

Notice of Meeting

Delegated Officer Decision

Friday, 23rd September, 2022 at 10.00 am

Date of despatch of Agenda: 23 September 2022

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Stephen Chard on 01635 519462
e-mail: stephen.chard@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: All Councillors

Agenda

Part I

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| 1 | Request to Agree an Alternative Format for Hackney Carriage Fare Table issued in July 2022 | 1 - 10 |
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Sarah Clarke
Service Director: Strategy and Governance

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Delegated Officer Decision

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

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

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" 4th 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.

Background Papers:

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

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
-

Wards affected:

All

Officer details:

Name: Julia O'Brien
Job Title: Principal Officer Licensing
Tel No: 01189 519849
E-mail Address: julia.obrien@westberks.gov.uk

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)

WEST BERKSHIRE COUNCIL HACKNEY CARRIAGE FARE CHART effective July/ September 2022
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

| Tariff 1 | | Tariff 2 | | Tariff 3 | | Taxi Plate Number: |
|---|--|--|--|---|--|--|
| Rate for the first mile: £5.40 | | Rate for the first mile: £8.10 | | Rate for the first mile: £10.80 | | |
| Rate for each mile thereafter: £2.60 | | Rate for each mile thereafter: £3.90 | | Rate for each mile thereafter: £5.20 | | |
| Hiring when journey commences between 06:00 and 21:59 Monday to Saturday (excludes bank holidays, public holidays, 24 th , 25 th , 26 th , 31 st December and 1 st January | | Hiring when journey commences between 22:00 and 05:59 Monday to Saturday, 06.00 and 21.59 Sundays, bank holidays, and public holidays, between 06:00 and 23.59 on 24 th , 26 th and 31 st December. | | Hiring when the journey commences between 00.00 on the 25 th December and 05:59 on 26 th December. Journeys commencing between 00.00 and 05:59 on 1 st January | | Extra Charges 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 Fouling of vehicle – interior (maximum £75) Fouling of vehicle – exterior (maximum £25) |
| £5.00 | For the first 1489.235 yards or 264 seconds (whichever is reached first) | £7.50 | For the first 1489.235 yards or 264 seconds (whichever is reached first) | £10.00 | For the first 1489.235 yards or 264 seconds (whichever is reached first) | |
| 20p | For each subsequent 135.385 yards or every 24 seconds (whichever is reached first) | 30p | For each subsequent 135.385 yards or every 24 seconds (whichever is reached first) | 40p | For each subsequent 135.385 yards or every 24 seconds (whichever is reached first) | |
| | | | | | | Waiting Time Per Hour T1 =30.00 T2 =45.00 T3 = 60.00 |

Where the hackney carriage is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 section 67. If a hackney carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only

If the journey takes the taxi outside the West Berkshire Council area the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable and any lesser fare agreed before commencement of the journey still applies.**

Congestion Charge, ULEZ, or any tolls will be applied for any journey where such charges or tolls are incurred. **These charges would not appear on the meter.**

The driver must carry an assistance dog at no extra charge – Equality Act 2010, section 168

Any comments about a taxi or a driver should be directed to Licensing@westberks.gov.uk quoting if possible the taxi plate number and or the driver's badge number

Hackney Carriages Table of Fares

MAXIMUM fare for any hiring when the journey commences:

A lesser fare can be agreed prior to commencement of the journey.

| | | | |
|--|--|--|--|
| <p>Taxi Plate Number</p> <p>???</p> <p>Licensed to Carry ? Passengers</p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 2AF</p> <p>Or via email to licencing@westberks.gov.uk Quoting the above Taxi Plate number or drivers badge number</p> | <p>Tariff 1 (Standard Time Saloon) Indicated by a "T1" on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24th, 25th, 26th, 31st December and 1st January)</p> | <p>Tariff 2 (Time and 1/2 Saloon) Indicated by a "T2" on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 00:00 and 06:00 Monday to Sunday. 2. 22:00 and 23:59 Monday to Sunday. 3. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p> | <p>Tariff 3 (Double Time Saloon) Indicated by a "T3" on the taxi meter</p> <p>Any journey with 1-4 passengers.</p> <p>1. 00:00 and 23:59 on 25th December 2. 00:00 and 05:59 on 26th December. 3. 00:00 and 05:59 on 1st January.</p> |
| | <p>Tariff 1 Multi (Standard Time Multi) Indicated by a "T1 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24th, 25th, 26th, 31st December and 1st January)</p> | <p>Tariff 2 Multi (Time and a ½ Multi) Indicated by a "T2 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 00:00 and 06:00 Monday to Sunday. 2. 22:00 and 23:59 Monday to Sunday. 3. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24th, 26th, 31st December & 1st January.</p> | <p>Tariff 3 Multi (Double Time Multi) Indicated by a "T3 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 00:00 and 23:59 on 25th December 2. 00:00 and 05:59 on 26th December. 3. 00:00 and 05:59 on 1st January</p> |
| <p>Initial Flag The first 1489.235 yards (1361.756 meters) (11/13 mile)</p> | <p>T1 £5.00 / T1b £7.50 (First mile =£5.40) / (First mile =£8.10)</p> | <p>T2 £7.50 / T2b £11.25 (First mile =£8.10) / (First mile =£12.15)</p> | <p>T3 £10.00 / T3b £15.00 (First mile =£10.80) / (First mile =£16.20)</p> |
| <p>For each subsequent 135.385 yards (123.796 meters) (1/13 of a mile) completed or part thereof</p> | <p>T1 20p / T1b 30p (£2.60 running mile) / (£3.90 running mile)</p> | <p>T2 30p / T2b 45p (£3.90 running mile) / (£5.85 running mile)</p> | <p>T3 40p / T3b 60p (£5.20 running mile) / (£7.80 running mile)</p> |
| <p>Waiting time: for every period of 24 seconds or part thereof (Below 11.54 mph is charged as waiting time)</p> | <p>T1 20p / T1b 30p T1 (£5.00 per 10 mins, £30.00 per hour) T1b (£7.50 per 10 mins, £45.00 per hour)</p> | <p>T2 30p / T1b 45p T2 (£7.50 per 10 mins, £45.00 per hour) T2b (£11.25 per 10 mins, £67.50 per hour)</p> | <p>T3 40p / T3b 60p T3 (£10.00 per 10 mins, £60.00 per hour) T3b (£15.00 per 10 mins, £90.00 per hour)</p> |

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

If a Hackney Carriage is booked by telephone, facsimile, e mail, or other electronic means a booking fee may be charged by prior arrangement only.

Congestion Zone Charges, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

Fouling will be charged at a maximum of (£75 interior) (£25 Exterior)

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Hackney Carriages Table of Fares

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