

Crawley Borough Council

Report to the Licensing Committee

11th November 2019

Hackney Carriage Fares 2020 - 2021

Report of the Head Community Services – HCS/19

1. Purpose

- 1.1. The purpose of this report is to consider a request to vary the Hackney Carriage table of fares for the year 2020 – 2021.
- 1.2. The last variation to the Hackney Carriage table of fares was undertaken on 11th September 2017. A copy of the current table of fares is set out in **Appendix A** of this report. It came into effect on 6th October 2017.
- 1.3. The variation is being requested by the Crawley Hackney Carriage Association further to the discussions with their members.

2. Recommendations

- 2.1 The Committee is requested to consider the proposal to vary the table of fares put forward by the Executive of the Crawley Hackney Carriage Association as set out in **Appendix B** to this report.
- 2.2 If the Committee resolves to vary the existing table of fares (as proposed above or otherwise) the Committee is asked to authorise the Head of Community Services, or an Officer acting on her behalf, to publish a Public Notice of the variation and the period within which objections can be made (the expiry date of the period to be set by the Head of Community Services but to be no later than 30th November 2019) in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 If the Committee resolves to vary the existing table of fares, the Committee is requested to note that, should any objections be made following the publishing of the Public Notice which are not subsequently withdrawn, it will be required to meet again and consider those objections.

3. Reasons for the Recommendations

- 3.1 Members of the Hackney Carriage Trade have requested that the Council consider the current fare structure, in the light of the rising cost of inflation and to also take into account that no increase has been agreed since September 2017 (which was implemented in December 2017).

- 3.2 The procedure for varying the table of fares requires the Licensing Committee to consider the matter and decide whether to vary the table of fares. This needs to be carried out bearing in mind those affected, namely the members of the hackney carriage trade, their customers, and the public.
- 3.3 Although the views of the trade are particularly relevant they are only one factor to be considered.
- 3.4 The Licensing Committee may make any changes to the table that it considers reasonable and appropriate.
- 3.5 Members of the Licensing Committee have previously requested that a simplified tariff card is considered and implemented in consultation with the Hackney Carriage Trade. This has been explored as part of this latest request, but has proved unsuccessful due to meter suppliers being unable to interpret proposals into a format which can be used by the meters. This will nevertheless be pursued to be initiated if technical matters due to meters can be resolved.

4. Background

- 4.1 The Council as Licensing Authority for the Borough of Crawley is the appropriate authority for the purposes of setting Hackney Carriage fares in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. This is the maximum charge that can be levied in respect of a journey. A copy of the current Fare Card is included at **Appendix A**.
- 4.2 It is the Council's informal policy to consult with the relevant Trade Association when establishing an appropriate 'table of fares' to apply for the following year. The Council is not obliged to increase the fares, and no increase has been made since 11th September 2017. The Crawley Hackney Carriage Association have not requested an increase since that date.
- 4.3 In May 2019, a representative of the Crawley Hackney Carriage Association (CHCA) contacted the Licensing Team proposing a variation and increase to the current Hackney Carriage Table of Fares.
- 4.4 The proposed increase is designed to offset the additional monies incurred of running a taxi business due to escalating fuel costs. As a result of this request, this report has been prepared and is presented for consideration by the Licensing Committee accordingly.
- 4.5 At the time of writing this report, Mr. Derek Kiernan the Vice Chairman of CHCA advises that the Association represents 100 drivers licensed hackney carriage drivers. The Council currently has 123 hackney carriage vehicles.
- 4.6 The CHCA have advised that their members have been consulted about the increase. This resulted in 79 of their Members voting to increase fares. This represents 64% of the entire Hackney Carriage Trade. A copy of the survey results from the CHCA is included at **Appendix C**.

- 4.7 In summary, this survey showed that the consultees were in favor of:
- An extra 10p per mile
 - No change to Tariff 2 and 3
 - All multi-purpose vehicles (MPV's) to charge time and a half between 0600 – 23:59 hours irrespective of the number of passengers in the vehicle.
- 4.8 Extensive discussions have taken place between the representatives of the CHCA further to the survey being shared with the Licensing Team. This was with particular regard to the following
- I. The introduction of a simpler fare card,
 - II. The inclusion of a time and a half clause for MPVs between 0600 – 2359 hours, irrespective of the number of passengers.
- Point II above has since been modified to cover such vehicles carrying 5 or more passengers.
- 4.9 An initial simpler fare tariff card was drafted and drawn up by the Council as a means to make it easier for the travelling public to understand. Its form and content was agreed by the Crawley Hackney Carriage Association, however this has subsequently been withdrawn due to it being too complex for it to work with older taxi meter systems and suppliers such as Digitax.
- 4.10 On 16 October 2019 the Vice Chairman of the CHCA signed and agreed that the proposed tariff card was acceptable and reflected what was desired. A copy of the signed document confirming this is included at **Appendix D**.

5. Wider Hackney Carriage Trade Consultation

- 5.1 It is important to note that not all hackney carriage proprietors are members of the Crawley Hackney Carriage Association. In order to seek their views a letter was sent from the Council directly to all licensed hackney carriage proprietors and licensed hackney carriage drivers on 2nd October 2019 on the proposed new tariff. A copy of this correspondence is included at **Appendix E**.
- 5.2 As a result of this consultation, 2 responses were received from 2 independent hackney carriage proprietors/drivers. One is in support of the increase, the other expressed concern regarding the issue of change being given to passengers and the need to have this available. The responses have been included at **Appendix F**.

6. Public Consultation & Objections

- 6.1 In addition to the Public Notice that must be placed in a local newspaper, a copy of the Public Notice will also be available to the public for inspection without payment at the Town Hall for a period of 14 days from the date of first publication.
- 6.2 If objections are received, these will be reported back to the Licensing Committee for their consideration. The Licensing Committee must then set a further date on which the variation to the table of fares shall come into force with or without further variation as they decide after due consideration of any objection(s.)

- 6.3 If no objection is received or objections are received but subsequently withdrawn, the variation to the table of fares takes effect on the date the public notice expires or the date the last objection is withdrawn, whichever is later.
- 6.4 The table of fares set by the Licensing Committee will continue in that form until such time as the Licensing Committee decide to vary it. However, the Council's standard practice is to consult with the trade and review these fares annually to prevent potential large increases, and should the trade feel an increase is not needed then their views are duly respected.

7. Determining the New Hackney Carriage Table of Fares

- 7.1 The last variation to the Hackney Carriage fare table took effect on 1st December 2017. The current table of fares is included at **Appendix A**.
- 7.2 The newly proposed table of fares is included at **Appendix B**. The changes are as follows:
- An extra 10 pence per mile.
 - No change to Tariffs 2 and 3
 - A change to read on the fare card to read vehicles carrying 5 or more passengers in place of the current 4 or more passengers.

8. Ward Members' Views

- 8.1 The Council on this occasion has not consulted or sought the views of Ward Members as this matter is not ward specific. There is also a formal consultation process, as described above.

9. Implications

- 9.1 The increase of Hackney Carriage fares is controlled by statute and set independently of the procedure used to set the Council's general fees and charges.
- 9.2 The legislation sets out a statutory period regarding the time allowed for objection. Unlike other sections of the Act which allow for objectors or aggrieved persons to appeal to a Magistrates Court, Section 65(4) requires all objections to the proposed table of fares to be referred to the licensing authority which made the original decision.
- 9.3 There are no extra staffing or financial implications to the Council.
- 9.4 **Article 1** of the First Protocol of the Human Rights Act 1998 entitles every person to the right to peaceful enjoyment of their possessions, which includes their livelihood or their means of earning it. The impact of a fare tariff may affect a person's livelihood or their means of earning it. In setting a fare tariff the Council must consider the impact on both the public and those whose livelihood may be affected.

10. Background Papers/Information

[Section 65 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

[Report PES/255 "Hackney Carriage Fares 2017-2018" considered by the Licensing Committee on 11 September 2017.](#)

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