

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

21 March 2022

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in Council Chamber, Gibson Drive, Kings Hill on Tuesday, 29th March, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

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PART 1 - PUBLIC

2. Apologies for Absence
3. Notification of Substitute Members
4. Declarations of Interest 7 - 8

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

Decisions to be taken under Delegated Powers

5. Hackney Carriage Fares Discussion 9 - 20

This report invites Members to discuss the current fuel price levels in respect to the current agreed fare chart and make appropriate recommendations.

6. Urgent Items 21 - 22

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

7. Exclusion of Press and Public 23 - 24

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

8. Urgent Items 25 - 26

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr C Brown (Chairman)
Cllr Mrs F A Kemp (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Mrs P A Bates
Cllr A E Clark
Cllr M A Coffin
Cllr D W King
Cllr Mrs R F Lettington
Cllr Mrs A S Oakley

Cllr H S Rogers
Cllr R V Roud
Cllr M Taylor
Cllr D Thornewell
Cllr F G Tombolis
Cllr C J Williams

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business to be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Declarations of interest

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

29 March 2022

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Delegated

1 HACKNEY CARRIAGE FARES DISCUSSION

1.1 Background

1.1.1 On the 26 January 2022 Members agreed to an increase of Hackney Carriage Fares. The new proposed Fare increase was advertised for 14 days, starting on the 3 January 2022, and finishing on the 17 February 2022. A copy of the report for the 26 January 2022 is shown as **Annex 1**.

1.1.2 A copy of the minutes from the Licensing and Appeals Committee on the 26 January 2022 is shown at **Annex 2**.

1.1.3 On the 8 March 2020, Member considered the objection to the fare increase agreed on the 26 January 2022, which was not upheld.

1.1.4 Members asked for an additional meeting of the Licensing and Appeals Committee to be set up to discuss the current fuel increases and consider the current fare chart levels that were agreed on the 26 January 2022.

1.1.5 A copy of the minutes from the Licensing and Appeals Committee on the 8 March 2022 is shown at **Annex 3**.

1.2 Legal Implications

1.2.1 Any proposal to vary the table of fares is subject to consultation. Under the Local Government Act 1976 – Section 65, any fares approved by the Council must be advertised via a public notice in a local newspaper. Any relevant objections received would need to be reported back to Members for consideration.

1.3 Financial and Value for Money Considerations

1.3.1 It should be noted that the tariff is the maximum fare that can be charged, and discounts can be given, should the driver wish.

1.4 Risk Assessment

- 1.4.1 Approval of a new maximum fare, below the expectation of the hackney carriage trade, may result in dissatisfaction from the trade. Increasing the maximum fare may result in complaints from members of the public.

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

- 1.6.1 Members are invited to discuss the current fuel price levels in respect to the current agreed fare chart, and make appropriate recommendations.

1.6.2

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL**LICENSING & APPEALS COMMITTEE****26 January 2022****Report of the Director of Central Services and Deputy Chief Executive****Part 1- Public****Delegated****1 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 16 NOVEMBER 2021****1.1 Background**

1.1.1 On the 16 November 2021 Members agreed to an increase of Hackney Carriage Fares. The new proposed Fare increase was advertised for 14 days, starting on the 23 December 2021, and finishing on the 6 January 2022. A copy of the report for the 14 March is shown **as Annex 1**.

1.1.2 During this 14-day notice period Licensing Services received three formal objections to the Fare increase set on the 16 November 2021.

- 1) Objection #1. A copy is shown at **Annex 2**
- 2) Objection #2. A copy is shown at **Annex 3**
- 3) Objection #3. A copy is shown at **Annex 4**

1.2 Legal Implications

1.2.1 Any proposal to vary the table of fares is subject to consultation. Under the Local Government Act 1976 – Section 65, any fares approved by the Council must be advertised via a public notice in a local newspaper. Any relevant objections received would need to be reported back to Members for consideration.

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1.3.1 It should be noted that the tariff is the maximum fare that can be charged, and discounts can be given, should the driver wish.

1.4 Risk Assessment

1.4.1 Approval of a new maximum fare, below the expectation of the hackney carriage trade, may result in dissatisfaction from the trade. Increasing the maximum fare may result in complaints from members of the public.

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

- 1.6.1 Members are invited to consider the three objections to increasing the Hackney Carriage Fares as detailed in Annex 2, 3 and 4 of the report.

In the event that Members are minded to approve an increase in the maximum fares, it is recommended that any change take effect from 1 March 2022 to allow for the statutory public consultation period. If any relevant objections are received during the period these will be reported to the Committee so that Members may consider whether to proceed with the proposed increase.

1.6.2

Background papers:

contact: Anthony Garnett

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

Public Document Pack

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 26th January, 2022

Present: Cllr C Brown (Chairman), Cllr Mrs F A Kemp (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr A E Clark, Cllr D W King, Cllr R V Roud and Cllr C J Williams

(Note: As Councillors H S Rogers, M Taylor and F G Tombolis were unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

Councillors D Harman, D Keers and Mrs A S Oakley participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No. 15.21.

An apology for absence was received from Councillor Mrs R F Lettington.

PART 1 - PUBLIC

LA 22/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LA 22/2 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 16 NOVEMBER 2021

The report of the Director of Central Services and Deputy Chief Executive invited Members to consider the objections received to the increase in the Hackney Carriage Fares.

Following Members agreement on 16 November 2021 to increase Hackney Carriage Fares, the new proposed Fare increase was advertised for 14 days, commencing on 23 December 2021. During this period, three formal objections to the Fare increase were received as detailed in Annex 2, 3 and 4 to the report.

To assist Members in their consideration, the Head of Licensing provided a revised table of fares which incorporated the key concerns identified in the objections.

RESOLVED: That the amended Hackney Carriage Fare Table, as circulated at the meeting and attached as an Annex to these Minutes, be approved subject to the statutory 14 day consultation period.

LA 22/3 MATTER FOR INFORMATION

The Head of Licensing, Community Safety and Customer Services reported that on the 21 January 2022 an unlicensed riding school had been fined £5,000 following a prosecution brought by Tonbridge and Malling Borough Council.

LA 22/4 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.05 pm

Appendix to Minutes – 26 January 2022

	Proposal 2 (Agreed on 26.01.2022)
FLAG	£3.00 (up to .50 of a mile / FLAG (880 yards))
each subsequent 155 yards	£0.20 (each subsequent 125 yards)
1 Mile	£4.60
2 Mile	£7.40
5 Mile	£15.80
10 Mile	£29.80
Waiting Time (For each period of 20 seconds or part thereof)	£0.20 for every 30 seconds
Extra Charges <ul style="list-style-type: none"> at any time on a bank or public holiday except Christmas Day between 18:00 and 24:00 hours on Christmas Eve between 18:00 and 24:00 hours on New Year's Eve Easter Sunday 	50% of the above rate of fare <ul style="list-style-type: none"> For hiring beginning between 23:30 hours and 06:00 on any day
For hiring beginning at any time on Christmas Day	100% of the above rate of fare
For hiring's on Saturdays & Sundays per fare beginning between 06:00 hours and 24:00 hours.	£0.50 surcharge on each fare
For the carriage of more than four passengers up to the maximum capacity of the carriage	50% of the above rate of fare
Vehicle spoilage charge	£100.00
Congestion charges, tolls and car parking	Congestion charges, tolls and car parking incurred during hiring Any charges(s) detailed above, incurred as a result of a passenger's instruction may be added to the fare.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Tuesday, 8th March, 2022

Present: Cllr C Brown (Chairman), Cllr Mrs F A Kemp (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr A E Clark, Cllr M A Coffin, Cllr D W King, Cllr H S Rogers, Cllr R V Roud and Cllr C J Williams.

(Note: As Councillors M Taylor and F G Tombolis were unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

Councillors D Harman and M A J Hood participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs A S Oakley.

PART 1 - PUBLIC

LA 22/5 NOTIFICATION OF SUBSTITUTE MEMBERS

There was no notification of substitute members.

LA 22/6 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 22/7 MINUTES

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee held on 14 December 2021 and 26 January 2022 be approved as a correct record and signed by the Chairman.

MATTER FOR RECOMMENDATION TO THE COUNCIL

LA 22/8 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES FOR GAMBLING

The report of the Director of Central Services and Monitoring Officer gave details of the outcome of consultation on the proposed Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for 2022 to 2025. Members were advised that only one representation had

been received from the Fire Risk and Inspection Team informing of a new address and email address to use as a Responsible Authority.

RECOMMENDED: That the draft Statement of Principles for Gambling for 2022 to 2025, as set out at the Annex to the report, be approved.

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS

LA 22/9 REVIEW THE CURRENT STREET TRADING POLICY

The report of the Director of the Director of Central Services and Deputy Chief Executive asked Members to consider various options with regards to street trading. The current policy had been in force since December 2009 and it was felt that the policy should be reviewed and updated. Guidance notes which formed the current street trading policy and associated legislation were attached as annexes to the report.

RESOLVED: That consideration be given to a change to the Street Trading Policy to adopt the whole borough as consent streets and a new policy be presented to the next meeting of the Licensing and Appeals Committee for consideration prior to commencing the consultation process.

LA 22/10 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 29 JANUARY 2022

The report of the Director of Central Services and Deputy Chief Executive invited Members to consider the objection received to the increase in Hackney Carriage Fares. Subsequent to the meeting, a number of errors were identified in the report in paragraphs 1.1.1.to 1.1.3 regarding dates.

It was noted that following Members' agreement on the 26 January 2022 to increase Hackney Carriage Fares, the proposed increase was advertised for 14 days, commencing on 3 February 2022. During this period, one objection to the fare increase was received as detailed in Annex 3 to the report.

To assist Members in their consideration, the Head of Licensing provided a suggested table of fares which took account of the current fuel crisis and increasing fuel costs. During discussion, Members felt that a further delay in a resolution would negatively impact on the livelihood of Hackney Carriage drivers in the current economic climate.

RESOLVED: That

- (1) the objection to the increase in Hackney Carriage Fares not be upheld and the increase to the fares, as agreed on the 26 January 2022, take immediate effect; and
- (2) an extraordinary meeting of the Licensing and Appeals Committee be held to review the Hackney Carriage Fares in response to increasing fuel costs.

MATTER SUBMITTED FOR INFORMATION**LA 22/11 VERBAL UPDATE ON THE CONSULTATION ON AIR QUALITY**

It was noted that as no update was available, the item would be considered at the next meeting.

LA 22/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.42 pm.

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Agenda Item 6

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 7

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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