

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 29th May 2013

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WARD(S): ALL

PART I

FOR CONSIDERATION AND DECISION

PROPOSED INCREASE IN HACKNEY CARRIAGE FARES

1. **Purpose of Report**

To consider a request from the Slough Taxi Federation, to increase the approved Hackney Carriage fares

2. **Recommendation**

That the Committee is requested to decide whether:

1. To approve the requested fare increase.
2. To approve part of the requested increase.
3. To approve a different increase to that proposed
4. Not to approve the requested increase and the leave the fares as they are currently

3. **Community Strategy Priorities–**

- **Being Safe, Feeling Safe**
- **Prosperity for All**

4. **Other Implications**

(a) **Financial**

Should the fares increase be approved, the Council has a legal obligation to publish details in the local news paper. Any person may write in with a representation against the fare increase and, should this happen, all representations will be presented to the Licensing Committee who shall decide whether or not to modify the proposed table of fares. In any event, the table of fares (whether modified or not) shall come into force within two months from the date that the fare increase was to take effect as stated in the advertisement.

On 25th January 2007 the following was approved by the Committee;
'The costs of advertising the fare charges in the local newspapers be met by the Hackney vehicle proprietors from the next submission of the proposed fare Increases'.

The Slough Taxi Federation have agreed that the cost of the advertisement (in 2010 £450.00p) will be divided by the 107 proprietors and payable to the Council as soon as the advertisement is published.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2	The provisions for the Council to approve Hackney Carriage fares are contained within the Local Government (Miscellaneous Provisions) Act 1976	None

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Local Government (Miscellaneous Provisions) Act 1976:

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states;

- 1) A District Council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle; to be paid in respect of the hire of a hackney carriage by means of a table (hereafter in this section referred to as a 'table of fares') made or varied in accordance with the provisions of this section.
- 2) When a District Council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(d) Equalities Impact Assessment

It is important that the Council through its licensing functions protects the public by ensuring that the fares charged by licensed Hackney Carriages are fair and justified and not excessive.

There are no Human Rights implications in adopting the recommendations of this report.

5. **Supporting Information**

5.1 The legal position - The Local Government (Miscellaneous Provisions) Act 1976 LG(MP)A 1976, s.65(1) gives the power to set hackney carriage fares to the local authority. The following procedure must be followed before the new fares can come into effect;

- i) A notice must be published in a local newspaper, stating the proposed fares or variation of the fare and must give at least 14 days notice for any objections to be received.
- ii) A notice must also be displayed at the town hall/council office.
- iii) If no objections are received, the fares take effect on the specified date.
- iv) If objections are received (and not withdrawn) the local authority must consider the objections.
- v) The local authority may make alterations to the tariff in light of the objections received.
- vi) The local authority may decide not to alter the proposed fares (where objections have been received). The fare table would come into effect within two months of the original date.
- vii) The local authority may decide to alter the proposed fares (where objections have been received) and the revised fare table would come into effect within two months of the original date.

5.2 It is also important to note that miles, yards, feet and inches must be used when setting hackney carriage fares.

5.3 Once the table of fares have been set, they apply to Hackney Carriages which are licensed to ply for hire within the district.

5.4 **Within the district** it is an offence (s.58 TPCA 1847) to charge more than the fare shown on the meter (plus any legitimate extras). A hirer can agree a fare in advance, for a sum that may be less than shown of the meter at the end of hiring. TPCA 1847 s.55 outlaws any agreement to pay more than the metered fare, irrespective of what may have been agreed beforehand.

5.5 LG(MP)A 1976, s.66 prohibits any demand of a fare greater than that shown on the meter for hiring's which **end outside the district area of the council** in which the hackney carriage is licensed, unless an agreement to pay more than the metered fare has been made in advance of the hiring commencing.

5.6 To summarise;

- It is the local authority who set the hackney carriage fares.
- The fare chart must be in miles, yards, feet and inches.
- For a hiring ending **within the district**, a hackney carriage driver cannot charge more than the fare shown on the meter (but can charge less).
- For a hiring ending **outside the district**, a fare greater than that shown on the meter can be charged but it must have been agreed with the hirer in advance.

- 5.7 The last increase in the Slough Taxi Tariff was approved by the Licensing Committee on 3rd June 2010 and is attached at **Appendix A**.
- 5.8 On 21st December 2012 the Slough Taxi Federation submitted a written request for an increase in the current Tariff. The written request is attached at **Appendix B** and the proposed new Tariff is attached at **Appendix C**.
- 5.9 The request is for a 40p increase in the first rate of the Tariff and a breakdown of the proposed change is as follows:

Rate 1 change the flag drop from £3.00 to £3.40 (one increment)

Rate 2 changes from £4.80 to £5.20 (one increment)

Rate 3 changes from £4.50 to £4.90 (because it is fare and a half, one increment equates to 60p)

Rate 4 changes from £6.00 to £6.40 (because it is double fare, one increment equates to 80p)

The request also asks for the hours on Rate 1 to be changed from 'Daily 6am to 10pm' to 'Daily 5am to 10pm' and on Rate 2 from 'Daily Midnight to 6.am' to 'Daily Midnight to 5am'.

As nothing else changes this has the effect that irrelevant of the distance travelled, the fare will only be 40p more

There are no changes to the yardage or timings.

6. Comments of Other Committees

None.

7. Conclusion

Taking all the information into account the Committee are asked to determine if the requested fare increase should be approved and , if so, that the Hackney Carriage proprietors pay for the advertisement of the said fares.

8. Appendices Attached

Appendix A - 2010 Taxi Tariff

Appendix B - Written request for Taxi tariff increase

Appendix C - Proposed Tariff for 2013

9. Background Papers

Local Government (Miscellaneous Provisions Act 1976

Town Police Clauses Act 1847