivers of a designated wheelchair accessible taxi or PHV to carry a wheelchair user without charging extra, and any non-exempt driver to provide reasonable assistance to any wheelchair user.

(1.5.3) Section 165A [Paragraphs 13.1 – 13.5]: provides duties on any driver of a pre-booked taxi or PHV to assist any disabled person to identify and find the vehicle and to refrain from charging them extra for doing so, provided the driver is made aware that the passenger requires such assistance.

(1.5.4) Section 166 [Paragraphs 7.1 – 8.3]: places a duty on a LLA to issue an exemption certificate to a driver, if appropriate, so that they are exempt from the mobility assistance duties at sections 164A and 165.

(1.5.5) Section 167 [Paragraphs 3.1 – 6.1]: places a duty on a LLA to maintain and publish a list of designated wheelchair accessible taxis and PHVs.

(1.5.6) Section 167A [Paragraphs 15.1 – 15.3.2]: places offences on PHV operators who refuse or fail to provide a booking for a disabled person either because the person is disabled, or to prevent a driver from being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

(1.5.7) Section 168 [Paragraphs 14.1 – 14.2]: places duties on taxi drivers to carry assistance dogs without extra charge.

(1.5.8) Section 170 [Paragraphs 14.1 – 14.2 and 16.1 – 16.2]: creates offences for PHV drivers and operators who fail or refuse a booking, or charge extra for a booking, from a disabled person because they will be accompanied by an assistance dog.

(1.6) LLAs should also familiarise themselves with the enforcement guidance relating to the duties and offences under the sections listed above [see paragraphs 17.1 – 17.4].

(1.7) This guidance is relevant to LLAs regardless of whether they previously maintained a list of designated vehicles under section 167 of the Equality Act 2010. The 2022 Act places a duty for all LLAs to maintain and publish such lists. Those that have not done so previously must now do so to ensure that they are compliant with the new requirements.

(1.8) Annex A provides:

(1.8.1) A series of lists to show which duties and offenses apply to a taxi or PHV driver, dependent on their vehicle and the passenger; and

(1.8.2) A list showing the offences which apply to PHV operators.

2. Implementation

(2.1) We want to ensure that the Equality Act 2010 has a positive impact on all disabled people, ensuring they are better informed about the accessibility of designated taxis and PHVs in their area, and are confident of receiving the assistance they need to travel safely.

(2.2) It is a driver and operator's responsibility to ensure they are compliant with their duties under the Equality Act 2010. To support them in understanding their duties, LLAs should make drivers and operators aware of the amended requirements and follow the necessary procedures to exempt drivers with certain physical or medical conditions from providing mobility assistance, where there is sufficient evidence of a need for exemption.

LLAs also should ensure that, where these do not already exist, they have developed procedures for maintaining and publishing a list of designated wheelchair accessible taxis and PHVs, including notifying vehicle owners if their vehicle is included on the list.

(2.3) As 2.3. As such, we encourage LLAs to put in place sensible and manageable procedures to ensure smooth and effective implementation of the updated Equality Act 2010. In particular, LLAs should:

- establish the data requirements and approach to creating and then publishing and maintaining their list of designated wheelchair accessible vehicles
- notify all drivers of their duties under the Equality Act 2010, with examples of what this will mean in practice

- provide drivers with sufficient notification of the new requirements to allow those eligible to apply for exemptions from the accessibility requirements

(2.4) Below are two examples of the type of processes an LLA may follow in relation to lists of designated wheelchair accessible vehicles and any driver exemption applications. These examples are indicative, and it will be down to each LLA to determine the actions they need to take to ensure the Equality Act 2010 is implemented effectively in their area.

Lists of designated wheelchair accessible vehicles:

- LLA reviews this guidance and considers whether its existing policies or approaches enable it to comply with the requirements
- collates relevant data from databases, such as vehicle licensing applications, to enable it to create a list of designated vehicles
- LLA informs all owners which, if any, of their vehicle(s) will be placed on the designated list and asks them to confirm whether they consider that any of their other vehicles should also be included on the list
- LLA collates relevant data which can be used to create and update a publicly viewable list of designated wheelchair accessible vehicles, using accessible formatting guidelines
- LLA publishes list of designated wheelchair accessible vehicles online and puts a process in place to respond to requests to provide the list in an alternative format

Driver exemptions:

- LLA reviews this guidance and considers whether its existing policies or approaches enable it to comply with the requirements to grant exemption certificates to applicable drivers in relation to the mobility assistance duties
- LLA establishes and communicates to drivers its policy for exempting drivers from the mobility assistance duties on medical grounds or physical condition
- LLA alerts all drivers to their new duties – including informing drivers with an existing exemption that their exemption now only covers the mobility assistance duties at sections 164A and 165
- drivers apply for exemptions, where necessary
- LLA reviews applications, and either issues an exemption certificate and notice or informs the applicant that their application has been rejected (and why) and that all duties shall apply to that applicant

Section 167: List of designated wheelchair accessible vehicles – statutory guidance for LLAs

3. Overview

(3.1) Section 167 of the Equality Act 2010 requires LLAs to maintain and publish a list of designated wheelchair accessible taxis and PHVs. The duties on drivers at section 165 of the Equality Act 2010 apply to drivers of vehicles included in such a list [see paragraphs 12.1 – 12.11 for guidance on section 165 duties and Annex A for a breakdown of the duties which apply to each section based on the driver and their vehicle].

4. Vehicles that can be designated

(4.1) We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.

(4.2) A vehicle must be added to an LLA's list of designated vehicles if it "conforms to such accessibility requirements as the licensing authority thinks fit". Vehicles placed on the list should be capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:

- get into and out of the vehicle in safety
- travel in the vehicle in safety and reasonable comfort

(4.3) This means that, to be placed on a LLA's list, a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The government recommends that a vehicle should be included in a LLA's list only if it would be possible for the user of a "reference wheelchair" to enter, leave, and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

The "reference wheelchair" is defined as 700mm in width, 1200mm in length, and 1350mm in height. A diagram of the "reference wheelchair" can be found on page 97 of the Department for Transport's 2022 Reference Wheelchair Standard and Transport Design (<https://www.gov.uk/government/publications/reference-wheelchair-standard-and-transport-design>) research report.

(4.4) By taking this approach LLAs will allow the duties at section 165 of the Equality Act 2010 to apply to more drivers than if LLAs only included vehicles capable of accommodating larger types of wheelchairs on their lists.

(4.5) The government recognises that this approach will mean that some types of wheelchair or mobility aids, such as powered wheelchairs and mobility scooters, may be unable to access some of the vehicles included in a LLA's list. The Equality Act 2010 recognises this possibility, and driver defences are in place at section 165 if it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.

(4.6) Any taxi or a PHV which conforms to the LLA's accessibility requirements must be published on the LLA's list under section 167 (unless its inclusion has been successfully appealed under section 172).

5. Preparing and publishing lists of designated vehicles

(5.1) Section 167 of the Equality Act 2010 requires LLAs to maintain and publish a list of designated wheelchair accessible taxis and PHVs.

(5.2) We recommend that this list is clearly marked as "designated in accordance with Section 167 of the Equality Act 2010."

(5.3) Lists should provide the following information:

- the make and model of the vehicle
- the licence number of the vehicle
- whether the vehicle is a taxi or private hire vehicle

- where it is easily accessible for the LLA to gather and the operator has given consent, the name of the vehicle's operator(s), their contact telephone number, and their email and/or website address
- information about the size and weight of wheelchairs that can be accommodated, including whether the vehicle can accommodate wheelchairs which are larger than the "reference wheelchair" standard

(5.4) We also recommend providing information on whether the vehicle can carry more than one wheelchair whilst the passengers are seated in their wheelchairs, and if so, how many.

(5.5) The Equality Act 2010 requires not only that lists are maintained, but that they are also published. In every case, lists should be made available online, and, unless it is unreasonably expensive or difficult to do so, in hard copy formats upon request. Where providing a list in hard copy format is considered unreasonably expensive or difficult, LLAs must still be mindful of their broader duties under the Equality Act 2010, including in relation to the provision of information in alternative accessible formats. We recommend communicating with the requestor to understand their specific needs and to identify how information could be tailored where applicable.

(5.6) In all cases, whether information is published online or in hard copy, we recommend that LLAs use the government's [guidance on publishing accessible documents](https://www.gov.uk/guidance/publishing-accessible-documents) (<https://www.gov.uk/guidance/publishing-accessible-documents>). Where it is provided online it should be straightforward for prospective passengers to find.

(5.7) If an LLA produces hard copy versions of lists, we recommend they establish a process to provide them upon request. The ability to request hard copy and alternative accessible versions of lists should be communicated clearly on LLA websites, including on pages relating to the online version, and hard copy versions should be provided without unreasonable delay.

(5.8) Before publishing, LLAs should ensure that vehicle owners are made aware of their vehicle(s) being included in the list. To avoid duplicate information requests to vehicle owners, LLAs should collect the data needed to maintain and publish lists under section 167 via licensing application forms.

(5.9) We recommend that the list is maintained on a rolling basis as new vehicles are licensed, with updated lists published at least every three months. This will ensure passengers can access relevant and up-to-date information in order to make informed journey choices, whilst enabling LLA resources to be managed appropriately.

6. Appeals

(6.1) Section 172 of the Equality Act 2010 enables an appeal against the decision of a LLA to include a vehicle on the designated list. That appeal should be made, for cases in England and Wales, to the Magistrates' Court or, for cases in Scotland, the sheriff, and must be made within 28 days of the vehicle(s) in question being included on the LLA's list.

Section 166: Driver exemptions – non-statutory guidance

7. Overview

(7.1) Some drivers may have a physical condition or medical grounds which make it impossible or unreasonably difficult for them to provide the sort of physical assistance which the mobility assistance duties in the Equality Act 2010 require.

(7.2) Section 166 requires LLA's to grant exemptions to applicable drivers specifically from the "mobility assistance" duties at 164A(5)(e) and 165(4)(e). This means that drivers with such exemption certificates are not exempt from any of the other duties at sections 164A, 165, or 165A. This applies to all such exemption certificates whether newly granted or previously held. We recommend that LLA's inform all drivers of this change.

(7.3) An exemption may be issued for as short or long a period as the LLA considers appropriate, bearing in mind the nature of the relevant physical or medical condition.

(7.4) Separately to the exemptions at section 166 of the Equality Act 2010, LLA's can also issue exemptions to drivers under sections 169 (for taxi drivers) and 171 (for PHV drivers) relating to the duties to carry assistance dogs (sections 168 and 170). A driver with a section 166 exemption is not exempt from the duties at sections 168 or 170 in relation to carrying assistance dogs. Likewise, a driver with a 169 or 171 exemption is not exempt from the mobility assistance duties at 164 or 165.

8. Assessing exemptions

(8.1) We recommend that LLA's make application forms available for drivers to apply for an exemption, setting out the supporting evidence they require applicants to submit.

As an absolute minimum, this evidence should be in the form of a letter or report from a general practitioner. However, decisions on exemptions are likely to be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant.

We therefore recommend that LLA's use independent medical assessors holding appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LLA's may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.

(8.2) If the application is successful, the LLA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. If the exemption notice is not displayed, the driver could be prosecuted if they do not comply with the relevant mobility assistance duties.

(8.3) If the application is unsuccessful, we recommend that the applicant is informed in writing within a reasonable timescale, with a clear explanation of the reasons for the decision and associated rights of appeal.

9. Exemption notices

(9.1) Where a driver of a designated vehicle has been exempted from the mobility assistance duties under sections 165 and 164A, it is the LLA's responsibility to provide the driver with an exemption notice compliant with the Equality Act 2010 (Taxis and Private Hire Vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 (<https://www.legislation.gov.uk/ukxi/2017/342/made>). We intend in due course to amend these Regulations to provide that the exemption notice clearly sets out that the exemption applies only to the mobility assistance duties at sections 165 and 164A and not to any other part of sections 165 or 164A. In the meantime, an exemption remains valid if the notice complies with the Regulations as they stand.

(9.2) Only one exemption notice should be displayed in a vehicle at any one time. If a vehicle is used by multiple drivers, the driver who holds the exemption should remove the exemption notice from the windscreen and from sight of any potential passengers when they are not operating the vehicle.

10. Appeals

(10.1) Section 172 of the Equality Act 2010 enables drivers to appeal against an LLA's decision not to issue an exemption certificate. That appeal should be made to the Magistrates' Court in England or Wales, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the written refusal.

Duties on drivers – non-statutory guidance

11. Overview of duties on drivers

(11.1) Sections 164A, 165, 165A, 168, and 170 place duties on drivers to ensure that disabled people have specific rights and protections to access taxis and PHVs, to receive assistance when using these services, and to not be charged extra for doing so.

(11.2) We strongly encourage LLAs to provide drivers and operators with training on their duties, for example as part of existing driver-facing training. This should include messaging which explains that it is not relevant what type of disability or impairment a passenger has, only what requirements they have because of their disability or impairment.

(11.3) We recommend that the driver or operator asks every passenger whether they require assistance. For hired vehicles, this should be at the booking stage. For taxis, this should be when the vehicle is hailed or approached at the taxi rank or on the street.

Where applicable, service providers should also update booking websites and smartphone applications to collect this information from passengers, allowing, for example, a person with dementia to ask for assistance in locating the vehicle or a wheelchair user to state their intention to remain in their wheelchair while travelling. This will also give the driver or operator the opportunity to advise the passenger on how they will provide assistance, for example to explain how the vehicle's ramp will be used or to establish an appropriate place for a wheelchair user to enter the vehicle.

1. Sections 164A and 165: duties to carry and assist any disabled person

(12.1) 164A and 165 place duties on drivers to carry and assist disabled passengers without making, or proposing to make, an extra charge for doing so [see Annex A for a list of the duties]. Drivers who are subject to section 165 have an additional duty to carry the passenger whilst seated in their wheelchair

(12.2) The duties at section 164A apply to:

- drivers of any taxi or PHV which is not included on a LLA's list of designated wheelchair accessible vehicles, where the passenger is disabled, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel)
- drivers of any vehicle which is included on a designated list, where the passenger is disabled and not a wheelchair user

(12.3) The duties at section 165 apply to:

- drivers of any vehicle which is included on a designated list, where the passenger is in a wheelchair
- the vehicle has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair

(12.4) The application of section 164A or 165 is based on whether the vehicle is designated wheelchair accessible and the circumstances of the disabled passenger as follows:

- if the vehicle is non-designated and the passenger is a wheelchair user, then section 164A applies
- if the vehicle is non-designated and the passenger is a non-wheelchair user, then section 164A applies
- If the vehicle is designated and the passenger is a non-wheelchair user, then section 164A applies
- if the vehicle is designated and the passenger is a wheelchair user, then section 165 applies

(12.5) Where a driver has been exempted, they will not be required to comply with the duties in sections 164A and 165 to provide mobility assistance. Regardless of the design and content of their exemption certificate and notice, exempt drivers will not be exempt from any other relevant duty – including, for instance, to refrain from charging disabled passengers extra.

(12.6) Although each situation will be different, and reasonable mobility assistance will be subject to other applicable law – including health and safety legislation – we would expect drivers to provide basic assistance which could include, but may not be limited to:

- opening the passenger door
- folding manual wheelchairs and placing them in the luggage compartment
- installing the boarding ramp
- securing a mobility aid within the passenger compartment

(12.7) Depending on the weight of the wheelchair or mobility aid and the capability of the driver, reasonable mobility assistance could also include (but may not be limited to) pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

(12.8) A driver should, however, only touch a wheelchair or mobility aid or seek to provide physical assistance if the user gives permission for them to do so.

(12.9) We expect drivers to communicate with passengers when providing assistance, as this will be key to understanding a disabled person's needs. We recommend drivers:

- ask passengers what help they need
- listen to and understand the response, and then
- act on what they have been asked to do, seeking clarification, if necessary, on how to provide what is needed

(12.10) Whilst access to the vehicle may be dependent on the wheelchair or mobility aid itself, drivers should not carry any unessential items in the boot of the vehicle which could prevent a wheelchair or mobility aid from being stowed there, or (in the case of designated vehicles) carry any unessential items in the passenger seating area which could prevent a wheelchair user from travelling while seated in their wheelchair.

Additionally, drivers of designated vehicles should avoid carrying unessential items which would prevent a wheelchair or mobility aid from being carried in the passenger area of the vehicle.

(12.11) The requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.

13. Section 165A: duties on drivers to assist a passenger to identify and find the vehicle

(13.1) Section 165A places duties on drivers to assist any disabled passenger to find or locate their pre-booked taxi or P.H.V. without making, or proposing to make, an additional charge for doing so.

(13.2) The section 165A duties apply to any pre-booked taxi driver and any P.H.V. driver, regardless of whether their vehicle is designated as being wheelchair accessible or not, provided:

- the vehicle has been hired by or for a disabled person, or by another person who intends to accompany a disabled person
- the driver of the P.H.V. or pre-booked taxi has been made aware before the start of the journey that the passenger requires assistance to identify and/or find that vehicle

(13.3) Authorities should encourage drivers and/or operators to ask every passenger at the booking stage whether (i) they require assistance and, if so, then (ii) what form of assistance that should be.

Drivers and operators should not attempt to identify a person's impairment or disability, only what type of assistance the driver needs to provide in order for the passenger to board, travel in, and alight from the vehicle in safety and reasonable comfort.

(13.4) In order to help fulfil the duties at section 165A, drivers should familiarise themselves with the most common communication methods a person may require in order to identify and/or find the vehicle. These communication methods include, but are not limited to:

- giving audio directions for a visually impaired passenger (calling the passenger once at the pick-up point)
- giving visual directions (for example, the colour and registration of the vehicle) for a hearing-impaired passenger
- repeating key information for a passenger with mental or cognitive impairments

(13.5) In practice the requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.

14. Sections 168 and 170: duties on drivers to carry assistance dogs

(14.1) Sections 168 and 170 place duties on drivers of taxis (168) and P.H.V.s (170) to carry an assistance dog and allow them to remain with their user without making, or proposing to make, an additional charge for doing so.

(14.2) It is an offence for a driver to propose to make, as well as to make, an additional charge for carrying out the duties in these sections. For example, a driver must not add a surcharge to the meter for carrying an assistance dog. The taximeter should not be activated until both the passenger and assistance dog are properly settled, and the vehicle is ready to depart. Equally, the taximeter should be stopped as soon as the destination is reached, and before any unloading takes place.

Offences for P.H.V. operators

15. Section 167A: offences for P.H.V. operators not to refuse or fail a booking for a disabled person

(15.1) Section 167A makes it an offence for a P.H.V. operator to refuse or fail to accept a booking from, or on behalf of, a disabled person because (i) the person is disabled or (ii) to prevent a driver from being subject to the duties at sections 164A, 165, or 165A. It also makes it an offence for a P.H.V.

operator to make, or propose to make, an additional charge for carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.

(15.2) LLA's should monitor operator compliance with these duties. It may be difficult to assess whether an offence has been committed by an operator who refuses a booking in order to avoid a PHV driver being made subject to a duty under sections 164A, 165, or 165A; for example, where a driver is medically fit to perform the duties but the operator refuses the booking on the basis that the assistance duties would extend the time taken to complete the booking with no extra financial gain.

An LLA may test the application of these offences as part of a test purchasing exercise (provided they have authorisations in place required by the Investigatory Powers Act 2016) or by using other data to understand trends in booking refusals by disabled people in comparison to non-disabled people.

(15.3) well as notifying operators of their legal requirements under section 167A, LLA's may also offer operators training on:

- all of the taxi and PHV provisions in the Equality Act 2010
- communicating with disabled people

16. Section 170: offences on PHV operators not to refuse or fail a booking for an assistance dog user

(16.1) Section 170 makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, an assistance dog user:

- because the person will be accompanied by an assistance dog or;
- to prevent a driver from being subject to the duties at section 170 [see paragraphs 14.1 – 14.2 for guidance on PHV drivers duties to carry assistance dogs]

(16.2) Operators should book trips for assistance dog users as they would for any other passenger, for example using the nearest driver to the point of pick-up, regardless of any preference that driver may have not to carry a dog.

Enforcement

17. Licensing measures and prosecution

(17.1) The government expects LLA's to take tough action where drivers or operators breach their duties under the Equality Act 2010.

(17.2) LLA's have wide-ranging powers to determine the rules by which taxis and PHV's in their respective areas may operate. We recommend that they use these powers to ensure that drivers or operators who discriminate against disabled passengers are held accountable.

(17.3) If a driver receives a conviction for breaching their duties under the Equality Act 2010, it would be appropriate for the LLA to review whether or not the driver remained a fit and proper person to hold a taxi or PHV driver's licence. The government's view is that a driver who wilfully failed to comply with their duties would be unlikely to remain a "fit and proper person".

(17.4) LLA's may also take appropriate action – such as suspension, revocation, or refusal to renew a licence – even where prosecution did not proceed but in which the LLA deemed that the driver treated a disabled passenger unreasonably.

Annex A: The duties on taxi drivers and PHV drivers and operators under the Equality Act 2010

Duties on drivers of non-designated wheelchair accessible taxi

Section 164A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To carry the passenger
- To carry their wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

These duties only apply if the taxi has been prebooked.

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 168

Disabled passenger

Assistance dog users.

Duties

- Carry the disabled person's dog and allow it to remain with that person
- Not make, or propose to make, any additional charge for doing so

Defences

There are no defences for this section.

Duties and offences on drivers of non-designated wheelchair accessible PHVs

Section 164A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To carry the passenger
- To carry their wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the PHV has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 170

Disabled passenger

Assistance dog users.

Offences

A driver commits an offence by:

- Failing or refusing to carry out a booking accepted by the operator:
 - If the booking is made by, on or behalf of, a disabled person
 - The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
- Making, or proposing to make, an additional charge for carrying an assistance dog

Defences

There are no defences for this section.

Duties on drivers of designated wheelchair accessible taxis

Section 164A

Disabled passenger

Any disabled passenger, apart from wheelchair users.

Duties

- To carry the passenger
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance

- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger

Wheelchair users.

Duties:

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take necessary steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

These duties only apply if the taxi has been prebooked:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 168

Disabled passenger

Assistance dog users.

Duties

- Carry the disabled person's dog and allow it to remain with that person
- Not make, or propose to make, any additional charge for doing so

Defences

There are no defences for this section.

Duties and offences on drivers of designated wheelchair accessible PHVs

Section 164A

Disabled passenger

Any disabled passenger, apart from wheelchair users

Duties

- To carry the passenger
- To carry their mobility aids
- To take reasonable steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
- It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle

- The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

Section 165

Disabled passenger

Wheelchair users.

Duties

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
- To carry their mobility aids
- To take necessary steps to carry the passenger in safety and reasonable comfort
- To provide reasonable mobility assistance
- Not to make, or propose to make, any charge for carrying out the above duties

Defences

- It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
- It would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

Section 165A

Disabled passenger

Any disabled passenger, including wheelchair users.

Duties

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge for complying with the above duty

Defences

- The driver of the P.H.V. has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

Section 170

Disabled passenger

Assistance dog users.

Offences

- Failing or refusing to carry out a booking accepted by the operator:
 - If the booking is made by, on or behalf of, a disabled person
 - The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
- Making, or proposing to make, and additional charge for carrying an assistance dog

Defences

There are no defences for this section.

Offences on ~~PHV~~ operators

Section 167A

Disabled passenger

Any disabled passenger, including wheelchair users.

Offences

- Failing or refusing to accept a booking for the vehicle if:
 - The booking is made by, on or behalf of, a disabled person
 - The reason for the failure or refusal is:
 - That the person is disabled or
 - To prevent the driver from being made subject to a duty at sections 164A, 165, or 165A
- Making, or proposing to make, and additional charge for carrying out any duty on the driver under sections 164A, 165, or 165A

Defences

- It was reasonable not to have accepted the booking due to a lack of suitable vehicles

Section 170

Disabled passenger

Assistance dog users.

Offences

- Failing or refusing to accept a booking for the vehicle if:
 - the reason for the failure or refusal is:
 - That the person will be accompanied by an assistance dog
 - To prevent the driver from being made subject to a duty at section 170

- Making, or proposing to make, and additional charge for carrying an assistance dog

Defences

There are no defences for this section.

OGI

All content is available under the Open Government Licence v3.0, except where otherwise stated

© Crown copyright



+

LICENSING COMMITTEE

Monday, 01 August 2022

Subject	Issued Licences in East Suffolk and an Overview of the work of the Licensing Sub-Committees April – June 2022
Report by	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
Supporting Officer	Martin Clarke Acting Legal and Licensing Services Manager 01502 523226 Martin.clarke@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

This report provides an overview of the current number and licences issued with regard to the Licensing Act 2003, the Gambling Act 2005 and taxis by East Suffolk Council. The report also summarises the applications received and the work of the Licensing Sub-Committees from April to June 2022.

Options:

Not applicable. This is an update report for noting.

Recommendation/s:

That the Committee:

- 1) Notes the overview of some of the work of the Licensing Team and the Licensing Sub-committees during the second quarter of 2022.

Corporate Impact Assessment

Governance:

Licensing is a Council function exercised by Licensing Committee and Licensing Sub-Committees.

ESC policies and strategies that directly apply to the proposal:

Not applicable. This is an update report for noting.

Environmental:

Not applicable. This is an update report for noting.

Equalities and Diversity:

Not applicable. This is an update report for noting.

Financial:

Not applicable. This is an update report for noting.

Human Resources:

Not applicable. This is an update report for noting.

ICT:

Not applicable. This is an update report for noting.

Legal: Not applicable. This is an update report for noting.	
Risk: Not applicable. This is an update report for noting.	
External Consultees:	Not applicable. This is an update report for noting.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>

P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
Not applicable. This is an update report for noting.			

Background and Justification for Recommendation

1 Background facts				
1.1	Applications determined during April – June 2022			
Premises and type of application	Address	Hearing / Mediated	Date of Hearing	Outcome and date of issue
The Mint SURRENDER GAM0026 (Adult Gaming Centre Premises Licence)	The Forum, Sea Road, Felixstowe, IP11 2QN	N/A	N/A	Completed 11.5.22
East Point Pavilion NEW WPREM2579	Royal Plain, Lowestoft, NR33 0AP	Yes Withdrawn	4.4.22	Cons end 16.3.22 Issued 1.4.22
Golden House SURRENDER PREM0125 – no alcohol	46a Sizewell Road, Leiston, IP16 4AB	N/A	N/A	Completed 23.3.22
Studio Flex NEW PREM2236	12 Three Rivers Business Centre, Felixstowe Road, Foxhall, IP10 0BF	None	N/A	Cons end 25.3.22 Issued 29.3.22
Orwell Stores SURRENDER PREM0353	The Street, Nacton, Ipswich, IP10 0HD	N/A	N/A	Completed 31.3.22
Orwell Stores SURRENDER PREM0310	Levington Marina Suffolk Yacht Harbour, Stratton Hall, Ipswich, IP10 0LW	N/A	N/A	Completed 31.3.22

New Raj Mahal NEW Withdrawn	261 London Road South, Lowestoft, NR33 0DS	Yes	-	Cons end 4.4.22 Withdrawn
Beach lodge VARIATION PREM2194	Brudenell Street, Aldeburgh, IP15 5DD	No	N/A	Cons end 6.4.22 Issued 7.4.22
The Bull Inn VARIATION PREM0178	Market Hill, Woodbridge, IP12 4LR	No	N/A	Cons end 7.4.22 Issued 8.4.22
The Kitchen@Felixstowe NEW PREM2237	Martello Park, Orford Road, Felixstowe, IP11 2DY	No	N/A	Cons end 7.4.22 Issued 14.4.22
Butley Priory NEW PREM2243	The Avenue, Butley, IP12 3NR	Yes	9.5.22	Cons end 11.4.22 Issued 11.5.22
Ufford Sports Club SURRENDER CLUB0973	Ufford Recreation Ground, The Avenue, Ufford, IP13 6ER	N/A	N/A	Completed 11.4.22
Kingston Field (Queens Jubilee 2022) NEW (No alcohol) PREM2238	Kingston Field, The Avenue, Woodbridge, IP12 4BA	No	N/A	Issued 14.4.22 Time limited only for 3.6.22
Club Virage Cafe SURRENDER WPREM2516	Beccles Airfield, Brock Road, Ellough, Beccles, NR34 7PJ	N/A	N/A	Surrendered 22.3.22 Completed 20.4.22
Taste from Hungary NEW PREM2239	14 Undercliff Road West, Felixstowe, IP11 1AW	No	N/A	Cons end 21.4.22 Issued 25.4.22
Summerhill Festival of Childhood NEW PREM2241	Peakhill Farm, Honeypot Lane, Leiston, IP16 4TG	No	N/A	Cons end 26.4.22 Issued 29.4.22
Salter & King NEW PREM2240	107-109 High Street, Aldeburgh, IP15 5AR	No	N/A	Cons end 27.4.22 Issued 29.4.22
Sparrows Nest Gardens Variation WPREM2444	Whapload Road, Lowestoft, NR32 1XG	No	N/A	Cons end 28.4.22 Issued 29.4.22
Leiston Recreation Ground NEW	Victory Road, Leiston, IP16 4DQ	-	-	Cons end 28.4.22 Now ends 17.5.22

Failed as incorrectly advertised				Failed 13.5.22
St Felix School NEW WPREM2583	Halesworth Road, Reydon, IP18 6SD	Yes	20.5.22	Cons end 28.4.22 Issued 25.5.22
Watson & Walpole Variation PREM0503	3 Church Street, Framlingham, IP13 9BG	No	N/A	Cons end 2.5.22 Issued 4.5.22
Mini Town NEW Failed as incorrectly advertised	92 Hamilton Road, Felixstowe, IP11 7AD	Yes	N/A	Cons end 3.5.22 Failed 3.5.22
Flint House NEW WPREM2580	80 High Street, Lowestoft, NR32 1XN	No	N/A	Cons end 3.5.22 Issued 5.5.22
Jubilee Carnival Weekend NEW (No alcohol) PREM2242	Beachside Events Area, Felixstowe, IP11 2AU	No	N/A	Cons end 4.5.22 Issued 5.5.22 Time limited only for 2-5.6.22
The Old Dairy VARIATION WPREM2558	12-14 Hungate, Beccles, NR34 9TT			Cons end 9.5.22 Now 23.5.22 Issued 25.5.22
Lowestoft Telecoms Club NEW WPREM2581	18 Clapham Road, Lowestoft, NR32 1RQ	No	N/A	Cons end 10.5.22 Issued 11.5.22
Waldringfield Golf Club SURRENDER PREM2094	Newbourne Road, Waldringfield, IP12 4PT	N/A	N/A	Completed 13.5.22
B & M Home Store NEW WPREM2582	Tower Road, Lowestoft, NR33 7NG	No	N/A	Cons end 23.5.22 Issued 25.5.22
Commodore VARIATION WPREM2075	15 Commodore Road, Oulton Broad, NR32 2NE	Yes	resolved	Cons end 26.5.22 Issued 26.6.22
Carlton Marshes Visitor Centre NEW	Burnt Hill Lane, Carlton Colville, NR33 8HU	Yes	27.6.22	Cons end 27.4.22 Cannot issue – need DPS details
Central England Co-op VARIATION WPREM2441	Saxons Way, Halesworth, IP19 8LU	No	N/A	Cons end 3.6.22

				Issued 26.6.22
Central England Co-op VARIATION WPREM2440	Hillside Road East, Bungay, NR35 1RX	Yes	4.7.22	Cons end 9.6.22
Swiss Farm NEW	Hall Farm Lane, Aldeburgh, IP15 5JD	No	N/A	Cons end 19.6.22 Cannot issue – need proof of advertising
The Canteen NEW	The Old Hospital, Field Stile Road, Southwold, IP18 6LD	No	N/A	Cons end 20.6.22 Cannot issue – need proof of advertising
Shish Anatolia NEW WPREM2584	122 Bridge Road, Oulton Broad, Lowestoft, NR33 9JT	No	N/A	Cons end 21.6.22 Issued 26.6.22
Everitt Park Café VARIATION WPREM2119	Nicholas Everitt Park, Oulton Broad, Lowestoft, NR33 9JR	No	N/A	Cons end 24.6.22 Issued 29.6.22
Corton Classic Resort SURRENDER WGAM0011 - BINGO	The Street, Corton, Lowestoft, NR32 5HR	N/A	N/A	Surrendered 1.6.22 Completed 28.6.22
L'Escargot Sur Mer VARIATION PREM2087	152 High Street, Aldeburgh, IP15 5AQ	Yes	21.7.22	Cons end 29.6.22
Golden Palace Takeaway SURRENDER (No alcohol) WPREM2143	100 Carlton Road, Lowestoft, NR33 0RT	N/A	N/A	Surrendered 8.6.22
Xtra Xtra VARIATION WPREM2431	102 St Peters Street, Lowestoft, NR32 1QE			Cons end 6.7.22
Bistro@47a NEW	47a Thoroughfare, Woodbridge, IP12 1AH	Yes	2.8.22	Cons end 7.7.22
The Salty Crow NEW	127 London Road North, Lowestoft, NR32 1LZ			Cons end 19.7.22
YouDrink Stall NEW	Kessingland Car Boot, Whites Lane, Kessingland, NR34 7TF			Cons end 20.7.22
Barley Mow REVIEW PREM0176	Mow Hill, Witnesham, IP6 9EH		5.8.22	Cons end 20.7.22

1.2	<p>Appeals to Magistrates Court</p> <p>There are currently no appeals to the Magistrates Court.</p>
1.3	<p>28 day consultation period has passed, and application is still to be determined</p> <p>There are currently two application waiting to be considered by the Licensing Sub-committee:</p> <p>Variation of Premises Licence – Central England Co-operative, Bungay – hearing 4 July 2022.</p> <p>New Premises Licence – L’Escargot, Aldeburgh – hearing 21 July 2022.</p>
1.4	<p>In consultation</p> <p>Variation of Premises Licence – Xtra Xtra Premier Store, Lowestoft. Consultation period ends 6 July 2022.</p> <p>New Premises Licence – Bistro@47a, Woodbridge. Consultation period ends 7 July 2022. Hearing on 2 August 2022.</p> <p>New Premises Licence – The Salty Crow, Lowestoft. Consultation period ends 19 July 2022.</p> <p>New Premises Licence – YouDrink Stall, Kessingland. Consultation period ends 20 July 2022.</p> <p>Review of Premises Licence – Barley Mow, Witnesham. Hearing is on 5 August 2022.</p>
1.5	<p>There have been 3 Sub-committee hearings regarding licensed or gambling premises, or personal licences during the period April to June 2022:</p> <p>09/05/2022 – Butley Priory – new application</p> <p>20/05/2022 – St Felix School, Reydon – new application</p> <p>27/06/2022 – Carlton Marshes, Carlton Colville – new application</p>

2 Current position

2.1	<p>Licensing Act Premises</p> <p>On the 23 March 2022 there were 1040 Premises Licences and 894 of these include alcohol on the licence.</p> <p>There were 65 Club Premises Licences.</p> <p>On 30 June 2022 there were 1047 Premises Licences and 902 of these include alcohol on the licence.</p> <p>There were 64 Club Premises Licences.</p> <p>In summary, on 23 March 2022 there were 1105 Premises Licences and Club Premises Licences, and on 30 June 2022, there were 1111.</p> <p>14 new Premises Licences were granted between 24 March 2022 and 30 June 2022.</p> <p>5 Premises Licences were surrendered.</p> <p>1 Club Premises Certificate was surrendered.</p>
2.2	<p>Gambling Act Premises</p> <p>On 23 March 2022 there were 37 Gambling Premises licences in total.</p> <p>During the second quarter one Adult Gaming Centre Premises licence was surrendered and one Bingo Premises Licence was surrendered.</p> <p>On 30 June 2022 there were 35 Gambling Premises Licences in total.</p> <p>There were 9 Bingo Premises Licences.</p> <p>There were 11 Adult Gaming Centre Premises Licences.</p> <p>There was 1 Family Entertainment Centre Premises Licence.</p> <p>There was 1 Betting Premises Licence (in respect of a track)</p> <p>There were 13 Betting Premises Licences (in respect of a premises other than a track).</p>
2.3	<p>Taxi and Private Hire Licences</p> <p>On 23 March 2022, East Suffolk Council licensed:</p> <p>70 hackney carriage vehicles and 186 hackney carriage/private drivers 354 private hire vehicles and 320 private hire drivers 80 private hire operators</p> <p>On 30 June 2022, there were:</p> <p>70 hackney carriage vehicles and 178 hackney carriage/private drivers 367 private hire vehicles and 325 private hire drivers 80 private hire operators</p>

	<p>Since the last Licensing Committee in April 2022, the taxi and private hire licence activity is as follows: April to June 2022</p> <table><tr><th><u>Type of Licence</u></th><th><u>Renewed</u></th><th><u>Did not renew</u></th><th><u>New</u></th><th><u>Change of Veh</u></th></tr><tr><td>Private Hire Vehicle</td><td>58</td><td>6</td><td>15</td><td>10</td></tr><tr><td>Hackney Carriage</td><td>10</td><td>0</td><td>3</td><td>2</td></tr><tr><td>Private Hire Driver</td><td>28</td><td>1</td><td>31</td><td>n/a</td></tr><tr><td>Hackney Carriage Driver</td><td>14</td><td>2</td><td>6</td><td>n/a</td></tr><tr><td>Private Hire Operator</td><td>6</td><td>1</td><td>4</td><td>n/a</td></tr><tr><td>Rickshaws & Horse drawn</td><td>2</td><td>0</td><td>0</td><td>0</td></tr></table> <p>There are currently 14 new applications for drivers in progress.</p>	<u>Type of Licence</u>	<u>Renewed</u>	<u>Did not renew</u>	<u>New</u>	<u>Change of Veh</u>	Private Hire Vehicle	58	6	15	10	Hackney Carriage	10	0	3	2	Private Hire Driver	28	1	31	n/a	Hackney Carriage Driver	14	2	6	n/a	Private Hire Operator	6	1	4	n/a	Rickshaws & Horse drawn	2	0	0	0
<u>Type of Licence</u>	<u>Renewed</u>	<u>Did not renew</u>	<u>New</u>	<u>Change of Veh</u>																																
Private Hire Vehicle	58	6	15	10																																
Hackney Carriage	10	0	3	2																																
Private Hire Driver	28	1	31	n/a																																
Hackney Carriage Driver	14	2	6	n/a																																
Private Hire Operator	6	1	4	n/a																																
Rickshaws & Horse drawn	2	0	0	0																																
2.4	<p>There have been 5 Sub-Committee hearings regarding a taxi/private hire licences during the period April to June 2022.</p>																																			

3 How to address current situation

3.1	Not applicable. This is an update report for noting.
-----	--

4 Reason/s for recommendation

4.1	To keep Licensing Committee members updated as to the work of the Licensing Sub-Committee and Licensing Services.
-----	---

Appendices

Appendices:

None

Background reference papers:

None