

# Consideration to review the Hackney Carriage Tariff

## Licensing Committee

Date: 04 February 2016

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Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### 1. Purpose and Reasons

- 1.1 To consider whether there should be an increase in the maximum scale of fares for licensed hackney carriage operators in the Borough. There are two proposals before the Committee.
- 1.2 Mr Keith Radway of Swindon Black Cabs at Appendix A.
- 1.3 Mr John Stocker and Mr Andrew Lucas at Appendix B.
- 1.4 The current scale of fares which has been in operation since 1 September 2008 is shown at Appendix C

### 2. Recommendations

#### That Committee:

- 2.1 Considers the proposals for an increase in the Hackney Carriage Tariff attached as Appendix A and B, and
- 2.2 Agree a draft maximum scale of fares which if varying the existing scale of fares will be subject to public consultation as required by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

### 3.0 Detail

- 3.1 It is at the discretion of the Council to set a meter tariff for licensed hackney carriages operating within the Borough if it chooses to do so.
- 3.2 Councils are not obliged to set a maximum fare for their area, they could decide instead to rely on market forces to establish the going rate and at the same time to promote competition.
- 3.3 In the past Swindon BC has chosen to set a tariff. The Office of Fair Trading does not recommend that Councils remove pricing restrictions for taxis and recognises that whilst there may be some good reason for deregulating fares, on balance, those for applying controls are stronger. It does however, recommend that local authorities should only set fare tariffs which represent the maximum that can be charged, and not set fixed or minimum fares. This statement is shown on the tariff card issued to all vehicle proprietors.

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- 3.4 The current scale of taxi fares set by Swindon Borough Council is attached as part of Appendix C to this report. The last increase became effective 1 September 2008 following a committee decision to approve an increase in the tariff made in 2008.
- 3.5 The taxi tariff may be reviewed at any time and is usually done so at the request of trade.
- 3.6 Any taxi tariff set by the Council is the maximum any hackney carriage driver can charge for a journey although they are at liberty to charge less than the approved tariff if they choose to do so. However a hackney carriage driver must activate the meter for any journey commencing within the Borough.
- 3.7 Committee may also resolve that the taxi tariff be reviewed at regular intervals no greater than 24 months or sooner if changing circumstance require, without the need for application from the trade. However this would also be subject to the statutory consultation.
- 3.8 The tariff does not apply to private hire drivers who set their own fares, via market forces without council involvement. An example of current private hire fares is shown at Appendix D.

## **4. Consultation with the trade**

- 4.1 There are currently 2 proposals from the trade as attached as Appendix A and B and whilst there has been no direct consultation with individual drivers these proposals have been considered through the Taxi Forum.
- 4.2 There are currently 173 hackney carriage drivers licensed by SBC.
- 4.2 Mr Radway of Swindon Black Cabs produced a signed petition attached as Appendix A1, showing 53 signatures, which is obviously less than a third of the trade.
- 4.3 Mr Stocker and Mr Lucas have provided an alternative proposal; however despite written requests by the Licensing Authority have failed to provide the numbers in support of their proposal.
- 4.4 It is normal practice that the trade reach agreement and a recommendation is given by Officers. However despite significant efforts by Officers to encourage this no agreement has been reached and the Council are therefore obliged to consider separate requests.

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### 5. Conclusion

5.1 There is no evidence of a majority vote which would normally be the one for consultation, however having regard to the fact there has been no increase since 2008, it is recommended that the Committee agree an increase for consultation. The options for the Committee are as follows:

- To agree with the proposal as Appendix A
- To agree with the proposal as Appendix B
- To delegate to the Licensing Manager in conjunction with the Chair to propose an alternative; or
- To remain with the existing tariff.

5.2 It is proposed that any increase to the tariff be implemented from 1 April 2016. Where an objection is received within the 14 day period, the Council will set a date no later than 2 months after the first specified period, on which the table of fares will come into force with or without modification as decided by them after having considered all objections.

5.3 If Members choose to reject the request the tariff will remain at that set in 2008.

### 6. Implications, Diversity Impact Assessment and Risk Management

6.1 A DIA has not been undertaken at this stage as it is only proposed for consultation

### 7 Financial and Procurement Implications

7.1 There are no direct financial implications arising from the report.

7.2 An increase in the taxi tariff would not impose additional costs nor generate any income for the Council.

7.3 There will be cost to the Council in terms of officer time in the carrying out of the consultation and implementing any change and financially for the advertising of proposed tariff in the newspaper. The exact quantity of this cost has not yet been established but is estimated to be in the region of £1000. This can be met from existing budgets.

### 8 Legal and Human Rights Implications

8.1 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the Recommendations of this report are compatible with Convention Rights as they comply with the requirements of relevant legislation. The Council is required to comply with the statutory

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provisions referred to in the report, which the adoption of this policy \ regime will ensure it does. All legal, human rights and other relevant implications have been considered in the preparation of this report.

## **9 Diversity Impact Assessment**

It is not considered that the preparation of a DIA is required in respect of this report.

## **10.0 Consultees**

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

## **11.0 Appendices**

- 11.1 Appendix A - Fare proposal Mr K Radway
- 11.2 Appendix A1 - Driver petition in support of Radway proposal
- 11.3 Appendix B - Fare proposal from Mr Stocker and Mr Lucas
- 11.4 Appendix C – Current fare tariff (since 2008).
- 11.5 Appendix D- Example of private hire fares over 1 to 10 Miles.