



Regulatory Panel

Date: Wednesday, 16 March 2022

Time: 14:00

Venue: Flensburg Room

Present: Councillor Mrs Marilyn Bowman, Councillor John Collier, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Peter Sunter, Councillor Miss Jeanette Whalen

Officers: Assistant Solicitor
Licensing Manager
Regulatory Compliance Officer

RP.07/22 APPOINTMENT OF CHAIR

It was moved and seconded that Councillor Collier be appointed as Chair of the Regulatory Panel for the remainder of the 2021/22 municipal year.

it was moved that Councillor Miss Jeanette Whalen be appointed Chair of the Regulatory Panel for the remainder of the 2021/22 municipal year.

RESOLVED – That Councillor Collier be appointed as Chair of the Regulatory Panel for the remainder of the 2021/22 municipal year.

Councillor Collier thereupon took the Chair.

RP.08/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Stephen Higgs, Councillor Dr Les Tickner and Councillor Lee Sherriff.

RP.09/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

RP.10/22 PUBLIC AND PRESS

RESOLVED - That the agenda as circulated be agreed.

RP.11/22 MINUTES OF PREVIOUS MEETING

RESOLVED - It was noted that Council, at its meeting of 1 March 2022, received and adopted the minutes of the meetings held on 9 February 2022. The Chair signed the minutes.

RP.12/22 APPLICATION FOR STREET TRADING CONSENT

The Licensing Manager submitted an application to sell hot and cold food, drinks and snacks from Tarn End Car Park (GD.16/22)

The Applicants were in attendance.

The Licensing Manager reported that an application had been submitted to sell hot and cold food, drinks and snacks from a trailer at Tarn End Car Park, Talkin Tarn, Brampton between the hours of 8.00am and 5.30pm Thursday to Monday.

Under the Local Government (Miscellaneous Provisions) Act 1982, a street trading consent was required by any person wishing to sell goods on streets designated as a 'consent street'. The term 'street' included roads, footways or other areas to which the public had access without payment (including car parks).

The Street Trading Policy came into force in 2017 alongside the Council's resolution to make all streets in the Carlisle district 'consent streets'. The report detailed the relevant sections of the Policy. Street Trading Consents were issued for a period of up to one year for specific locations and times when street trading could take place.

A Street Trading Consent was subject to a 14 day consultation period, the application was consulted on and one objection had been received along with 10 emails in support of the application.

The objection was based on concerns relating to the increased traffic using the single lane track as access to the car park. The objector also stated that the proposal would take business away from the Talkin Tarn tea shop. The emails of support were from several residents of Tarn End Cottages, with whom the applicants met with, and car park users who welcomed the proposal.

No representations or concerns had been received from Cumbria Highways, the Collision Reduction Officer from Cumbria Police or the stakeholders detailed within the report.

In response to questions the Licensing Manager clarified the following:

- The reference to 'streets' being an area which the public can access without payment (including car parks) was the wording as set out in the legislation;
- The car park in the application was a private car park and the City Council did not hold information on its use;
- There had only been one objection along with several emails of support.

The Applicants responded to the Panel's questions and clarified:

- The car park was new and, although, it was hoped there would be some increase in the number of visitors, the business plan made provisions for the seasonal nature of the area;
- The business would be advertised on fencing at the car park and on the road (away from the junction);
- They had previously held a similar licence in France and had no issues with the business.;
- There was a building on the car park which was storage for residents of Tarn End properties, there were no other facilities in the car park;

- There would be a litter bin near the van and any litter would be picked up at the end of each day.

In discussing the application some Members had concerns regarding the narrow nature of the access road and the danger to road users should there be an increase in cars on the road. The direct competition to the long established Tarn Cafe was also raised, some Members felt that competition was healthy and that the application would be a facility for existing visitors to the Tarn.

The Licensing Manager drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was:

RESOLVED - The Regulatory Panel had carefully considered and read the evidence in the report including the email of objection and the emails of support. The Panel had also listened carefully to the responses from the Applicants.

The Panel did take into consideration the concerns raised regarding the increase in road users and the narrow nature of the access road. The Panel were reassured that the Cumbria Highways Authority and Cumbria Police had not raised any objections and that the application would be kept under review as part of the licensing enforcement processes.

The Panel had considered the relevant legislation relating to street trading licences contained within the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in particular paragraph 3 that sets out the relevant grounds for the refusal of a Licence. The Panel did not consider that the application met any of the grounds for refusal set out in the legislation.

The Panel agreed to grant a Street Trading Consent to Russell and Karen Barrington to sell hot and cold food, drinks and snacks from a trailer at Tarn End Car Park, Talkin Tarn, Brampton as applied for. (GD.16/22)

RP.13/22 HACKNEY CARRIAGE TABLE OF FARES REVIEW 2022 - OBJECTIONS

The Licensing Manager submitted a report detailing objections which had been submitted in response to the consultation on proposed changes to the Table of Fares for Hackney Carriages (GD.17/22)

The Licensing Manager reminded the Panel of their resolution on 9 February 2022 to consult on the proposed Changes to the Table of Fares for Hackney carriages. As a result of the consultation six objections had been received from licensed drivers. The objections had been included as appendix 1 to the report and all stated that the proposals were not high enough to cover the costs of rising fuel and living costs.

One objector requested that the Licensing Authority reviewed its position on the age of vehicles for first licensing (three years), the mandatory colour (white) for Hackney saloons and the Policy on only accepting new applications from Wheelchair Accessible Vehicles. A separate objector, who was establishing a Taxi Association, requested that the Panel considered increase the flagfall of £3.8- for tariff 1, £4.50 to tariff 2 and £4.80 to tariff 3 on top of the increases proposed on the distance.

The Licensing Manager reported that Members agreed in principle the proposal to keep the current flagfall on tariff 1 £3.00 but reduce the distance to the first 'click' to 1,000 meters and thereafter 20p for each subsequent 160 yards or uncompleted part thereof. The report set out a table comparing the objector's proposal to the proposals agreed by the Panel in February.

The objector's proposals would move Carlisle to the top of the Cumbria district charge for a 2 mile journey (£7.00) and would be nearly £1 more than the national average 2 mile journey for tariff 1 £6.06.

The Licensing Manager clarified the following:

- Many authorities, nationally, had not renewed their fares for some time;
- Carlisle Hackney Carriage and Private Hire Licensing Policy 2022-27 committed to reviewing the fares every two years unless there was request from the trade to review earlier;
- The proposals from the objector were the maximum fare, prices could be negotiated and Private Hire fares could be pre-arranged;
- The licensing authority had to be impartial and consider all input in a fair manner;
- There were currently approximately 220 Hackney carriage Drivers, six objections had been received.

The representative of the Taxi Association addressed the Panel. He stated that the intent of the Association was to work with the Licensing Authority, Highways Authority and Police, not against them. Fuel prices had risen rapidly, in some places 7p since the previous day. Parts and services had increased 10% in 30 days and the cost to purchase a vehicle had increased a minimum of £5,000 in one year. He stated that drivers had to work 50 hours per week to earn minimum wage, this was dangerous to themselves and the public. He reiterated the proposals as set out in section 2.2 of the report for approval.

The Licensing Manager reminded the Panel and those in attendance that licensed drivers had a duty of care to themselves and the public. She drew the Panel's attention to the table at 2.2 stating that the objector's proposals were heavily weighted the shorter journeys. She proposed a further option for the Panel, to increase the flagfall tariff to £3.40, and keep everything else as set out in 2.1 of the report.

In response to questions the representative of the Taxi Association clarified the following:

- Should their proposal be agreed it would result in drivers having to work at least 10 a week less;
- Drivers could negotiate journeys before they took the fare, the proposals showed the maximum fare;
- The Taxi Association represented twenty licensed drivers.

An objector addressed the Panel stating that he had considered alternative work as a HGV driver as they had a much higher wage for work.

An objector commented that the Panel was focusing on the fares and not taking into account the cost of purchasing vehicles that met the Council's Age of Vehicles Policy.

The Licensing Manager explained that there had been reports that there were far fewer drivers following Covid, although there had been some fluctuation the overall rate of drivers had not reduced. There had been a change in the work they carried out which meant they were not all necessarily undertaking rank work. The Licensing Manager also reminded the Panel that the Council's Taxi Policy had been renewed in 2021 and there had been no response to the consultation with regard to the age policy of vehicles.

A Local Government Reorganisation was taking place and there would need to be some work carried out to consider how and when the three relevant authorities would bring their fares and policies in line.

In considering the options the Panel were concerned that the Taxi Association's proposals would affect those on low wages who really relied on taxis to access work. The Panel asked for the impact of the proposed £3.40 increase to be circulated to the Panel.

The meeting adjourned at 15:02 and reconvened at 15:07.

The Panel considered the options available to them.

It was moved and seconded that the Panel ratified its resolution of 9 February 2022 and impose the new changes from 1 April 2022.

It was moved and seconded that the Panel increase the current flagfall on Tariff 1 to £3.40 but reduce the distance to the first 'click' to 1,000 meters (1094 yards) and thereafter 20p for each subsequent 160 yards or uncompleted part thereof.

Following voting it was

RESOLVED - To increase the current flagfall on Tariff 1 to £3.40 but reduce the distance to the first 'click' to 1,000 meters (1094 yards) and thereafter 20p for each subsequent 160 yards or uncompleted part thereof from 1 April 2022.

The Meeting ended at: 15:10