

Jacqui Sinnott-Lacey Chief Operating Officer

52 Derby Street Ormskirk West Lancashire L39 2DF

Friday, 26 May 2023

TO: COUNCILLORS N HENNESSY (CHAIR), T DEVINE (VICE-CHAIR), T ALDRIDGE, I ECCLES, J FINCH, N FUREY, J GORDON, P HESKETH, J HOWARD, K JUCKES, S LAWTON, K LLOYD AND S PATEL

Dear Councillor,

A meeting of the LICENSING & APPEALS COMMITTEE will be held in the COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF on TUESDAY, 6 JUNE 2023 at 7.00 PM at which your attendance is requested.

Yours faithfully

Jacqui Sinnott-Lacey Chief Operating Officer

> AGENDA (Open to the Public)

1. APOLOGIES

2. **MEMBERSHIP OF THE COMMITTEE** To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

3. URGENT BUSINESS

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

DECLARATION OF PARTY WHIP 4.

Party Whips are not to be used by this Committee in respect of functions concerning the determination of new Licence Applications, Revocations and Appeals. When considering any other matter which relates to a decision of the Cabinet or the performance of any Member of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9. Members must declare the existence of any Party Whip and the nature of it, before the commencement of the Committee's deliberations on the matter.

DECLARATION OF INTEREST 5.

If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of the agenda sheet).

6. MINUTES OF SUB - COMMITTEES OR WORKING GROUPS There are no minutes to receive.

7. MINUTES

To receive as a correct record the minutes of the meeting held on Tuesday, 28 March 2023.

8. HACKNEY CARRIAGE FARES

To consider the report of the Head of Planning and Regulatory Services.

EXCLUSION OF PRESS AND PUBLIC 9.

It is recommended that members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with section 100A(4) of the Local Government Act 1972, on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act (paragraph 2 Identity of an individual and Paragraph 7 Criminal Matters, and as, in all the circumstances of the case, not in the public interest in disclosing the information.

APPLICATION FOR PRIVATE HIRE DRIVER LICENCE -15 - 18 10. WK/000277999

To consider the report of the Head of Planning and Regulatory Services.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

1 - 2

5 - 14

3 - 4

FIRE EVACUATION PROCEDURE: Please see attached sheet. MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-Chloe McNally on 01695585207 Or email chloe.mcnally@westlancs.gov.uk

FIRE EVACUATION PROCEDURE FOR: COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT (52 DERBY STREET, ORMSKIRK)

PERSON IN CHARGE:Most Senior Officer PresentZONE WARDEN:Member Services Officer / LawyerDOOR WARDEN(S)Usher / Caretaker

IF YOU DISCOVER A FIRE

- 1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
- 2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

- 1. Leave the building via the **NEAREST SAFE EXIT. Do not stop** to collect personal belongings.
- 2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE.**
- 3. **Do NOT** return to the premises until authorised to do so by the PERSON IN CHARGE.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

- 1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
- 2. Make yourself familiar with the location of the fire escape routes and informed any interested parties of the escape routes.
- 3. Make yourself familiar with the location of the assembly point and informed any interested parties of that location.
- 4. Make yourself familiar with the location of the fire alarm and detection control panel.
- 5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
- 6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

- 1. Ensure that the room in which the meeting is being held is cleared of all persons.
- 2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
- 3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
- 4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

- 5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
- 6. If an Attendance Register has been taken, take a **ROLL CALL**.
- 7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
- 8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

- 1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
- 2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
- 3. Ensure that ALL PERSONS evacuate IMMEDIATELY, in accordance with the FIRE EVACUATION PROCEDURE.
- 4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
- 5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

- 1. Stand outside the FIRE EXIT DOOR(S)
- 2. Keep the **FIRE EXIT DOOR SHUT.**
- 3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
- 4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE.**
- 5. Do not leave the door **UNATTENDED.**

Agenda Item 5

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

	tick relevant boxes	 Notes
	General	
1.	I have a disclosable pecuniary interest.	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	You may speak and vote
3.	I have a pecuniary interest because	
	it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below
	or	
	it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:	
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	You may speak and vote
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	You may speak and vote
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	You may speak and vote
(iv)	An allowance, payment or indemnity given to Members	You may speak and vote
(v)	Any ceremonial honour given to Members	You may speak and vote
(vi)	Setting Council tax or a precept under the LGFA 1992	You may speak and vote
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	See the terms of the dispensation
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	You may speak but must leave the room once you have finished and cannot vote

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest. Interest

Prescribed description

Employment, office, Any employment, office, trade, profession or vocation carried on for profit or gain. trade, profession or vocation Sponsorship Any payment or provision of any other financial benefit (other than from the relevant

authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of Μ. Page 1

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—
	 (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)—
	(a) the landlord is the relevant authority; and
	(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—
	(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
	(b) either—
	(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI; "relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

(a) a member of your family or any person with whom you have a close association, or

- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

LICENSING & APPEALS COMMITTEE

Agenda Item 7

HELD: Tuesday, 28 March 2023

Start: 7.00 pm Finish: 7.26 pm

PRESENT:

Councillor:	Councillor: G Johnson (Chairman) J Mee (Vice Chairman)		
Councillors:	S Patel I Eccles J Gordon J Monaghan P O`Neill	T Aldridge N Furey L Gresty M Nixon	

Officers: Paul Charlson, Head of Planning & Regulatory Services Samantha Jordan, Senior Licensing Officer Kay Lovelady, Legal & Democratic Services Manager Lyndsey Key, Environmental Health Manager Chloe McNally, Democratic Services Officer

1 APOLOGIES

There were no apologies for absence received.

2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

3 URGENT BUSINESS

There were no urgent items of business.

4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5 DECLARATION OF INTEREST

There were no declarations of interest.

6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

7 MINUTES

RESOLVED: That the minutes of the meeting held on 6 December 2022, be agreed as a correct record and signed by the Chairman.

LICENSING & APPEALS COMMITTEE

8 EXCLUSION OF PRESS AND PUBLIC

RESOLVED That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 (Identity of an individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

9 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000277455

Members were asked to consider an application for a Private Hire Diver Licence, reference number WK/000277455, having regard to the content of the Statutory Declaration that accompanied the application form and any other relevant information.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000277455 be GRANTED.

(Note: The Officers from Place & Community Services left the meeting whilst Members considered their decision)

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Chairman



Agenda Item 8 Agenda Item:

LICENSING & APPEALS COMMITTEE:

6 June 2023

Report of: Head of Planning & Regulatory Services

Contact for further information: Michaela Murray (ext. 5315) (email: michaela.murray@westlancs.gov.uk)

SUBJECT: HACKNEY CARRIAGE FARES

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to consider a request from a Hackney Carriage proprietor, representing all Hackney Carriage trade, to increase the maximum chargeable fares payable by the travelling public for hackney carriage journeys.

2.0 RECOMMENDATION

- 2.1 That the Committee determine whether to grant the proposed increase in hackney carriage fares detailed in Appendix 3 attached to this report.
- 2.2 If the Committee resolve to grant the proposed increase in hackney carriage fares detailed in Appendix 3 attached to this report, that delegated authority is granted to the Head of Planning & Regulatory Services to publish a Notice in one local newspaper circulating in the Borough detailing the proposed increase in fares.
- 2.3 That delegated authority is granted to the Head of Planning & Regulatory Services to grant the fare increase should no objections be received in response to the published Notice.

3.0 BACKGROUND

3.1 Members may recall that the last increase in hackney carriage fares was approved at the Licensing & Appeals Committee hearing held on 6 December 2021 and took effect on 10 January 2022. The current hackney carriage fares are detailed in Appendix 1 attached to this report.

4.0 CURRENT POSITION

4.1 On 19 April 2023 a request for an increase in fares has been received from Mr Alexander, a representative for the Hackney Carriage trade. Mr Alexander stated that at a recent drivers' meeting, it was decided that they can no longer absorb the ever-increasing fuel costs plus general inflation and cost of living increases and have requested an increase in the fares. A copy of the correspondence is attached as Appendix 2 to this report.

5.0 ISSUES

- 5.1 The Hackney Carriage trade is entitled to approach the Council to vary fares. In this case, the Hackney Carriage trade believes that they have no option but to request an increase in fares for the reasons outlined above. Members should therefore consider the request from the Hackney Carriage trade against any potential impact upon the travelling public.
- 5.2 Members should note the differences between the existing fares and those proposed by the Hackney Carriage trade relate to tariffs, waiting times and soiling charge.
- 5.3 If Members decide to grant the fare increase, a Notice will be published in one local newspaper circulating in the Borough detailing the proposed variation. If any objections are received, the matter will be referred back to the Committee for further determination. If no objections are received, the fare increase will be put into effect.

6.0 LEGAL AND POLICY CONSIDERATIONS

6.1 Local Authorities have a discretionary power to determine Hackney Carriage fares under s.65 of the Local Government (Miscellaneous Provisions) Act 1976. When a District Council make or vary a table of fares they must publish, in at least one local newspaper circulating in the district, a Notice setting out the table of fares or the variation therefore and specifying the period, which shall not be less than 14 days from the date of the first publication of the Notice, within which objections to the table of fares or variation can be made. If no objection to a table of fares or variation is duly made within the period specified in the Notice, or if all objections so made are withdrawn, the table of fares or variations shall come into operation on the date of the Council shall set a further date, no later than two months after the first specified date on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections. There is no right of appeal against the fares once set.

7.0 SUSTAINABILITY IMPLICATIONS

7.1 These services have the potential to impact upon many areas within the Community, particularly upon taxi services and the travelling public within West Lancashire. Therefore, the proposal links with the following aspect of the Community Strategy: Transport (issue B).

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 There are no direct resource implication for the Council.

9.0 RISK ASSESSMENT

9.1 The Council has a legal duty to administer the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

10.0 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Appendices

Existing Hackney Carriage Fares	Appendix 1
Letter from Trade Representative	Appendix 2
Proposed Hackney Carriage Fares	Appendix 3



HACKNEY CARRIAGE TABLE OF FARES

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance.

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5	
If the distance does not exceed 630yds (576.07m) or part thereof	£2.70p	£3.40p	£4.10p	£4.50p	£5.40p	
For each subsequent 120yds (109.73m) or part after the first 630yds (576.07m)	10p	12p	15p	17p	20p	
Waiting time						
For each period of 45 seconds (or uncompleted part thereof)	10p	12p	15p	17p	20p	
Tariff 1 For all hiring beginning and ending during normal working days and weekends.						
Tariff 2 For all hiring begun between 8.00pm and 5.00am.						

For all hiring begun between 8.00pm on the day preceding a Bank Holiday until 5.00am on the day following a Bank Holiday.

- **Tariff 3** For all hiring beginning or ending outside the boundaries of West Lancashire.
- <u>Tariff 4</u> For all hiring begun between midnight and 5.00am as specified in Tariff 3.
- <u>**Tariff 5**</u> For all hiring begun between 6.00pm Christmas Eve and 6.00am the 27th December.

For all hiring begun between 6.00pm New Years Eve and 6.00am the 2nd January.

- **Extras** A charge in units of 10p agreed between the driver and hirer prior to the commencement of a journey for carriage of items over and above normal amounts of shopping bags and trolleys.
- **Soiling Charge** In the event of a person being sick in the vehicle, for example due to excess alcohol, or for any mess that could easily be avoided. **£30.00**

Extreme Weather Conditions (Snow and/or Ice)

In the event of adverse weather to allow any tariff 1 fare to be charged at Tariff 2 rates.

H McDougall, Director of Leisure and Environment West Lancashire Borough Council, Robert Hodge Centre, Stanley Way, Skelmersdale, WN8 8EE



HACKNEY CARRIAGE TABLE OF FARES

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance.

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
If the distance does not exceed 630yds or part thereof	£3.00	£3.75	£4.50p	£5.25	£6.00p
For each subsequent 105yds (96.012m) or part after the first 630yds (576.07m)	10p	12p	15p	17p	20p
Waiting time					
For each period of <i>30 seconds</i> (or uncompleted part thereof)	10p	12p	15p	17p	20p

Tariff 1 For all hirings beginning and ending during normal working days and weekends.

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- <u>Soiling Charge</u> In the event of a person being sick in the vehicle, for example due to excess alcohol, or for any mess that could easily be avoided. $\underline{\textbf{\pounds40.00}}$

Extreme Weather Conditions (Snow and/or Ice)

In the event of adverse weather to allow any tariff 1 fare to be charged at Tariff 2 rates.

H McDougall, Director of Leisure and Environment

West Lancashire Borough Council, Robert Hodge Centre, Stanley Way, Skelmersdale, WN8 8EE

From: Sent: Wednesday, April 19, 2023 7:03 pm To: Murray, Michaela <<u>Michaela.Murray@westlancs.gov.uk</u>> Subject: Re: Fare Increase

Hi Michaela

On behalf of the Hackney Carriage trade of West Lancashire Borough Council I have been asked to apply for a Tariff Increase, this is because of the current inflation rate and difficulties for drivers to substane a liveable wage ,we are asking for around a 10% increase and this will be over the last increase, since then inflation is running at approximately 10% a year so we believe the increase is under the inflation rate , if you look at the Taxi Magazine we are currently 330th out of 339 councils and if we get the proposed increase we will be around 308th,parts and labour repair are going up and our wages down, we have kept it as low as possible so not to hit our Trade but something needs to be done, I hope the Committee will understand our reasons and grant us our wish

Many Thanks (On Behalf of the Hackney Trade)

Thanks for your help

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