

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	18 June 2015
<b>Subject:</b>	Review of the Hackney Carriage Tariff
<b>Report of:</b>	Bhavdip Nakum, Licensing Team Leader
<b>Corporate Lead:</b>	Rachel North, Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	One

## **Executive Summary:**

The current hackney carriage tariff was set by the Licensing Committee on 17 July 2014 and came into effect on the 18 July 2014.

The Licensing Committee has resolved that a review of the hackney carriage tariff be carried out on an annual basis. The hackney carriage tariff is therefore due to be reviewed.

## **Recommendation:**

**To APPROVE the renewal of the current hackney carriage tariff until 31 July 2016.**

## **Reasons for Recommendation:**

The proprietors of the hackney carriages licensed by the Council were all consulted and have not requested any amendments and therefore there is not considered to be a case for amending the tariff at the present time.

## **Resource Implications:**

The costs involved in carrying out the legal process to advertise any amendment to the tariff would be met from existing resources.

## **Legal Implications:**

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary a table of fares for hackney carriages in the area.

## **Risk Management Implications:**

None.

## **Performance Management Follow-up:**

If the Committee resolve to amend the tariff, there will be a need to carry out the legal process required to vary the table of fares for hackney carriages and notify all the proprietors of hackney carriages.

## **Environmental Implications:**

None.

## **1.0 BACKGROUND**

- 1.1** Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.
- 1.2** The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish.
- 1.3** Currently, there are four hackney carriage vehicles licensed by Tewkesbury Borough Council. The current tariffs came into effect on 18 July 2014 and this is shown at **Appendix A**.
- 1.4** Tariff one currently operates between 7am and 11pm each day (excluding Sundays). Tariff two currently operates between 11pm and 7am each day and on Sundays and public holidays.
- 1.5** The “flag charge” is the initial amount that a passenger is charged for hiring a hackney carriage vehicle, irrespective of the distance subsequently travelled on the journey.
- 1.6** The “flag distance” is how far the hackney carriage travels before additional cost is incurred by the hirer over and above the flag charge.
- 1.7** The “running mile” cost is the amount per mile that a passenger has to pay, once the journey is underway and the flag distance has been completed.
- 1.8** When a hackney carriage vehicle is stationary whilst hired, the amount charged is calculated by time rather than distance. The amount charged as “waiting time” is the amount that a passenger is liable to pay when a hired vehicle is stationary.
- 1.9** The “additional charges” are those that hackney carriage drivers are permitted to levy in respect of specific factors relating to journeys undertaken in the vehicle.
- 1.10** When comparing hackney carriage fares between Districts, the comparison is usually drawn based on the cost of a two mile journey, as this has been deemed to be the average distance undertaken by someone hiring a hackney carriage.

## **2.0 PROCEDURE TO BE FOLLOWED IF THE TARIFFS ARE AMENDED**

- 2.1** When varying the tariffs there is a statutory requirement to publish the proposal in the form of a Notice, specifying the day (the specified date) on which it will come into force, in at least one local newspaper and allow 14 days for any objections to be made. During that period a copy of the Notice must be available for inspection at the Council Offices at all reasonable hours.
- 2.2** If no objections are received or all of the objections are withdrawn then the variation will come into effect on the specified date. However, if objections are not withdrawn, the Council must consider them and set a date, no later than two months, when the tariffs shall come into effect with or without amendment.
- 2.3** If any objections are made, Members will need to consider the Human Rights Act 1998 at that stage, in particular Article 1 of the First Protocol regarding protection of property

which extends to the hackney carriage drivers' business.

### **3.0 ECONOMIC FACTORS**

**3.1** There has not been an increase in the in the fuel prices in the South West region since the last tariff was reviewed in July 2014. It is also important to acknowledge that fuel is not the only economic factor affecting the proprietors of licensed hackney carriage vehicles. According to the Office of National Statistics, the Consumer Price Inflation (CPI), which is the Government's target measure of inflation, was at -0.01% in May 2015.

### **4.0 OTHER OPTIONS CONSIDERED**

**4.1** The Committee may decide to make amendments to the existing tariff. However given that none of the proprietors of the hackney carriages licensed by the Council have requested that any amendments are made, this is not considered appropriate.

### **5.0 CONSULTATION**

**5.1** All licensed proprietors of hackney carriages were contacted in March 2015 inviting them to make suggestions regarding amending the current tariff. No responses were received from the proprietors.

### **6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**6.1** None.

### **7.0 RELEVANT GOVERNMENT POLICIES**

**7.1** DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

### **8.0 RESOURCE IMPLICATIONS (Human/Property)**

**8.1** None.

### **9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**9.1** None.

### **10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**10.1** Consideration of the Human Rights Act 1998 as shown at Paragraph 2.3 above.

**10.2** Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would also be unlawful in accordance with the Equality Act 2010.

**10.3** Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities.

**10.4** Therefore the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or any similar mobility aids.

### **11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**11.1** Review of Hackney Carriage Tariff, Licensing Committee 28 July 2008.

Review of Hackney Carriage Tariff, Licensing Committee 11 June 2009.  
Review of Hackney Carriage Tariff, Licensing Committee 10 June 2010.  
Review of Hackney Carriage Tariff, Licensing Committee 9 June 2011.  
Review of Hackney Carriage Tariff, Licensing Committee 7 June 2012.  
Review of Hackney Carriage Tariff, Licensing Committee 6 June 2013.  
Review of Hackney Carriage Tariff, Licensing Committee 17 July 2014.

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**Background Papers:** DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

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**Appendices:** Appendix A – Current Tariff