

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Licensing Committee      **DATE:** 24<sup>th</sup> March 2022  
**CONTACT OFFICER:** Melanie Sagar, Principal Licensing Officer  
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**WARD(S):** ALL

### PART I FOR DECISION

#### PROPOSED HACKNEY CARRIAGE VEHICLE TARIFF INCREASE

##### **1. Purpose of Report**

- 1.1 The purpose of this report is to review the current Hackney Carriage Vehicle Tariff fare scale and consider whether to approve the request from the Slough Taxi Federation to increase the approved Hackney Carriage Vehicle tariff in light of rises in running costs such as fuel and insurance to the trade.

##### **2. Officer Recommendation**

- 2.1 The following recommendations are being made:

- (a) That the Committee approves the proposed new tariff chart as attached at **Appendix C**; and
- (b) If following the public notice relating to the new tariff any objections are received and not withdrawn the objections shall be determined by the Trading Standards and Licensing Manager in consultation with the Licensing Committee Chair, who shall determine whether or not to modify the approved new tariff chart and in the event that objections are materially significant the matter be referred back to the Committee for consideration.

- 2.2 If the proposed fare increase is approved, this will be the first fare increase since 2013 and will bring the fare chart into compliance with Criminal and Civil legislation enacted since 2013. This chart also considers drivers' responsibilities under the Equalities Act.

- 2.3 The licensing team are in support of the proposed chart (**Appendix C**) as it gives clarity and transparency to new additional charges such as road usage charges.

##### **3. Alternative options**

- 3.1 Alternative options include the following:

- Approve part of the requested increase;
- Approve a different increase to that proposed;
- Not approve the requested increase and leave the fares at the current rate; or
- Not to approve the requested increase and incorporate the legislative changes.

#### **4. Background**

- 4.1 The current tariff scale was set and approved by the Licensing Committee in 2013. A copy of the 2013 report is attached at **Appendix A**.
- 4.2 On 20 January 2022 the Slough Taxi Federation submitted a written request for an increase in the current Tariff. The written request is attached at **Appendix B**. The fare chart included was their original proposal. The Slough Taxi Federation consulted with their members prior to making the request.
- 4.3 After a number of suggested amendments to the proposed tariffs from Russell Denney-Clarke, Trading Standards and Licensing Manager and Melanie Sagar, Principal Licensing Officer, the final, agreed proposed new tariff chart is attached at **Appendix C** and the written agreement to this received 03 March 2022 from the Slough Taxi Federation is attached at **Appendix D**
- 4.5 For information, there are currently 104 licenced hackney vehicles and Slough Taxi Federation represents over 90% of these drivers, therefore this is a fair representative sample of drivers and no pre-consultation is required. Any other persons with an interest in the new fare chart will be consulted with when signed off by the committee and duly advertised in accordance with the law.

#### **5. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

(a) Slough Wellbeing Strategy Priorities

Consideration has been given to these priorities however the nature of the hackney fares is outside the scope of these priorities.

(b) Five Year Plan Outcomes

Consideration has been given to these priorities however the nature of the hackney fares is outside the scope of these priorities.

#### **6. Financial Implications**

- 6.1 There are no direct financial implications for the Council arising from the proposed increases.
- 6.2 The tariffs do not represent income to Slough Borough Council. The approval of tariff increases has been requested by the Slough Taxi Federation based on the increasing costs of running taxis. There has not been an increase in rates in Slough for approximately 8 years
- 6.3 If the tariff increase is approved, there is a legal obligation to publish details of this in local newspapers. Any person may write in with a representation against the tariff increase. Should this happen all representations will be presented to the Chair of the Licensing Committee in conjunction with the Trading Standards and Licensing Manager who shall decide whether to modify the proposed table of fares. In addition to this, taxi drivers will be invited individually to comment. As there could be equality implications, the chart will also be considered by the Council's disability forum.
- 6.4 The table of fares (whether modified or not) shall come into force within two months from the date that the tariff increase was to take effect as stated in the advertisement.

- 6.5 On 25 January 2007 the Committee approved that 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 has agreed that the cost of the advertisement will be divided between the proprietors and payable to the Council as soon as the advertisement is published.

## 7. **Risk Management**

Recommendation from section 2 above	Risks/Threats/Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
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	The drivers are looking at the tariff to be increased to mitigate the rising costs of fuel and insurance.	2	There isn't really anything as the Drivers request the increase and tied in legislation.

## 8. **Legal Implications**

- 8.1 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), local authorities have the power to "...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 hackney carriages 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."
- 8.2 The procedure for setting fares and public notice requirements are stipulated within section 65 of the 1976 Act.
- 8.3 There is no right of appeal so any legal challenge to the final decision made would be by way of judicial review.
- 8.4 There are no human rights implications in adopting the recommendations of this report.

## 9. **Equalities Impact Assessment**

- 9.1 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, justified and not excessive.

- 9.2 When considering the requested tariff increase regard was given to the Equality Act 2010 and Trading Standards enforced legislation to ensure, as far as possible, that the proposed tariffs are not misleading, unfair or discriminatory to passengers without adversely altering the requested increase.
- 9.3 In devising the new table of fares (**Appendix C**) where there is additional adult passenger charges this was increased to 3 passengers (from 2) to account for a companion for persons considered disabled or with hidden disabilities.

## 10. Supporting Information

- 10.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 10.2 The trade are not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set.
- 10.3 If the proposed increase of fare is approved, local authorities must follow the procedure set out in section 65 of the 1976 Act before the new fares can come into effect and this includes the following:
- 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.
- 10.4 It is also important to note that miles, yards, feet and inches must be used when setting hackney carriage fares.
- 10.5 Once the table of fares have been set, they apply to Hackney Carriages which are licensed to ply for hire within the district.
- 10.6 Within the district it is an offence (s.58 Town Police Clauses Act 1847 TCPA 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.

- 10.7 Section 66 of the 1976 Act 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.

## **11. Comments of Other Committees**

None.

## **12. Conclusion**

- 12.1 The issue of setting fares for hackney carriage drivers is an important one primarily for two reasons. The fares set by local authorities largely determine the ability of drivers to earn a decent living but also functions to ensure that passengers receive a fair deal when taking a journey in a licensed hackney carriage.

12.1 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 in addition to any road usage charges which must be agreed by the passenger before hiring.

- 12.2 Taking all the information into account Members are asked to seek a way forward in terms of fare setting and to determine if the requested fare increase and chart should be approved and if so, that the hackney carriage proprietors pay for the advertisement of said fares.

## **13. Appendices Attached**

'A' - 2013 Taxi Tariff

'B' - Slough Taxi Federation written tariff increase request 20 January 2022

'C' - 2022 proposed increase tariff chart

'D' - Slough Taxi Federation written agreement for 2022 proposed increase tariff chart

14. **Background Papers**

'1' - [Local Government \(Miscellaneous Provisions\) Act 1976](#)

'2' - [Town Police Clauses Act 1847](#)

'3' - [Equality Act 2010](#)

'4' - Trading Standards legislation:

[The Consumer Protection from Unfair Trading Regulations 2008 \(as amended\)](#)

[The Consumer Rights \(Payment Surcharges\) Regulations 2012 \(as amended\)](#)

[The Consumer Rights Act 2015 \(as amended\)](#)

[The Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#)