

Crawley Borough Council

Report to Licensing Committee

20 June 2022

Hackney Carriage Fares 2022 - 2023

Report of the Head of Community Services – HCS/042

1. Purpose

- 1.1. The purpose of this report is to consider a request to vary the fares which may be charged for journeys by hackney carriages licensed by Crawley Borough Council. The proposal is to increase the current fares.

2. Recommendations

That the Committee:

- 2.1 Revises the wording of the fare card to make it easier for both drivers and the travelling public to understand.
- 2.2 Approves the table of fares put forward by the Chairman of the Crawley Hackney Carriage Association (on behalf of its members) as set out in Appendix C, either:
 - i. without amendment; or
 - ii. amended.
- 2.3 Authorises the Head of Community Services to publish a public notice of the variation agreed upon and the period within which objections can be made in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

3. Reasons for the Recommendations

- 3.1 Members of the Crawley Hackney Carriage Association (CHCA) have requested that the Council considers revising the current fare structure and increasing tariff levels. The CHCA makes this request in the light of the rising cost of living, rising inflation, the negative impact of the Coronavirus pandemic on the industry and significantly increased fuel costs.
- 3.2 Committee members are asked to take into account that no increase has been implemented since 9th December 2019.
- 3.3 Procedure requires the Licensing Committee to consider the matter and decide whether to vary the table of fares (also referred to as the tariff card). This needs to be carried out bearing in mind those affected, namely the members of the hackney carriage trade and the travelling public. Although the views of the

trade are particularly relevant, they are only one factor to be considered in the decision-making process.

- 3.4 The Licensing Committee may make any changes to the table of fares that it considers reasonable and appropriate. Extensive consultation with representatives of the CHCA has resulted in this latest proposed fare card and tariff structure.
- 3.5 Members of the Licensing Committee have previously requested that a simplified table of fares is prepared in consultation with the hackney carriage trade. Officers have therefore revised the explanatory information contained in the proposed table of fares (appendix C) to make it easier to understand and interpret by both licensed drivers and the travelling public. However, at this time, further simplifying the table of fares has proved unsuccessful due to the trade wishing to retain the current 4 tariffs. Work will continue between officers and the trade to progress a future proposal that meets these objectives.

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 rates or 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.
 - 4.1.1 The last variation to the table of fares was undertaken on 11th November 2019 (taking effect on 9th December 2019) and prior to that, September 2017. A copy of the current table of fares is set out in appendix A to this report. The CHCA has not requested an increase in fares since that date, however it has been agreed that the Team Leader for Health, Safety and Licensing will work collaboratively with the CHCA to look at the issue of the table of fares, its form and content on a more regular basis.
 - 4.2 At the end of February 2022, the Chairman and Secretary of the CHCA provided details of a proposed increase to the current table of fares. Officers were informed that the proposal arose out of a consultation process with CHCA, comprising of 100 members. The final documentation associated with this consultation was provided to Council Officers at the beginning of April 2022 and is being placed before the first available meeting of the Licensing Committee. A copy of the proposals in the form of options A, B and C was sent to its members by the CHCA. This consultation sheet is included at Appendix B.
 - 4.3 The Council currently has a limit of 123 hackney carriage proprietor licences, and this number is set at that figure unless and until Committee members decide to modify this following an Unmet Demand Survey (currently pending).
 - 4.4 The proposed increase is designed to provide licensed drivers with an improved 'hourly rate', offset the additional monies incurred of running a taxi business due to escalating fuel costs, to take account of the shift in trade as a result of the Coronavirus pandemic and its impact, alongside rising inflation and cost of living increases.

4.5 In summary:

- 82 respondents selected Option A (the original proposal)
- 8 respondents selected Option B
- 7 respondents selected Option C – no increase
- 3 respondents did not complete the form correctly and are treated as invalid

4.6 The survey therefore shows that the majority of consultees were in favour of Option A. This has been modified as discussions with the CHCA have continued, and whilst option A has formed the basis of the proposed fare increase, further increases have been proposed since the CHCA's initial internal consultation due to increasing fuel costs. The proposal is as follows:

- £4.30 start rate
- First mile after that will be £4.50 and an increase of 20p on the current mileage rate, plus £3 increase in waiting time (latest proposal sent to officers on 23rd May 2022 on behalf of CHCA Members)
- Tariff 3 100% increase on tariff 1
- Tariff 4 50% increase on tariff 1
- Tariff 4 and 3, on December 26 replace tariff 4 from tariff 1
- Tariff 3 1st January between midnight until 0630 hours on tariff 1
- Tariff 2 change to start time 2300 hours until 0630 hours.

4.7 Extensive discussions have taken place between the representatives of the CHCA further to the results of the internal trade consultation being shared with the Licensing Team Leader. This was with particular regard to the following:

- The introduction of a simpler fare card
- An increase of 20p on the current mileage rate
- Tariff increases
- Increased waiting times and charges associated with the same
- Soilage charge of £100 as opposed to the current £75.

4.8 Given that there has not been an increase in the table of fares since 2019, Officers are supportive of the increases proposed. There have been ongoing discussions as to the form and content of the new fare tariff, culminating in a final proposal which is included at appendix C.

4.9 The proposed changes have also been shared with meter supply companies to test the functionality of such and to ensure that each change works appropriately. These companies are content that the proposals will be compatible with taxi meter capabilities.

5. Wider Hackney Carriage Trade Consultation

5.1 It is important to note that not all hackney carriage proprietors are members of the CHCA (it appears that 23 proprietors are not). In order to seek their views, a letter was sent to all licensed hackney carriage proprietors with the proposed tariff card. At the time of writing this report, no further feedback has been received.

6. Consultation & Objections

- 6.1 If the Committee decides to vary the existing table of fares, a public notice must be placed in a local newspaper and must 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. This is usually displayed on the Town Hall noticeboard and on the relevant section of the Council's website. If valid objections are then received, these are reported back to the Licensing Committee for its consideration. The Committee will then be required to set a further date on which the table of fares shall come into force with or without further variation as it decides after due consideration of any objections.
- 6.2 If the Committee decides to vary the existing table of fares and not mirror the request by the CHCA, this will need to be checked with meter suppliers to test for functionality. If no valid objection is received, or valid 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.
- 6.3 The table of fares set by the Licensing Committee will continue in that form until such time as the Licensing Committee once again decides to vary it. However, the Council's standard practice is to consult with the trade regularly and review fare levels when requested by the CHCA.
- 6.4 Regular face-to-face meetings will be reinstated with both the private hire and hackney carriage trade to facilitate information exchange and partnership working. In addition, there are regular communications via email and WhatsApp regarding issues impacting the trade.
- 6.5 The Council has not consulted or sought the views of ward councillors as this matter is not ward-specific. There is a formal consultation process where representations can be made by any party, as described above.

7. Implications

- 7.1 There are no staffing or financial implications for the Council arising from this report.
- 7.2 The process for varying hackney carriage fares is controlled by statute and set independently of the procedure used to set the Council's general fees and charges. The Council as Licensing Authority sets the maximum fare that can be charged by the hackney carriage trade. This does not stop a proprietor or driver charging less than the fare specified if they wish to do so.
- 7.3 The Council as Licensing Authority does not set the fares in respect of the private hire trade.
- 7.4 As previously stated, 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.

7.5 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.

8. **Background Papers/Information**

- [Section 65 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)
- [Report PES/255 - Hackney Carriage Fares 2017-2018 - Licensing Committee, 11 September 2017](#)
- [Agenda – Hackney Carriage Fares 2020-2021 - Licensing Committee, 11 November 2019](#)

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