

Report to Licensing Sub-committee
Date of meeting: 10th April 2013

Subject: Local Government (Miscellaneous Provisions) Act 1976 as amended and Town & Police Clauses Act 1847 – Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976



Officer contact for further information: Kim Tuckey

Committee Secretary: Adrian Hendry

Decision Required:

To recommend to Council that:

- (1) The Authority should set fares charged for Hackney Carriages.**
- (2) To recommend which tariff should be recommended to full Council and to recommend which tariff be advertised and if no objections received then shall be adopted.**
- (3) That it is a condition of the vehicle licence that meters must be installed in Hackney Carriages.**

Report:

Hackney Carriage Proposed Tariff

Proposals and Supporting Information

1. The Licensing Section and members were requested by the taxi trade to introduce a tariff to regulate fares charged for journeys by Hackney Carriage. They had also received complaints of over charging usually in respect of journeys undertaken at night time which had led to problems outside clubs. This was reported to the meeting of the Licensing Committee held on the 11 April 2012.

2. Members decided:

(a) That the Senior Licensing Officer carries out a consultation with a view to recommending a fare tariff for journeys within the District for EFDC licensed Hackney Carriages;

(b) That meters are fixed to Hackney Carriages licensed in this area and that they are inspected on a regular basis;

(c) That a company is appointed through the Council's tendering process to carry out this work; and

(d) That a further report be brought back to the next Licensing Committee reporting on progress made.

3. The Senior Licensing Officer contacted a number of neighbouring authorities and obtained details of the fares set by them.

4. A table showing the proposed fare in comparison to a number of neighbouring authorities is shown below: These comparisons were discussed with the taxi trade on the 22nd January 2013

Distance	Chelmsford	Colchester	Braintree	Thurrock	Basildon	Epping (Proposed)
1 Mile	£3.90	£4.70	£3.30	£3.81	£3.40	£3.50
2 Miles	£5.80	£6.80	£5.40	£5.44	£5.00	£5.50
5 Miles	£11.30	£10.70	10.00	£10.33	£10.00	£11.50

5. It should be noted that the figures shown in the above table can vary slightly as distances journeyed rarely work out to the exact mile. There may also be increases in the pipeline for other authorities that we are unaware of or have not been approved by their Members yet. (Since undertaking the comparisons there may have been some changes to the above tariffs).

6. The Senior Licensing Officer also requested tariffs that are currently set locally by the taxi trade and the independent drivers. Again there was a broad difference in how each operator implemented their tariff. During her research it was found that some of the fares that are currently set locally have not changed within the last eight years, this may be due to the competitive market between different operators. This has made the task difficult, to make a comparison between these fees and the neighbouring authorities tariffs.

7. Some examples of local operators and independent fares for Tariff 1:

£4.00 up to 2288 yds (1.3 miles)
£4.00 for 1.5 miles
£3.80 up to 2 miles
£3.80 first 2 miles

8. There are two proposed tariffs which are set out at the end of this report (annex 1 & 2). It is a maximum fare/tariff only and it would be up to each individual Hackney Carriage vehicle proprietor as to whether or not they wished to charge their customers the maximum fare. There is no legal obligation on them to do so and they can negotiate and accept a fare lower than the maximum fare shown on the taximeter if they wish to do so.

9. When preparing the proposed tariff the Senior Licensing Officer took account of the tariffs for neighbouring authorities, the consultations with the taxi trade and took into consideration the rising cost of fuel, and substantial increases in vehicle insurance and general motoring maintenance and running costs.

Meeting with the Taxi Trade

10 The proposed tariff was discussed at a special meeting on 22 January 2013, where the taxi trade and independent drivers were invited to the meeting. Opinion was mixed at the meeting and the minutes of which are attached.

11. A number of questions arose as a result of that meeting:

- **Drivers considered that if they had agreed a price prior to the start of a journey they did not need to use the meter.** If members agree to set a tariff it will be necessary to change the vehicle licensing conditions to require meters to be installed and for them to be used at all times for journeys within the District. If they are not used then it would be difficult for the passenger to know if they were receiving value for money.
- **Objection was made where a vehicle owner had won a school contract or similar.** The Council may agree to make an exception where the price fixed by the contract is equal to or less than the table of fares.
- **The suggestion was put forward that HMRC check the meters when deciding the level of tax to be charged.** In some areas discounting is prevalent and HMRC will be aware of this. It is possible to impose a condition requiring that meters are calibrated to the Authority's table of fares or such other tariff not exceeding that as the proprietor intends to charge.
- **There were concerns that some of the proprietors were not registered for VAT and some were.** Fares are deemed to include VAT where the driver is VAT registered. It is possible to have two sets of tariffs but this would not be usual.

12. Following the meeting further enquiries and comparisons of fare tariffs were undertaken. A second tariff has been prepared to take account of members' concerns and is attached as Annex 2 & 3

Consultation, Financial and Legal Implications

13. If the Committee decides to adopt a tariff of fares it must first publish a table of the fares in a local newspaper giving at least 14 days for objections. A copy must be deposited at the local Council Offices for at least 14 days from the date of publication and it must be available to be inspected at any reasonable time.

14. If no objections are received by the date mentioned in the advertisement the fares take effect.

15. If any written objections to the proposed tariffs are received by the Council within the 14 day objection period then the Council will need to consider these objections. In this case the objections will be considered by the Licensing Committee and a report made to full Council.

16. In the light of those objections (although the Council must consider them, it does not have to vary the proposed fare as a result of them) the Council then sets a second date which cannot be more than two months after the first date specified, when the new fares come into force.

17. There is no right of appeal against the Council's decision and once set the only remedy is judicial review.

18. Consideration has been made of the cost of advertising and in dealing with any other matters that might arise from the proposed increase, including the cost of printing new maximum fare charts and provision for this can be found from the existing Hackney Carriage vehicle licence budget. There should therefore be no additional or hidden costs relating to this matter.

Meters

19. The original decision of the Licensing Committee upon the recommendation of officers was that the Council went out to tender for meters as it was thought that some economies could be obtained this way. However, further research has shown that licensed proprietors should arrange for a meter to be installed and calibrated by a provider as long as the meter that is installed is in accordance with the BS EN 50148 and must be capable of being set and sealed.

20. The Authority at any time may on request require the meter to be audited to ensure that all seals and tariffs are correct.

21. The Council's facilities at Langston Road will periodically test the meter.

Timetable for conditions & Meters

22. The amended conditions specify the requirement for a meter to be installed in a taxi to enable the fare tariff to be implemented.

23. Any amendment to the conditions will have to be advertized and the government recommends that consultation should be three months.

24. The time table for the implementation is as follows:

1 May 2013- Start consultation
1 August 2013 consultation ends
9 October report to Licensing committee
5 November 2013 Recommend to full Council

25. It is reasonable to give three months notice from the date adopted. 3rd February 2014 meters to be fitted in vehicles.

25. A minimum of fourteen days notice to advertise the fare tariff ending 3rd February 2014. If there are no representations it shall be adopted:

- a. If representations are received a special meeting will be convened by the end of February 2014
- b. Report to Council meeting 22nd April 2014. If agree this will come into effect on the 23rd April 2014
- c. If no agreement is made it shall be reported back to the Licensing Committee.

**TABLE OF FARES FOR HACKNEY CARRIAGES
FROM**

Annex 1

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;">Rate 1</p> <p>For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive</p>	£3.50	£0.20
<p style="text-align: center;">Rate 2</p> <p>For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays</p>	£3.70	£0.30
<p style="text-align: center;">Rate 3</p> <p>For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve</p>	£4.10	£0.40
<p style="text-align: center;">Rate 4</p> <p>For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve</p>	£5.50	£0.50

Assistance Dogs – No Charge

All other dogs, carried at driver's discretion – No Charge

Fouling of the vehicle at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)
Quoting the vehicle registration mark/licence number or the driver's badge number.**

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
- Rate 2 Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
- Rate 3 Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour.

**TABLE OF FARES FOR HACKNEY CARRIAGES
FROM**

Annex 2

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) or part thereof or period of 360 seconds	Each additional unit of 195.6yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;">Rate 1</p> <p>For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive</p>	£3.50	£0.20
<p style="text-align: center;">Rate 2</p> <p>For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays</p>	£3.70	£0.30
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- Rate 3 Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour
- Rate 4 To be used only by vehicles carrying 6/8 passengers on public holidays, Christmas & New Year.