

Committee: Licensing Committee
Date: 10 March 2010
Title: Hackney Carriage Fares
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Agenda Item

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Item for
decision

Summary

- 1 This report sets out proposals submitted by the Uttlesford Licensed Operators and Drivers Association (ULODA) for a change to the current table of fares for the hiring of Hackney Carriage Vehicles. This follows the agreed protocol for an annual review of fares which was agreed at a meeting between the Licensing Committee and Members of the Trade Associations held on 10 November 2004.

Recommendations

Members determine if any increases should be permitted.

Any approved increase shall be implemented from 19 April 2010.

Background Papers

Table of fares recommendation from ULODA working party.

ULODA Working Party recommendations

Impact

Communication/Consultation	Consultation has taken place with the trade who wish an increase. Adverts will be placed in two local papers covering the Uttlesford district notifying the public of the proposed increases with a caveat that further consideration will be given if any representations are received.
Community Safety	None
Equalities	None
Finance	The cost of the adverts will be approximately £400 which will be recovered from the licence fees.
Human Rights	None

Legal implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

The current Table of Fares came into effect on 26 May 2009 and is listed below:-

RATE 1

For hirings from 6.00am to Midnight Monday to Saturday

- Up to 4 passengers
- For up to one Mile £3.00
- Each additional mile (£1.80 per mile)

RATE 2

For hirings begun between Midnight and 6.00am or on a Public Holiday (excluding Christmas/New Year) and for hirings begun between Midnight Saturday and 6.00am Monday

- Up to 4 passengers
- For up to one mile £4.40
- Each additional mile (£2.70 per mile)

For hirings begun between 6.00am to Midnight, Monday to Saturday, Midnight to 6.00am Monday to Saturday, Midnight Saturday to 6.00am Monday and Public Holidays (excluding Christmas/New year)

- 5-8 passengers
- For up to one mile £4.40
- Each additional mile (£2.70 per mile)

RATE 3

For hirings on Christmas Day/Boxing Day and New Year's Day (rate commences from 6.00pm on Christmas Eve and New Years Eve)

- Up to 4 passengers
- For up to one mile £6.00
- Each additional mile (£3.60 per mile)

RATE 4

For hirings from 6pm on Christmas Eve to Midnight Boxing Day and again from 6pm New Years Eve to midnight New Years Day

▪ 5-8 passengers

For up to one mile £8.80

Each additional mile (£5.40 per mile)

▪ EXTRAS

▪ Waiting time per hour £20.00

▪ Soiling Charge £80.00 maximum

The new table of fares proposal for April 2010 is listed below:

▪

RATE 1 (6.00 am to Midnight Monday to Saturday)

up to 4 passengers

For up to one mile £3.20

Each additional mile £1.91

Equivalent to each additional unit of 92 yards @ 10p

RATE 2 (Midnight to 6.00am, Monday to Saturday, Midnight Saturday to 6.00am Monday, Public Holidays)

up to 4 passengers

For up to one mile £4.70

Each additional mile £2.86

Equivalent to each unit of 61.5 yards @ 10p

(6.00am to Midnight, Monday to Saturday)

5-8 passengers

For up to one mile £4.70

Each additional mile £2.86

Equivalent to each additional unit of 61.5 yards @ 10p

RATE 3 (6.00pm Christmas Eve to Midnight Boxing Day, 6.00pm New Year's Eve to Midnight New Year's Day)

Up to 4 passengers

For up to one mile £6.40

Each additional mile £3.82

Equivalent to each additional unit of 92 yards @ 20p

(Midnight to 6.00am, Monday to Saturday, Midnight Saturday to 6.00am Monday, Public Holidays)

5-8 passengers

For up to one mile £6.40

Each additional mile £3.82

Equivalent to each additional unit of 92 yards @ 20p

RATE 4 (6.00pm Christmas Eve to Midnight Boxing Day, 6.00pm New Year's Eve to Midnight New Year's Day)

▪ 5-8 passengers

For up to one mile £9.40

Each additional mile £5.72

Equivalent to each additional unit of 61.5 yards @ 20p

EXTRAS

Waiting time £20.00

Soiling Charge (Max) £80.00

These proposed changes represent an increase in fares of between 6.6% - 6.8% on the first mile and between 5.9% - 6.1% on each additional mile.

Any increase must be advertised in at least 2 local newspapers giving an implementation date and allowing a period of not less than fourteen days for objections to be made. If no objections are received, the revised Table of Fares will take effect from the date so advertised. If objections are received, the Council must consider these and then set a date for introducing a Table of Fares either the same as that published or as amended in the light of those objections. The date on which the new charges are introduced after objections are considered must be within two months of the originally specified implementation date.

Members will note that in their supporting statement ULODA ask the Committee to reconsider the policy that meters in hackney carriages need not be calibrated to the set table of fares providing they are calibrated to a lower fare scale which the driver of the vehicle will be charging. In particular ULODA suggest the practice of permitting alternative calibrations is illegal by virtue of s.65 (6) Local Government (Miscellaneous) Provisions Act 1976.

s.65(6) is not relevant to the calibration of meters. Prior to the coming into force of the LG(MP)A 1976 fares for hackney carriages were controlled by byelaws. The 1976 Act provided for a simpler procedure for setting a table of fares. All s.65(6) does is to provide that when a table of fares was adopted by a local authority under the 1976 Act any then existing byelaws automatically ceased to have effect.

In R –v- Liverpool City Council ex parte Curzon Ltd the High Court considered the position when drivers did not want to charge the same as the table of fares. The City had introduced a night rate for fares which was higher than the day rate. Curzon Ltd decided to charge the lower day rate whatever the time of the journey and refused to

have its vehicles' meters re-calibrated. Liverpool responded by suspending the licences pending re-calibration. The court held that it was lawful for the driver to charge a fare lower than the table of fares and that it was also lawful for the meter to show the fare charged rather than the fare according to the table. The judge said "What the passenger wants to know is what he has to pay. The driver is only entitled to charge what is on the meter If the driver is only going to charge, say, half the rate allowed in the table of fares, then half that rate is what the passenger will expect to see on the meter".

On 9 March 2005 following representations from members of the trade that they should not be required to incur the expense of recalibrating meters to show fares they did not intend to charge, Members agreed to vary our condition to provide that the meter should show our table of fares or the fare to be charged if lower. ULODA have since requested Members to reconsider that decision but Members have declined to do so.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1 – Hackney Carriage fares are set at a level so low that it becomes uneconomic to operate hackney carriages in the district	2 - There is no evidence that the number of hackney carriages is declining at the current level of fares	2 - There would be insufficient numbers of hackney carriages to meet the needs of the travelling public.	Members set fares at a level Members consider to be reasonable.
Hackney carriage fares are set too high	2 – Some proprietors are charging less than the table of fares at the present time having decided that the market would not bear previous increases	2 – If the fares are too high market forces will divert passengers to those hackney carriages charging lower fares or to the private hire trade.	Ditto

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.