

# Delegated Officer Decision

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## Request to Agree an Alternative Format for Hackney Carriage Fare Table issued in July 2022

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<b>Officer considering report:</b>	Eric Owens
<b>Date decision to be signed:</b>	TBC
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Forward Plan Ref:</b>	N/a

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### 1. Purpose of the Report

- 1.1 To seek authority to present the published hackney carriage fare table agreed at the 07 July 2022 Executive meeting in an alternative format in order to remove any ambiguity and assist both the trade and their customers.

### 2. Recommendation

- 2.1 **APPROVE** the reformatted hackney carriage fare tables as set out in Appendices 2 and 3 for use by the trade licensed by West Berkshire Council.

### 3. Implications

- 3.1 **Financial:** There are no financial implications for the Council. The trade will provide their own fare scales for presentation in their vehicles.
- 3.2 **Policy:** The procedure for setting fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The current fares were agreed by the Executive at its meeting on the 07 July 2022.
- A request has been received from the trade via Ave Cabs to permit the display of the agreed fares in an alternative format in order to reduce any confusion for customers when multi seater vehicles (vehicles permitted to carry more than four passengers) are used.
- 3.3 **Personnel:** There are no personnel implications associated with this report.
- 3.4 **Legal:** The Legal advice received is summarised in paragraphs 5.5 to 5.8. The procedure for setting

fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

This request is however not seeking an alteration to the fares, it is simply an alteration to the appearance of the fare table. There is therefore no requirement to undertake any consultation stipulated in the Act.

The requirements around the displaying of fare tables are set out in bylaw number 17 in the Newbury byelaws, and also bylaw number 17 in the byelaws for the remainder of the district.

Authority is delegated to the Public Protection Manager in the Inter Authority Agreement to agree these changes.

- 3.5 **Risk Management:** The revised format is designed to reduce confusion and therefore the risk of customers being over charged or the trade being subjected to accusations of overcharging.
- 3.6 **Property:** There are no property implications associated with the production of this report.
- 3.7 **Other:** There are no other implications associated with this report.

#### 4. Other options considered

- 4.1 Leave table of fares as it was advertised.
- 4.2 Ask the hackney carriage's to display both the previously agreed table of fares as well as the alternative display requested by the trade.

#### 5. Introduction/Background

- 5.1 On the [07 July 2022](#) the Executive discussed potential changes to the tariffs in West Berkshire area based on the informal consultation undertaken with the trade earlier in the month. The Executive agreed to recommend that a statutory consultation be undertaken on a proposal to vary the tariffs by increasing them by around 8%.
- 5.2 This proposal was subjected to the statutory consultation period which ran from the 14 July 2022 to 28 July 2022. The outcome of that consultation can be found here. The Council received three objections to the proposals. One of the objections was received outside of the consultation period. Officers wrote to the respondent and invited them to resubmit the objection between the 14th and 28th July 2022 but they opted not to do so. The other two objections related to the fouling charges. Both respondents decided to withdraw their objections but asked that their comments be noted. As objections to the varied table of fares were withdrawn the revised table of fares will come into effect on the 29 July 2022.

5.3 The revised table of fares was sent to the trade, meter agents as well as members and put on the Public Protection Partnership website for drivers to print off. (See Appendix 1). The table of fares stated that: "When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter."

5.4 Licensing received an email from Ave Cabs which said:

*"After going over the new tariff card and having a conversation with many of the drivers in our multi seater vehicles what has become clear very quickly the latest West Berkshire tariff is that neither the customers nor drivers like the fact that the price displayed on the meter is necessarily the price they will pay. Asking drivers to work out a 50% uplift in the vehicle at the end of a journey we see as very problematic especially at a weekend with people also being intoxicated.*

*This latest tariff is capable of being run on the meter and we wish to do so. I have attached two tariff cards one for multi seaters (Appendix 2) and one for cars with up to 4 seats (Appendix 3). Both making things clearer for the customers and drivers when displayed in vehicle. I wish to run this way and would appreciate your approval of this Tariff Card as quickly as possible? These Tariff cards run at exactly the same costs as the approved 2022 tariff. "*

5.5 Legal advice on the query was sought from external solicitors and James Button advised that:

*"Although it is clear that the table of fares made by the council must be displayed in a Hackney carriage, that requirement is only contained in the byelaws. It is number 15 in the model byelaws (see page 1428 in "Button on Taxis: Licensing Law and Practice" 4<sup>th</sup> edition). It is bylaw number 17 in the Newbury byelaws, and also bylaw number 17 in the byelaws for the remainder of the district. It is also contained in the new West Berkshire draft policy (see page 69 of the current version).*

*There is no prohibition on a second (proprietors) table of fares being displayed, but that cannot replace the council table.*

*Notwithstanding that, if the feedback from the trade and the public is that a revised format would be more useful, there is nothing to prevent the council adopting the revised approach.*

*Unless and until that occurs, the legal requirement is for the council's table to be displayed."*

5.6 Further Clarity was sought on this advice and James Button confirmed that:

*"The Hackney carriage proprietor can display their own fare cards, but they must also display the fare card approved by, and issued by the council.*

*If the council wished to modify the appearance of the approved table of fares, without altering any of the structure or charges, I do not think that that would require the consultation detailed in s65 Local Government (Miscellaneous Provisions) Act 1976. This is because no alteration is being made to the fares, it is simply an alteration to the appearance of the fare table."*

5.7 Officers also approach the Council's Legal Services who have commented that this request is not changing the tariff only how it is displayed to customers. The actual requirement to display the tariff in the cab is a bye law as set out in the advice from James Button. The proposed revised Fare Table is just informing customers what the

Council's maximum tariff is - to avoid any confusion. This exercise would just add information on previously set and agreed tariffs and is not changing them. They therefore confirmed that the amendment could be agreed under delegated authority.

5.8 This can be signed off by the Public Protection Manager in accordance with the Intern Authority Agreement.

5.9 Officers are proposing that the revised tariffs be approved for display in hackney carriages in order to reduce any confusion.

## 6. Proposals

6.1 The Public Protection Manager be authorised under delegated authority to agree to the revised formatted version of the table of fares.

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### Background Papers:

Report and Appendices that went to the 07 July 2022 Executive meeting

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### Subject to Call-In:

Yes:  No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

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### Wards affected:

All

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### Officer details:

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## 7. Appendices

Appendix 1 – Agreed table of fares

Appendix 2- Ave Cabs proposed table of fares (multi seater vehicle)

Appendix 3 - Ave Cabs proposed table of fares (saloon)