

**Proposed amendments to the Hackney Carriage Tariff**

**1. Purpose of Report**

- 1.1 To place before Members an objection to the proposed hackney carriage tariff increase that has been received within the statutory time period.

**2. Recommendation**

- 2.1 That Members consider and reject the objection that has been made to the proposed amendments to the hackney carriage tariff on the grounds that the hackney carriage tariff and soiling charges are the statutory maximum that may be charged and that this would not preclude the operator of a hackney carriage from implementing lower tariffs.
- 2.2 That the revised tariff comes into affect at 00:01 hours on Friday the 5<sup>th</sup> November 2010.

**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 is 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 this 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. A copy of the proposed tariff must also be available at Council Offices for the public to inspect free of charge, at all reasonable hours.
- 3.3 If there are no objections (or any objections that are made are withdrawn), the new table of fares will come into effect on the expiration date of the period specified in the published notice or the date the last objection was withdrawn whichever is the later. However, if there are objections the

Council must reconsider the issues raised and can either approve or amend the tariff.

- 3.4 If an objection is duly made and not withdrawn, the Council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

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

- 4.1 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 1.
- 4.2 At the Board meeting on the 15<sup>th</sup> September 2010, Members agreed to the proposed amendments to the hackney carriage tariff, subject to the completion of the appropriate statutory consultation. A copy of the proposed tariff is attached at Appendix 2.
- 4.3 The statutory notice appeared in the Barnsley Chronicle on the 24<sup>th</sup> September 2010 and made provision for objections to be made in accordance with the legislation until 17:00 hours on the 12<sup>th</sup> October 2010. The first appointed date is 16<sup>th</sup> October 2010. A copy of this notice is attached at Appendix 3.
- 4.4 On the 7<sup>th</sup> October 2010, an objection to the proposed tariff was received from Mr R Taylor, Rydal Terrace, Barnsley. A copy of this objection is attached as Appendix 4.
- 4.5 On the 11<sup>th</sup> October 2010 an objection to the proposed tariff was received from Mr B Ford, Proprietor of One Call Taxis, Maples Industrial Estate Barnsley. A copy of this objection is attached as Appendix 5.
- 4.6 The Hackney Carriage Association and objectors have been invited to attend the Board meeting to answer any questions that Members may have in respect of the proposed amendments to the tariff.

#### **5. Options**

- 5.1 Under the Provisions of the Local Government (Miscellaneous Provisions Act) 1976 Members, if the objection has not been withdrawn, Members 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.

5.2 Where the proposed tariff is adopted, with or without amendments, Members shall set a date not more than two months after the first appointed date when the proposed changes will come into affect.

## **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
- Appendix 4 - Mr R Taylor Objection Letter

**Appendix 5 - Mr R Ford Objection Letter**

**Officer Contact:** Mr. K Rowland  
**Telephone No:** (01226) 772614  
**Date:** 13<sup>th</sup> October 2010

## Appendix 1



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.



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](mailto: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 2

 <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>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>	<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></p> <p>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>



## Appendix 3

### **BARNSELY METROPOLITAN BOROUGH COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II**

NOTICE is hereby given that the Barnsley Metropolitan Borough Council has received a request from Barnsley Hackney Carriage Association under section 65 of the above Act to vary the table of fares fixed for Hackney Carriages. Unless there are any objections to these proposals, which are not withdrawn, the variation set out in the table below will come into effect at 00:01 hours on Saturday 16th October 2010. Any objections, if not withdrawn, will be heard and considered at a future General Licensing Regulatory Board meeting.

#### **PROPOSALS FOR VARIATION OF HACKNEY CARRIAGE TARIFF**

##### **Tariff 1 (for up to 4 passengers)**

Standard fares (except for such periods as fall within Tariff 2 or Tariff 3)

£3.10 First mile or part

10p Each subsequent 110 yards or part

10p Waiting / stationary - for each period of 30 seconds or part

##### **Tariff 2 (for up to 4 passengers)**

Fares starting between 11pm and 7am and statutory Bank Holidays

(except for such periods as fall within Tariff 3)

£3.00 First mile or part

10p Each subsequent 110 yards or part

10p Waiting / stationary - for each period of 30 seconds or part

##### **Tariff 3 (for 1 to 8 passengers)**

Fares between 8pm 24 December and 7am 27 December and

8pm 31 December to 7am 2 January

£6.20 First mile or part

20p Each subsequent 110 yards or part

20p Waiting / stationary - for each period of 30 seconds or part

##### **Tariff 4 (for 5 or more passengers)**

Standard fares for 5 or more passengers (except for such periods as fall within Tariff 3)

£5 First mile or part

15p Each subsequent 110 yards or part

20p Waiting / stationary - for each period of 30 seconds or part

Extras (charges marked # are not shown on the meter)

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)

£90 # Maximum charge for soiling or otherwise damaging the vehicle

#### **All fares shall:**

- be calculated from when the hire commences
- 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.

Any objections to the proposed variation in fares MUST be made in writing to the Licensing Section, Regulatory Services, PO Box 602, Barnsley, S70 9FB or by email to [regulatoryservices@barnsley.gov.uk](mailto:regulatoryservices@barnsley.gov.uk) by 17:00 hours on Tuesday 12th October 2010.

K Eastwood

Assistant Director Regulatory Services  
24<sup>th</sup> September 2010



Hackney Carriage Tariff

## Appendix 4



01/10/2010

Licensing Section/Regulatory Board

To whom it may concern

May I introduce myself, I am Robert Taylor formerly the chairman of the Hackney Carriage Association, and I am also the proprietor of a 5 seater London taxi. I am writing to you today to register a rejection in respect of the proposal of the introduction of 'Tariff 4'.

I am disappointed that the tariff proposal has only been discussed at meeting level, without any consultation with black cab owners, and is based on a minority level which is therefore, not a true representation of that population. I am against such increases as I believe are other cab owners and I'm sure the unsuspecting Public.

I don't believe serious consideration has been given to the consequences of the introduction of the tariff, as the owner of a 5 seater, I have calculated the following:

Firstly.

1. 4 passengers @ £3.10 (for 1<sup>st</sup> mile only) = 77.5p per person
2. 4 passengers @ £1.60 (for 2<sup>nd</sup> mile and above) = 40p per person

In summary - 4 passengers @ £4.70 = £117.5p per person

Below is the same tariff comparison with 5 passengers

3. 5 passengers - @ £5.00 (for the 1st mile) = £1.00 per person
4. 5 passengers - £1.40 (for the 2<sup>nd</sup> mile and above) = 42p per person

In summary - 5 passengers @ £7.40 = 1.42p per person

indicating an increase of 24.5p per person for the same journey.

I personally am able to run my 5 seater cab when running to the existing tariff, economically without having to increase or introduce a "4" Tariff.

Also to be taken into consideration is the increase in the waiting time tariff that will be doubled to 40p per minute equating to £24.00 per hour; this I find extortionate to say the least.

I am challenging the fact that people are expected to pay more if in a party of 5 which penalises them, rather than make that journey more economical, and disadvantages the people with 5 seater carriages, such as I that have paid considerably more to purchase my 5 seater cab than the 6/7/8 seater E7 cabs currently on the rank.

Ironically, the proposers of this change are proprietors of vehicles with 6 seats or more and the comparison to them is indicated below;

5. 6 passengers - £5.00 (for the 1st mile) = 71p per person
6. 6 passengers - 2.40 (for the 2<sup>nd</sup> mile and above) = 40p per person

In summary 6 passengers @ 7.40 = £1.23 per person

In comparison to my vehicle with 5 passengers - 19p per mile more economical than to travel in another vehicle.

My point here is that the cab tariffs become cheaper after 6 passengers and the bigger the seating capacity the cheaper it becomes per passenger, hence the biased proposal for the Tariff Introduction.

In comparison with other cities such as Doncaster, Leeds, Wakefield, Sheffield, Manchester, Blackpool, London, all operate with 5, 6, 7 and 8 seater capacity vehicles. These do not run with a 'Tariff 4', instead they operate with the extras on the hackney tariff.

I personally am uncomfortable with charging 5 passengers more for a journey in a vehicle that is designed to carry that number and below, therefore cannot see the justification or the legality of a '4<sup>th</sup> Tariff'. I pride myself on running an honest and reliable service to the public meaning no hidden agenda and certainly not a service that disadvantages them through the size of the party and that disadvantage one taxi service or cab against cab, above others.

These increases can be avoided if the 6+ seater vehicle owners run to tariff, i.e. for more than 2 passengers to be charged 20p more per person per journey, and 20p for any bags over 2, and if a fare ends outside the Borough that an agreed fare be negotiated before the commencement of the said journey. This tariff has been in existence as long as I have been in the business which is 13 years, and although it has been custom and practice not to invoke it to keep custom, I suggest the proposer use it as it is meant, and would contribute to cover the extra costs we all face in fuel, services and maintenance of our vehicles.

**This is my view that i intend to raise objection to the proposal. I find the introduction of such a tariff unnecessary biased and inappropriate ethically and particularly in a time of recession when our businesses are affected, and the focus should be on attracting the public to our services, not making them feel that they are being taken advantage of, and turning them against us.**

**Yours sincerely**



**Appendix 5**

To assist Members a transcript of the letter is provided below



**ONE CALL TAXIS**

23A MAPLES IND ESTATE  
BARNSELEY  
S71 2BL

TEL: 245243

11<sup>th</sup> October 2010.

Dear  
Mr Lawson.

I am writing to express my objection to the increase that is being proposed for the black cab minimum fare and also the surcharge charge.

At present the black cab charges are the same as the hackney cabs on the taxicab.

This increase will discriminate disabled people and people with pushchairs, its both unfair and not practical. Why should people with a disability or children be charged more? With regards to the surcharge charge, this is disgusting, how can this be justified?

The proposed increase can not be allowed to take place, the taxicab is suffering enough with the recession any further increases will only deter the general public further.

Yours Sincerely

Mr Robert Ford **PROPRIETOR: R. J. FORD**

11<sup>th</sup> October 2000

Dear Mr Eastwood,

In writing to express my objection to the increase that is being proposed for the black cab minimum fare and also the soilage charge.

At present the Black Cab charges are the same as the Hackney cars on the rank.

The increase will discriminate disabled people and people with pushchairs, its both unfair and not practical. Why should people with a disability or children be charged more? With regards to the soilage charge, £80 is disgusting, how can this be justified?

The proposed increase can not be allowed to take place, the rank is suffering enough with the recession any further increases will only deter the general public further.

Yours sincerely

Mr R Ford