

**Report of the Assistant Director  
Regulatory Services to the  
meeting of the General  
Licensing Regulatory Board to  
be held on the 15<sup>th</sup> September  
2010**

**C**

**Proposed amendments to the Hackney Carriage Tariff**

**1. Purpose of Report**

- 1.1 To place before Members a request from the Barnsley Hackney Association for the Council to amend the Hackney Carriage Tariff.

**2. Recommendation**

- 2.1 That Members consider and accept the request from the Barnsley Hackney Carriage Association to amend the Hackney Carriage Tariff from 00:01 hours on Saturday the 16<sup>th</sup> October 2010, subject to any significant representations being received prior to 17:00 hours on Tuesday 12<sup>th</sup> October 2010. Should any further significant representations be received then the matter will be returned to the General Licensing Regulatory Board for consideration.

**3. Background**

- 3.1 The authority for the Council to fix fares for Hackney Carriages is given under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. This is a discretionary power and the Council are not required to fix a maximum tariff, it could if it wishes leave the setting of fares to the operators of individual vehicles.
- 3.2 When the Council makes or varies the fares it must publish in at least one local newspaper a notice setting out the new table of fares and specifying the period (not less than 14 days) within which and the manner in which, objections to the fares can be made.
- 3.3 A copy of the proposed tariff must be available at Council offices for the public to inspect free of charge, at all reasonable hours.
- 3.4 If there are no objections, the new table of fares will come into effect on the expiration date of the period specified in the published notice. However, if there are objections the Council must reconsider the issues raised and can either approve or amend the tariff.

#### **4. Current Position**

- 4.1 The Board last considered and increased the Hackney Carriage Tariff in October 2009 and a copy of the current tariff is attached at Appendix 1.
- 4.2 A request has been received from Mr David Wilson of A2Z Licensing on behalf of the Hackney Carriage Association to amend the current hackney carriage tariff. A copy of the submission letters and proposed table are attached at Appendix 2.
- 4.3 The proposed amendments to the tariff are detailed below:
- a) Create three clearly identifiable tariffs from the existing table of fares, thereby removing the confusion that arises in respect of times for which there are additional charges;
  - b) Refine the remaining additional charges to provide greater clarity for customers;
  - c) Include all Bank Holidays to overcome the situation that can arise when there is a Bank Holiday on a day other than those specified in the current tariff; and
  - d) Introduce a new tariff, entitled "Tariff 4", which will apply when a Hackney Carriage designed and licensed to carry five or more passengers, carries five or more passengers at any time, except for any time when the Christmas and New Year tariff, entitled "Tariff" 3 applies.
  - e) To increase the soiling charge from £30.00 to £80.00
- 4.4 Items a) and b) above do not make any difference to the current level of fares that are charged.
- 4.5 Item c) does result in a change to the tariff that may be charged, but only on days that are Bank Holidays that are not already included in the existing table of fares. E.g. Good Friday or Substitute Bank Holidays (where an additional day, such as Christmas Day, is provided when a Bank Holiday falls on a weekend). This issue came to light over the last Christmas and New Year period when drivers could not charge any extra for journeys on the Bank Holiday after Christmas.
- 4.6 Item d) above will introduce a completely new "Tariff 4" for vehicles capable of carrying five or more passengers, when they are actually carrying five or

more passengers. In their submission the Hackney Carriage Association have raised the following issues; these are documented in Appendix 1:

*i) There is an argument for saying that those providing new vehicles, larger capacity vehicles or wheelchair accessible vehicles ought to be able to charge higher fares, because they need to meet the costs of buying, maintaining and using those vehicles, but such an approach is neither practicable nor lawful. One inevitable result would be that wheelchair users would always be unlawfully discriminated against - charged more - because they had to use a wheelchair accessible vehicle, as opposed an able bodied person who could travel by a saloon hackney carriage at the standard rate.*

*ii) The proposed "Tariff 4" would only apply when a hackney carriage, capable of carrying five or more passengers, was actually carrying five or more passengers. If such a vehicle was carrying no more than four people that could have been equally easily carried in a saloon hackney carriage, they will only be charged the tariff that a saloon hackney carriage could have charged at that time.*

*iii) If it were not for the existence of the larger capacity vehicles, i.e. those capable of carrying five or more passengers, groups of five or more would have to hire two hackney carriages, which has the effect of doubling the fare. In the circumstances, whilst the proposed "Tariff 4" is higher than the standard tariffs it replaces, i.e. the tariffs now entitled "Tariff 1" and "Tariff 2", it still represents a significant saving when compared to the cost of hiring two saloon hackney carriages.*

*iv) It is suggested that "Tariff 4" represents a fair balance between the conflicting duties of the Council to protect the consumer and to ensure that the licensed hackney carriage trade have the ability to earn enough to enable them to purchase, use and maintain their vehicles, whilst also making a living for themselves and their families.*

4.7 Item e) above will increase the soiling charge from £30 to £80. In their submission the Hackney Carriage Association have raised the following issues, these are documented in Appendix 1:

*i) The current table of fares limits the maximum charge for the soiling of a hackney carriage to £30, which may not be sufficient to cover the cost of having the vehicle valeted, depending upon the nature and extent of the soiling, let alone make any contribution to a driver's subsequent loss of earnings.*

*ii) Before going further, on behalf of the association I must make it very clear that the proposed charge of £80 would not be a “standard charge”, but the maximum that may be charged. It is acknowledged that drivers will have to exercise their discretion reasonably. If they fail to do so and the Council receives complaints about drivers charging (or attempting to charge) the maximum £80 soiling charge when there is no reasonable justification for them doing so, it would seem likely that the Council would not only deal with any such individual, but further revise the table of fares to reduce the maximum charge.*

*iii) If, for example, a passenger vomits in a hackney carriage on a Friday night, that vehicle will immediately become inoperable and shall remain so until it has been professionally valeted and the carpets and upholstery allowed to fully dry. In the circumstances, such a hackney carriage might be valeted on the Saturday morning, but because it may take 24 to 48 hours to fully dry, the vehicle may not be capable of returning to service until the Monday morning.*

*iv) A professional vehicle valeter is likely to charge something in the region of £35 an hour, subject to the costs of the particular products and / or cleaning / deodorising processes that are required to get the vehicle back into a suitable condition for public service. In the circumstances, the costs of valeting are likely to be in the range of £35 to £105.*

*v) Whilst in exceptional circumstances the total cost of valeting alone (i.e. without making any provision for the driver’s consequential loss of earnings) may be more than the proposed maximum charge, the association does not consider it reasonable to propose a higher charge, because it has based its proposed charge on that levied by the police for soiling of a police vehicle.*

4.8 Members of the Hackney Carriage and Private Hire Associations in Barnsley have all been provided with copies of the proposal and the matter has also been discussed at the Trade Liaison Group. No additional comments have been made by the trade other than those made in the submission by the Hackney Carriage Association.

4.9 Mr Wilson, the Association's representative is not attending the Licensing Board meeting; however, he has requested that should Members be minded to refuse the application for a tariff increase or if there are any questions that can not be answered from his letters attached at Appendix 2, the matter be adjourned to enable him to attend a subsequent meeting. A copy of his letter regarding this matter is attached as Appendix 3.

## **5. Options**

5.1 Under the Provisions of the Local Government (Miscellaneous Provisions Act) 1976 Members, subject to the Statutory Requirement for advertising, may:-

- i) approve the variations to the Tariff as requested;
- ii) make a variation to the proposed Tariff as the Members think fit;
- iii) reject the request.

## **6. Compatibility with European Convention on Human Rights**

6.1 Approving the application as recommended will not involve interference with Convention Rights. Should any other decision be contemplated however, there may be a potential interference with the rights of the applicant under Article 1 of Protocol 1 (Protection of Property) and, in that event, further advice will be given in the meeting.

## **7. Reduction of Crime and Disorder**

7.1 There are no implications for crime and disorder in the community arising from the proposals in this report.

## **8. Financial Implications**

8.1 Nil.

## **9. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

(Available for inspection at the Licensing Reception, Civic Office, Eldon Street, Barnsley)

## **10. Appendices**

Appendix 1 - Current Hackney Carriage Tariff

Appendix 2 - Submission by the Hackney Carriage Association and proposed Tariff

Appendix 3 - Hackney Carriage Letter from Mr Wilson

Officer Contact: Mr. K Rowland  
 Telephone No: (01226) 772614  
 Date: 16<sup>th</sup> August 2010

**Appendix 1**

<b>HACKNEY CARRIAGE TARIFFS</b>	
<b>1. <u>FARES FOR DISTANCE NOT TO EXCEED A MAXIMUM OF (INCLUSIVE OF VAT)</u></b>	
a. For the first mile or part thereof or 8 minutes waiting time	£3.10
b. If the distance exceeds 1 mile for the first mile	£3.10
For each subsequent 1/16th mile or uncompleted part thereof	10p
<b>2. <u>WAITING TIME NOT TO EXCEED A MAXIMUM OF</u></b>	
For each period of 30 seconds or uncompleted part thereof	10p
<b>3. <u>EXTRA CHARGES NOT TO EXCEED A MAXIMUM OF</u></b>	
a. For hirings between 23:00 hours and 07:00 hours on any day	80p
For hirings on Bank Holidays being Easter Monday, Spring Bank Holiday and Summer Bank Holiday between 07:00 hours and 24:00 hours	80p
c. For each article of luggage in excess of two conveyed outside the passenger compartment	20p
d. For each person in excess of two (two children under ten to be counted as one adult and children under three not to be counted)	20p
e. For the carriage of each perambulator, cycle or caged animal	20p
f. For the carriage of each un-caged animal	50p
g. Soiling of Vehicle charge - not to exceed maximum of	£30
<b>4. <u>CHRISTMAS AND NEW YEAR PERIODS</u></b>	
For hirings between 20:00 hours on 24th December to 07:00 hours 27th December and for hirings between 20:00 hours 31st December and 07:00 hours 2nd January	
Not to exceed a maximum of the double metered fare <b><u>WITH NO EXTRA CHARGES AS SHOWN IN 2 AND 3 ABOVE</u></b>	

NB. NO EXTRA CHARGES TO BE MADE FOR THE CARRIAGE OF WHEELCHAIRS OR FOR THE CARRIAGE OF GUIDE OR HEARING DOGS.

<b><u>PRIVATE HIRE OF AN HACKNEY CARRIAGE</u></b>	
<b>EXTRACT FROM LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	
Journeys within the Metropolitan Borough under contract for private hire	Fare not to exceed above rates to be calculated from the point at which hirer commences journey
Journeys ending outside the Metropolitan Borough under contract for private hire	Fare shall not exceed above rates except when a fare or rate of fare is agreed with the hirer before the hiring is effected.



## Appendix 2



Mr Kevin Rowland  
Principal Officer (licensing)  
Barnsley Metropolitan Borough Council  
Town Hall  
Barnsley  
South Yorkshire  
S70 2TA

Our Ref: DBW / BHCA  
Your Ref:  
Date: 14 July 2010  
Please ask for: David Wilson

By email only to  
KevinRowland@barnsley.gov.uk

Dear Mr Rowland,

### **Request by Barnsley Hackney Carriage Association for changes to be made to the existing hackney carriage table of fares**

As you are aware, I act for Barnsley Hackney Carriage Association and on their behalf I formally request that the Council consider adopting a new hackney carriage table of fares.

The issue of the tariff was considered by the association at a meeting on Monday, 12 July 2010 when a number of options were considered. The association rejected proposals for increases across the board, but resolved to request changes to the table of fares to:

- create three clearly identifiable tariffs from the existing table of fares, thereby removing the confusion that arises in respect of times for which there are additional charges;
- refine the remaining additional charges to provide greater clarity for customers;
- include all Bank Holidays to overcome the situation that can arise when there is a Bank Holiday on a day other than those specified in the current tariff; and
- introduce a new tariff, entitled "Tariff 4", that will apply when a hackney carriage capable of carrying five or more passengers, carries five or more passengers at any time, except for any time when the Christmas and New Year tariff, entitled "Tariff 3" applies.

For the avoidance of doubt, I confirm that neither of the first two requests makes any difference to the current level of fares that may be charged.

The third request does result in a change to the fares that may be charged, but only on such days that are Bank Holidays and which were not already included in the existing table of fares.



The only recurring inclusion seems to be that Good Friday would be recognised as the Bank Holiday that it is, as a matter of law.

Otherwise, the only other days included as Bank Holidays would arise from there being additional (substitute) Bank Holidays when Christmas Day and / or Boxing Day fall at a weekend. By way of example, in 2009 Boxing Day was on a Saturday so the substitute Bank Holiday was on the Monday (28 December 2009), which was neither recognised by the current table of fares as a Bank Holiday nor encompassed by the Christmas tariff which applied between 20:00 hours on 24 December and 07:00 hours on 27 December.

The final request is for the introduction of an entirely new fare structure for hackney carriages capable of carrying five or more passengers, but only when they do so.


As you and I have discussed before (and as I am sure Members will appreciate), it is extremely difficult to set a table of fares that is fair to all sectors of the hackney carriage trade and provides appropriate protection to the consumer.

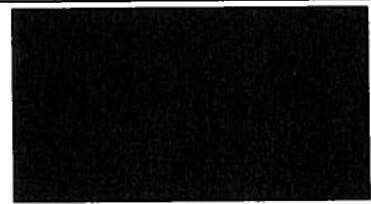
There is an argument for saying that those providing new vehicles, larger capacity vehicles or wheelchair accessible vehicles ought to be able to charge higher fares, because they need to meet the costs of buying, maintaining and using those vehicles, but such an approach is neither practicable nor lawful. One inevitable result would be that wheelchair users would always be unlawfully discriminated against - charged more - because they had to use a wheelchair accessible vehicle, as opposed an able bodied person who could travel by a saloon hackney carriage at the standard rate.

The proposed "Tariff 4" would only apply when a hackney carriage, capable of carrying five or more passengers, was actually carrying five or more passengers. If such a vehicle was carrying no more than four people that could have been equally easily carried in a saloon hackney carriage, they will only be charged the tariff that a saloon hackney carriage could have charged at that time.

If it were not for the existence of the larger capacity vehicles, i.e. those capable of carrying five or more passengers, groups of five or more would have to hire two hackney carriages, which has the effect of doubling the fare. In the circumstances, whilst the proposed "Tariff 4" is higher than the standard tariffs it replaces, i.e. the tariffs now entitled "Tariff 1" and "Tariff 2", it still represents a significant saving when compared to the cost of hiring two saloon hackney carriages.

It is suggested that "Tariff 4" represents a fair balance between the conflicting duties of the Council to protect the consumer and to ensure that the licensed hackney carriage trade have the ability to earn enough to enable them to purchase, use and maintain their vehicles, whilst also making a living for themselves and their families.

 <p><b>Hackney Carriage Tariff</b> Charges effective from XX Xxxxxx 2010</p>	<p><b>Tariff 1 (for up to 4 passengers)</b> Standard fares (except for such periods as fall within Tariff 2 or Tariff 3)</p> <p>£3.10 First mile or part 10p Each subsequent 110 yards or part 10p Waiting / stationary – for each period of 30 seconds or part</p>	<p><b>Tariff 2 (for up to 4 passengers)</b> Fares starting between 11pm and 7am and statutory Bank Holidays (except for such periods as fall within Tariff 3)</p> <p>£3.90 First mile or part 10p Each subsequent 110 yards or part 10p Waiting / stationary – for each period of 30 seconds or part</p>	<p><b>Tariff 3 (for 1 to 8 passengers)</b> Fares between 8pm 24 December and 7am 27 December and 8pm 31 December to 7am 2 January</p> <p>£6.20 First mile or part 20p Each subsequent 110 yards or part 20p Waiting / stationary – for each period of 30 seconds or part</p>
	<p><b>Tariff 4 (for 5 or more passengers)</b> Standard fares for 5 or more passengers (except for such periods as fall within Tariff 3)</p> <p>£5 First mile or part 15p Each subsequent 110 yards or part 20p Waiting / stationary – for each period of 30 seconds or part</p>	<p><b>Extras (charges marked # are not shown on the meter)</b> 50p Dogs and other un-caged animals (except guide and other assistance dogs) 20p Luggage stored in boot or designated area (excluding the first two items, wheelchairs or any other apparatus used to assist persons with a disability) £80 # For soiling or otherwise damaging the vehicle</p>	
<p><b>All fares shall:</b></p> <ul style="list-style-type: none"> <li>• be calculated from when the hire commences</li> <li>• not exceed the rates stated except when a journey starts or ends outside the Borough and another fare or rate of fares is agreed before the hire commences.</li> </ul>			



Mr Kevin Rowland  
Principal Officer (licensing)  
Barnsley Metropolitan Borough Council  
Town Hall  
Barnsley  
South Yorkshire  
S70 2TA

Our Ref: DBW / BHCA  
Your Ref:  
Date: 15 July 2010  
Please ask for: David Wilson

**By email only to  
KevinRowland@barnsley.gov.uk**

Dear Mr Rowland,

**Request by Barnsley Hackney Carriage Association for changes to be made to the existing hackney carriage table of fares**

Thank you for your email of 14 July 2010 in response to my letter of even date.

You do rightly point out that an increase has been proposed in respect of the charge for soiling a hackney carriage. Please accept my apologies for my oversight.

The current table of fares limits the maximum charge for the soiling of a hackney carriage to £30, which may not be sufficient to cover the cost of having the vehicle valeted, depending upon the nature and extent of the soiling, let alone make any contribution to a driver's subsequent loss of earnings.

Before going further, on behalf of the association I must make it very clear that the proposed charge of £80 would not be a "standard charge", but the maximum that may be charged. It is acknowledged that drivers will have to exercise their discretion reasonably. If they fail to do so and the Council receives complaints about drivers charging (or attempting to charge) the maximum £80 soiling charge when there is no reasonable justification for them doing so, it would seem likely that the Council would not only deal with any such individual, but further revise the table of fares to reduce the maximum charge.

If, for example, a passenger vomits in a hackney carriage on a Friday night, that vehicle will immediately become inoperable and shall remain so until it has been professionally valeted and the carpets and upholstery allowed to fully dry. In the circumstances, such a hackney carriage might be valeted on the Saturday morning, but because it may take 24 to 48 hours to fully dry, the vehicle may not be capable of returning to service until the Monday morning.

A professional vehicle valet is likely to charge something in the region of £35 an hour, subject to the costs of the particular products and / or cleaning / deodorising processes that are required to get the vehicle back into a suitable condition for public service. In the circumstances, the costs of valeting are likely to be in the range of £35 to £105.

Whilst in exceptional circumstances the total cost of valeting alone (i.e. without making any provision for the driver's consequential loss of earnings) may be more than the proposed maximum charge, the association does not consider it reasonable to propose a higher charge, because it has based its proposed charge on that levied by the police for soiling of a police vehicle.

I hope this letter adequately clarifies the position, but in the event that I have overlooked anything else, please do not hesitate to contact me.

### Appendix 3



Mr Kevin Rowland  
Principal Officer (licensing)  
Barnsley Metropolitan Borough Council  
Town Hall  
Barnsley  
South Yorkshire  
S70 2TA

Our Ref: DBW / BHCA  
Your Ref:  
Date: 16 August 2010  
Please ask for: David Wilson

By email only to  
KevinRowland@barnsley.gov.uk

Dear Mr Rowland,

**Request by Barnsley Hackney Carriage Association for changes to be made to the existing hackney carriage table of fares**

I refer to my letters of 14 and 15 July 2010 regarding the above matter.

Whilst it is my hope that my two aforementioned letters and the proposed table of fares are self-explanatory, I appreciate that Members of the General Licensing Board may have questions to which they would like answers, before deciding whether to engage in the statutory consultation on the table of fares as proposed by Barnsley Hackney Carriage Association or as may be varied by the General Licensing Board.

If Members do have questions, I respectfully request that this matter be deferred to another Meeting of the General Licensing Board, possibly an extraordinary meeting, so that I might attend, with the permission of your Chairman, to address the Board and to answer any such questions.

Please convey to Councillor Wraith and Members of the General Licensing Board that I intend no discourtesy by not attending the meeting, at which my attendance may be wholly unnecessary; and pass on my apologise for any inconvenience that may be caused, if it is necessary to defer this item to another meeting.

