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Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: **01205 314200**
Fax: **01205 364604**
DX: 26823 - BOSTON

Chief Executive
Phil Drury
MCIAT, ACIOB

4 December 2017

NOTICE OF MEETING OF THE REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to attend a meeting of the Regulatory & Appeals Committee on
Tuesday, 12th December, 2017 at 3.00 pm
in the Council Chamber, Municipal Buildings, West Street, Boston, PE21 8QR

PHIL DRURY
Chief Executive

Membership:

Chairman:	Councillor Colin Brotherton
Vice Chairman:	Councillor Paul Gleeson
Councillors:	Richard Austin, David Brown, Maureen Dennis, James Edwards, Jonathan Noble, Felicity Ransome, Stephen Raven, Judith Skinner, Yvonne Stevens and Stephen Woodliffe

A G E N D A

PART I – PRELIMINARIES

A MINUTES (Pages 1 - 6)

To sign and confirm the minutes of the last meeting, held on 26th September 2017.

B APOLOGIES

To receive apologies for absence.

C DECLARATION OF INTERESTS

To receive declarations of interests in respect of any item on the agenda.

D PUBLIC QUESTIONS

To answer any written questions received from members of the public no later than 5 p.m. two clear working days prior to the meeting.

PART II - AGENDA ITEMS

1 REVIEW OF MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE
(Pages 7 - 22)

(A report by Fiona White, Principal Licensing and Land Charges Officer)

THIS MEETING WILL BE RECORDED (SOUND ONLY)

Notes:

The person to contact about the agenda and documents for this meeting is Janette Collier, Senior Democratic Services Officer, Municipal Buildings, Boston, Telephone: 01205 314227 e-mail: janette.collier@boston.gov.uk

Council Members who are not able to attend the meeting should notify Janette Collier, Senior Democratic Services Officer as soon as possible.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please contact Democratic Services on direct dial (01205) 314226

Emergency Procedures

In the event of a fire alarm sounding all attendees are asked to leave the building via the nearest emergency exit and make their way to the Fire Assembly Point located in the car park at the rear of the Municipal Buildings.

REGULATORY & APPEALS COMMITTEE

26 September 2017

Present: Councillor Colin Brotherton (Chairman), Councillor Paul Gleeson (Vice-Chairman), Councillors Richard Austin, Stephen Raven, Jonathan Noble, Yvonne Stevens and Stephen Woodliffe

Officers –

Principal Licensing and Land Charges Officer and Senior Democratic Services Officer

14 MINUTES

The minutes of the meeting held on 13th June 2017 were agreed as a correct record and signed by the Chairman.

15 APOLOGIES

There were apologies for absence from Councillors David Brown, Maureen Dennis, James Edwards, Felicity Ransome and Judith Skinner.

16 DECLARATION OF INTERESTS

No declarations of interests were made.

17 SAFEGUARDING TRAINING

The Principal Licensing and Land Charges Officer presented a report, which sought the Committee's support for the intention to suspend the licences of those drivers who had not submitted certificates to evidence the mandatory safeguarding training had been completed, using authority delegated to officers in Part 3(a) of the Council's Constitution.

On 28 June 2016, the Committee had adopted a revised Application Policy and Relevance of Convictions Guidelines in relation to Hackney Carriage and Private Hire Vehicle Drivers and Private Hire Operators.

The revised policy included a requirement that applicants completed the Licensing Authority's Safeguarding Awareness Training. Initially, existing drivers were required to undertake the training at the time their licence renewal was due. However, in consultation with the Solicitor to the Council, following two cases of child safeguarding issues in Boston which led to the revocation of the drivers' licences, it was considered necessary to meet the Council's safeguarding obligations, that the training to be undertaken without further delay.

Drivers were advised in writing of the requirement to undertake the training by 31 August 2017 and that a recommendation would be made to the Regulatory & Appeals Committee that the licences of drivers who had failed to complete the training be suspended until this requirement was met.

At the time the report was published, 33 licensed drivers had failed to submit certificates to evidence that the training had been satisfactorily completed. That number was now 30. There was also an additional four licences that were already suspended, mainly on medical grounds, and these too would also have to complete the safeguarding training

but as their licences were currently suspended, they could not be suspended for a second time.

The licences could be suspended under the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 using the grounds of “any other reasonable cause”. In Part 3a of the Constitution there was an officer delegation to the Solicitor to the Council to suspend Hackney Carriage and Private Hire Vehicle Driver Licences. The Solicitor to the Council had further delegated this authority to the Principal Licensing & Land Charges Officer.

Whilst drivers were regularly referred to the Regulatory & Appeals Sub-Committee for consideration of their case, there were cases where it would be more appropriate to deal with the matter using authority delegated to officers and it was suggested that this was one of those cases for several reasons, including the number and similarity of cases, and also that the drivers had been given the opportunity to put forward any grounds to be considered prior to their licence being suspended and had been made aware that if they have not completed the training then suspension of their licence would be considered.

These suspensions would not take effect until after the 21 day appeal period or, if appealed, until after the appeal was disposed of. Providing the training was undertaken during the appeal period, no driver would be disadvantaged by a licence suspension.

It was recommended that the Committee supported the intention of officers to use delegated authority to suspend the licences of those drivers who had not submitted training certificates.

Members raised various questions. In response, it was explained that the training was free of charge and involved two online courses; one being of approximately 5 minutes duration with no test; the other approximately one hour with a test. Drivers were advised to take advantage of the assistance on offer at the library if they were not IT-literate; once logged on, it was simple to proceed through the course. All drivers had completed a comprehension test and there were none who could not read or write; however, had there been any who could not do so, officers would have happily assisted by going through the training verbally.

Drivers who had said they were no longer driving had been advised to return their badges; if they did not do so their licences could be suspended. Drivers worked closely together and news spread quickly amongst them, so it was difficult to say why some had not completed the training. It could be the case that some drivers had changed address and simply not received the letters, though it was a requirement of the licence to advise the Council of a change of address. However, some were difficult to engage with and some might simply not be reading the letters. If the Committee was minded to delegate authority to officers to suspend the licences, officers would telephone the remaining drivers after the 21 day appeal period.

In response to concern as to how suspensions could be policed, it was explained that larger companies could be contacted to advise them of the suspension of their drivers. Those who were independent and self-employed could be contacted individually to be requested to come in and hand over their badges; being asked to do so might prompt more to undertake the training. Also, the County Council would be contacted about the

drivers who had school contracts; these contracts were lucrative and the risk of losing them might encourage more to undertake the training.

The training did not involve criminal record checks; these were completed on renewal. Approximately 200-220 drivers had so far completed the training. Badges were meant to be worn by the drivers, but were often hung from a vehicle's internal mirror, which was acceptable as it allowed passengers to view the driver's name and number.

The first letter advising drivers of the training had been issued to all taxi companies over a period of time in June 2017. Before sending the second letter on 23rd August, all companies were contacted and advised one or more of their drivers had not undertaken the training and more had undertaken it as a result.

Details of the right of appeal were clearly set out in the suspension notice and contained within the guidance that all drivers had. It was approximately £400 to appeal to the magistrate's court.

During debate, Members voiced agreement with the officer's recommendations. They recognised the Council's duty of care to the public to ensure that drivers were safe, particularly in view of failings of various bodies, including the taxi licensing authority in Rotherham, with respect to child and vulnerable adult safeguarding. Suspension could be reversed once a driver completed the training.

One Member expressed the view that the letters to the drivers did not set out the situation in strong enough terms in the initial paragraph and that some could find the training difficult. However, the other Members agreed the letters had been explicit and the Principal Licensing and Land Charges Officer advised the Committee that no drivers had reported any difficulty completing it and were well aware that the licensing team would help them.

Members were advised that drivers had been advised about the obligation to undertake the training when it was first agreed. As two licences had been revoked due to safeguarding incidents, the Council would be open to criticism if there was a further incident and these steps had not been taken.

Drivers who continued to drive following suspension would lose their licences. Drivers be prosecuted under the Local Government (Miscellaneous Provisions) Act 1976 or the Police and Town Clause of the 1847 Act. There was a set period of time within which licences would not be reissued.

The Principal Licensing and Land Charges Officer added that Members would be updated on progress with the matter by e-mail.

RESOLVED: That the intention be supported that the licences of those drivers who have not submitted certificates to evidence the mandatory safeguarding training has been completed be suspended using authority delegated to officers in Part 3(a) of the Council's Constitution.

18 EQUALITY ACT 2010 - WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Principal Licensing and Land Charges Officer presented a report, which asked the Committee to adopt a revised wheelchair accessible vehicle specification for hackney carriage and private hire vehicles.

It was recommended that the revised specification, attached at Appendix B, be adopted with the inclusion of an amendment to specify a 3-point seat belt system and an additional condition for ramps to be indelibly marked with vehicle registration numbers. The Committee was also asked to note that the Principal Licensing and Land Charges Officer would carry out the outstanding previously delegated tasks listed at paragraph 3.1 of the report.

Provisions of the Equality Act 2010, in respect of wheelchair accessible hackney carriages and private hire vehicles, commenced on 6 April 2017. The provisions allowed a licensing authority to create a list of “designated vehicles” which were capable of carrying passengers in wheelchairs (section 167) and then required drivers of those vehicles to provide mobility assistance (section 165).

On 13 June 2017, the Committee had resolved to introduce a list of wheelchair accessible vehicles; approved draft amendments to the specification for wheelchair accessible vehicles; and adopted a procedure for applying driver exemptions from carrying a passenger in a wheelchair.

The Committee also delegated a number of tasks to the Principal Licensing Officer, which had been undertaken, including:

- Notifying proprietors of identified vehicles and advising them that the authority proposed to include their vehicle on the authority’s list of designated vehicles.
- Consulting vehicle proprietors and other relevant parties on the amendments to the specification for wheelchair accessible vehicles.

The Committee was now requested to adopt the revised wheelchair accessible specification, with suggested amendments, one being a result of consultation, and note that the outstanding tasks, delegated to the Principal Licensing and Land Charges Officer, would be undertaken.

All of the borough’s vehicles had 3-point seat belts, but it was considered prudent to make this explicit in the policy. If the Committee was minded to adopt it, it was recommended that the condition regarding securing passengers be amended to say a “3-point seat belt system”.

A further change, which would not be problematic and would be at no cost to the trade, was to add a condition to require ramps to be indelibly marked with the vehicle’s registration number to ensure that they could not be moved from one vehicle to another. In addition, the condition would state that they did not have grandfather rights. It was noted that registration numbers rather than plate numbers should be used, as these

could change if a vehicle went from a being hackney carriage to a private hire licence or vice versa.

Members asked various questions. In response, the Principal Licensing and Land Charges Officer explained that the requirement to mark ramps was necessary because the Council's policy stated that all Hackney Carriage vehicles of more than four passengers must be wheelchair accessible and if a vehicle did not have a ramp then it was not wheelchair accessible. It would not cost proprietors anything. They had to have a ramp for each vehicle and this would make it easier to administer if the ramps were marked. It would be possible to use indelible ink.

The Principal Licensing and Land Charges Officer confirmed that there could be an accident if the wrong ramp was used. Ramps were often universal, but the way one attached to a vehicle was specific to that ramp. The Council's wheelchair was used to enable taxi drivers to demonstrate that they knew how to strap people in and ensure that the wheelchair fit into the vehicle.

A Member commented that the strictest guidelines had to be applied for safety; the wheelchairs had to fit in and the public had to be protected and ramps had to be dedicated to that vehicle.

The Principal Licensing and Land Charges Officer described the well-known system for anchoring wheelchairs and explained that the wheelchair and the person were secured separately from each other.

RESOLVED:

- 1. That the revised wheelchair accessible vehicle specification attached at Appendix B be adopted with the recommended amendment, outlined at paragraph 2.3 of the report, that the requirement for securing an occupant in a wheelchair be amended to a 3-point seat belt system, and an additional condition to the effect that ramps be indelibly marked with the vehicle's registration number with no grandfather rights.**
- 2. That it be noted that the Principal Licensing & Land Charges Officer will carry out the outstanding previously delegated tasks listed at paragraph 3.1 of the report.**

The Meeting ended at 2.50 pm

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B O S T O N B O R O U G H C O U N C I L

REPORT TO:	REGULATORY AND APPEALS COMMITTEE
DATE:	12 DECEMBER 2017
SUBJECT:	REVIEW OF MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE
PORTFOLIO HOLDER:	COUNCILLOR AARON SPENCER
REPORT AUTHOR:	PRINCIPAL LICENSING & LAND CHARGES OFFICER
EXEMPT REPORT?	NO

SUMMARY

The Boston Hackney Carriage Association (BHCA) has submitted a request for a review of the hackney carriage maximum fare structure. The last increase in fares was implemented in March 2015.

The report sets out 3 options with respect to the maximum fares for hackney carriages.

Option 1 - No change to the current maximum fares.

Option 2 - Request submitted by the Boston Hackney Carriage Association

Option 3- Officer suggested alternative

The committee is requested to consider the options for a fare increase set out in this report and having regard to the BHCA requested increase, the officer suggested alternative and responses to the trade consultation, make a recommendation to Cabinet for consideration.

A further report, which will include the committee's recommendations, will be presented to Cabinet for consideration.

RECOMMENDATIONS

1. The Committee considers the request made by BHCA for a fare increase, the officer suggested alternative and the responses to the trade consultation and makes a recommendation to increase the maximum fares to Cabinet for consideration.

REASONS FOR RECOMMENDATIONS

There has been no increase in the maximum fares for hackney carriages since March 2015. Since the previous fare rise the cost of living has risen.

It is appropriate to review and increase the fares periodically.

It is officers' views that it would be appropriate to increase fares to provide an increased income for taxi proprietors and drivers whilst maintaining a reasonably priced taxi service for members of the public. Proprietors or drivers who are opposed to the increase can opt to continue to operate using the existing tariff.

ALTERNATIVES CONSIDERED

Option 1, being that an increase in hackney carriage fares is not appropriate and they should remain at the current level.

An alternative variation to fares other than either the BHCA request or the officer suggested alternative, including a decrease, is recommended to Cabinet by the committee. Any alternative fare must be capable of being programmed into a taximeter. Officers would not recommend a decrease in the hackney carriage fares.

REPORT

1. INTRODUCTION

- 1.1 In accordance with the provisions of section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976 a council may fix fares for time and distance, and other charges, in respect of the hire of hackney carriages. For the purpose of setting fares the "Council" means the executive by virtue of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 (as amended).
- 1.2 The Boston Hackney Carriage Association (BHCA) have made representation to the council for an increase to the maximum fare structure. A copy of its letter of request is attached at Appendix A.
- 1.3 In its capacity as Licensing Authority, the Council sets the maximum hackney carriage (taxi) fare structure for hirings beginning and ending within the Borough. It is unlawful to charge a rate above that set by the authority. The aim when setting fares is to achieve an efficient and reasonably priced taxi service for members of the travelling public whilst also providing reasonable revenue for both taxi proprietors and drivers. Members may wish to note that the council cannot set a maximum fare structure for private hire vehicles.
- 1.4 The last increase in the fare structure was March 2015. At the time of the previous fare review there was an increase in the fares for longer journeys (between 5.56% and

11.11% for a 10 mile trip depending on the tariff) and a smaller increase for shorter journeys (between 2.78% and 5.56% for a 1 mile trip depending on the tariff)

- 1.5 Any proposed variation of the fare structure must be agreed by the Cabinet and must be advertised in a local newspaper. A period of at least 14 days must be given for objection. If objections are received the representations must be considered by Cabinet who can agree, in light of the objections, to modify the tariff or agree to implement the original agreement.

2. BACKGROUND INFORMATION

- 2.1 When setting the maximum hackney carriage fare structure the relevant legislation (The Local Government (Miscellaneous Provisions) Act 1976) does not stipulate the external factors to be taken into account and there is no limit on the amount of increase or variation.
- 2.2 In Boston there are 3 Hackney Carriage Fare Tariffs, all with fares for distance and waiting time. A copy of the current tariff sheet is attached at Appendix B.

A fare for distance is the cost of a journey whilst the vehicle is in motion. The fare for distance comprises the initial charge being the amount shown on the meter at the commencement of the journey ("the flagfall") and a subsequent charge for the distance travelled ("the unit charge").

Waiting time is a charge on the meter when the vehicle is stationary during the journey or travelling at negligible speed e.g. in traffic queues. If a passenger requests a hackney carriage driver to wait at any time during the journey the waiting time applies. In order for a taxi meter to operate correctly the waiting time costs must be equal in monetary intervals to fares for distance. I.e. if the fare for distance is £0.20 per xxx yards the waiting time must be £0.20 for xxx seconds.

Hackney carriage tariffs must be stipulated in yards/miles and not metres/kilometres as this is the standard unit used in the UK for measuring distance and speed in motor vehicles.

3. HACKNEY CARRIAGE TARIFFS

- 3.1 The 3 different hackney carriage fare tariffs, each used for different types of vehicle and times of day are:

Tariff 1 applies to vehicles carrying up to 4 passengers between 0730 and 2300hrs.

Tariff 2 applies to vehicles carrying up to 4 passengers between 2300hrs and 0730hrs and on Sundays, statutory bank holidays, from 1600hrs on 24 December until 0730hrs on 27 December and 1600hrs on 31 December until 0730hrs on 2 January.

This tariff also applies to larger vehicles when they are carrying between 5 and 8 passengers between 0730hrs and 2300hrs.

Tariff 3 applies to larger vehicles when they are carrying between 5 and 8 passengers between the hours of 2300hrs and 0730hrs and on Sundays, statutory bank holidays, from 1600hrs on 24 December until 0730hrs on 27 December and 1600hrs on 31 December until 0730hrs on 2 January.

4. PROPOSED TARIFF INCREASE

4.1 The BHCA has submitted a request for a tariff increase. The committee is requested to consider the options below and make a recommendation to Cabinet for consideration. The BHCA has requested an increase in the initial charge (flagfall) only; no increase has been requested for the fares for distance or waiting time. There has been no increase in the charge for waiting time since 2011.

4.2 There are 3 proposed options as follows:

Option 1

No change to the current maximum fare tariff.

Option 2 - Request submitted by the Boston Hackney Carriage Association

The fares for distance be varied in accordance with the increase requested by the Boston Hackney Carriage Association. This proposal would increase the cost of every journey, regardless of distance by £0.40, £0.60 and £0.80 for Tariff 1, 2 and 3 respectively resulting in a higher percentage increase for the shorter journeys and a lower percentage increase for the longer journeys.

Option 3 – Officer suggested alternative

If the committee is of the view a fare increase is appropriate but are minded not to recommend Option 2, a further option (Option 3) could be considered. Option 3 also increases the initial charge but not the fare for distance thereafter nor the waiting time. An increase to the initial charge of £0.30 for Tariff 1, £0.50 for Tariff 2 and £0.60 for Tariff 3 is suggested, but this could be a greater or lesser amount. In other words every journey, regardless of distance would be increased by £0.30, £0.50 or £0.60 depending on the tariff.

The committee is advised that it can recommend an alternative option to Cabinet but any proposed tariff must be capable of being programmed into a hackney carriage meter.

4.3 Proposed increase Tariff 1

The current fares (option 1- no increase), BHCA request (option 2) and an alternative (option 3) for fares for distance are provided at table 1

Table 1

	Flagfall (£/Yards)	Unit Charge (£/Yards)	Waiting Time (£/Seconds)
Current (Option 1)	2.40/391.1111	0.20/195.5555	0.20/60
Option 2	2.80/391.1111	0.20/195.5555	0.20/60
Option 3	2.70/391.1111	0.20/195.5555	0.20/60

In summary, option 2 equates to an increase of £0.40 for each hiring regardless of the journey length. Option 3 as an example would increase each journey by £0.30

The waiting time and fares for distance for each option is unchanged at £12 per hour and £1.80 per mile respectively

Table 2 gives the current and proposed costs for a journey of 1, 2, 5 and 10 miles with the respective percentage increases. For comparison purposes fares for other Lincolnshire Authorities are provided

Table 2

Tariff 1	1 Miles £	2 Miles £	5 Miles £	10 Miles £	Last Reviewed
BBC Option 1 (No increase)	3.80 5.56% (Previous increase)	5.60 7.69% (Previous increase)	11.00 10% (Previous increase)	20.00 11.11% (Previous increase)	2015
BBC Option 2 (BHCA request)	4.20 10.53%	6.00 7.14%	11.40 3.63%	20.40 2.00%	
BBC Option 3 (Officer Suggested Alternative)	4.10 7.89%	5.90 5.36%	11.30 2.73%	20.30 1.5%	
Lincoln	4.60	6.20	11.00	19.00	2012
East Lindsey	4.20	6.00	11.20	20.00	2017
South Holland	2.20	3.70	8.20	15.70	2008
West Lindsey	4.00	6.00	12.00	22.00	2017
North Kesteven	4.00	5.60	10.40	18.40	2014
North East Lincs	4.00	5.60	10.40	18.40	2017

It is requested the committee considers the proposed options and recommends to Cabinet either one of these options or an alternative tariff capable of being programmed into a taximeter.

The committee may wish to note that if the increase requested by the BHCA was recommended to the cabinet for consideration, the revised fares, particularly for shorter journeys, would be higher than the average for the county. It is therefore suggested, that the committee give consideration to recommending a smaller increase in the initial charge. An example of such is given at option 3.

NOTE – The percentage increases are for illustrative purposes only and do not take account of waiting time as this varies from journey to journey. As there is no proposal

to increase the waiting time, the actual percentage increase, were fares to be increased, would be lower than that shown in the above table.

4.4 Proposed increase Tariff 2

The current fares (option 1- no increase), BHCA request (option 2) and an alternative (option 3) fares for distance are provided at table 3.

Table 3

	Flagfall (£/Yards)	Unit Charge (£/Yards)	Waiting Time (£/Seconds)
Current Option 1	3.10/293.33333	0.20/146.66666	0.20/42.53
Option 2	3.70/293.33333	0.20/146.66666	0.20/42.53
Option 3	3.60/293.33333	0.20/146.66666	0.20/42.53

In summary, option 2 equates to an increase of £0.60 for each hiring regardless of the journey length. Option 3 as an example would increase each journey by £0.50

The waiting time and fares for distance for each option is unchanged at £16.93 per hour and £2.40 per mile respectively

Table 4 gives the current and proposed costs for a journey of 1, 2, 5 and 10 miles with the respective percentage increases. For comparison purposes fares for other Lincolnshire Authorities are provided

Table 4

Tariff 2	1 Miles £	2 Miles £	5 Miles £	10 Miles £	Last Reviewed
BBC Option 1 (No increase)	5.10 4.08% (Previous Increase)	7.50 5.63% (Previous Increase)	14.70 7.3% (Previous Increase)	26.70 8.1% (Previous Increase)	March 2015
BBC Option 2 (BHCA request)	5.70 11.76%	8.10 8.00%	15.30 4.08%	27.30 2.25%	
BBC Option 3 (Officer Suggested Alternative)	5.60 9.8%	8.00 6.66%	15.20 3.4%	27.20 1.87%	
Lincoln	5.90	8.00	14.30	25.10	2012
East Lindsey	6.30	9.00	16.80	30.00	2017
South Holland	4.20	6.20	12.20	22.20	2008
West Lindsey	5.80	8.80	17.80	32.80	2017
North Kesteven	6.00	8.40	16.60	27.60	2014
North East Lincs	4.60	6.60	12.60	22.60	2017

It is requested the committee considers the proposed options and recommends to Cabinet either one of these options or an alternative tariff capable of being programmed into a taximeter.

The committee may wish to note that if the increase requested by the BHCA was recommended to the cabinet for consideration, the revised fares, would be “middling” for the county. It is therefore suggested, that the committee give consideration to recommending the increase proposed by the BHCA.

NOTE – The percentage increases are for illustrative purposes only and do not take account of waiting time as this varies from journey to journey. As there is no proposal to increase the waiting time, the actual percentage increase, were fares to be increased would be lower than that shown in the above table.

4.5 Proposed increase Tariff 3

The current fares (option 1- no increase), BHCA request (option 2) and an alternative (option 3) fares for distance are provided at table 5.

Table 5

	Flagfall (£/Yards)	Unit Charge (£/Yards)	Waiting Time (£/Seconds)
Current Option 1	4.80/234.666666	0.20/117.333333	0.20/40
Option 2	5.60/234.666666	0.20/117.333333	0.20/40
Option 3	5.40/234.666666	0.20/117.333333	0.20/40

In summary, option 2 equates to an increase of £0.80 for each hiring regardless of the journey length. Option 3 as an example would increase each journey by £0.60

The waiting time and fares for distance for each option is unchanged at £18.00 per hour and £2.80 per mile respectively

Table 6 gives the current and proposed costs for a journey of 1, 2, 5 and 10 with the respective percentage increases

Table 6

Distance (miles)	Current Fare (£) Option 1	Option 2 (£)	Option 2 % increase	Option 3 (£)	Option 3 % increase
1	7.40	8.20	10.81%	8.00	8.11%
2	10.40	11.20	7.69%	11.00	5.77%
5	19.40	20.20	4.12%	20.00	3.09%
10	34.40	35.20	2.32%	35.00	1.74%

It is requested the committee considers the proposed options and recommends to Cabinet either one of these options or an alternative tariff capable of being programmed into a taximeter.

The committee may wish to note that if the increase requested by the BHCA was recommended to the cabinet for consideration, there would be a significant increase in the initial charge. It is therefore suggested, that the committee give consideration to recommending a reduced increase in the initial charge. An example of such is given at option 3.

NOTE – The percentage increases are for illustrative purposes only and do not take account of waiting time as this varies from journey to journey. As there is no proposal to increase the waiting time, the actual percentage increase, were fares to be increased would be lower than that shown in the above table.

5. CONSIDERATIONS

- 5.1 Officers conducted a consultation, ahead of any statutory process, by writing to all hackney carriage proprietors and drivers, advising them of the requested increase and seeking their views. Responses received are attached at Appendix C.
- 5.2 Other information the committee may wish to take into account when considering making a recommendation to Cabinet is provided below:
 - The fuel station on Sleaford Road is used by the council to gauge the price of fuel when considering a proposal for a hackney carriage fare increase. At the time of the last report to committee for a fare increase the cost of diesel at this fuel filling station was £112.8/litre (12 January 2015). The diesel price at this filling station, at the time of writing this report was £119.8/litre (27 November 2017).
 - The council can only set fares for hackney carriages; Private Hire Operators can set their own fares which could be significantly higher or lower than the hackney carriage fares set by the council.
 - The law relating to the calibration of taximeters was clarified in the case of R v Liverpool City Council, ex p Curzon Limited (1983). This case indicated that it was lawful for a proprietor to calibrate his taximeter to a lower fare than the maximum fare set by the Council. The Council can advise and encourage but it cannot legally require those proprietors to change their meters from a lower rate to the maximum rate. Therefore, if a tariff increase is implemented, those taxi proprietors who do not wish to recalibrate their meters, possibly due to the need for a meter replacement, would be free to continue to operate using the existing tariff.
 - Inflation at October 2017 was 3% for the previous year.

6. CONCLUSION

- 6.1 It is requested the committee consider the proposed options and recommends, to Cabinet, one of these options or an alternative tariff capable of being programmed into a taximeter. An example of an alternative would be to recommend a higher or lower increase to that shown at Option 2 and 3. A recommendation could be made to reduce the maximum fares, however given the rise in the cost of living, officers would not recommend this.
- 6.2 There has been no increase in the maximum fares since March 2015 and there has been no increase in the initial charge element of the maximum fares since 2011; the previous increase was for the fares for distance only.
- 6.3 It is anticipated that an appropriate increase in the initial charge will maintain a reasonably priced taxi service for members of the public whilst also providing increased income for taxi proprietors and drivers.
- 6.4 Proprietors or drivers who are opposed to the increase can opt to continue to operate using the existing tariff.
- 6.5 Officers are of the view that having regard to the increase in living costs, including increased fuel costs an increase in the maximum fares is recommend to Cabinet for consideration.

FINANCIAL IMPLICATIONS

There is a cost for the public notice estimated at £300 and the cost of producing 167 fare cards at an estimated cost of £100, These costs will be met from existing budgets.

LEGAL IMPLICATIONS

Any decision by the Cabinet to vary the maximum fares along with the implementation date must be advertised and a period of time (minimum 14 days) allowed for objections.

If objections are received the representations must be considered by Cabinet who can agree, in light of the objections, to modify the tariff or agree to implement the original agreement.

A copy of the proposed tariff must be available at the Council's Offices for the public to inspect, free of charge, at all reasonable hours.

If there are objections the Council must set a further date, within two months from that date first specified, on which the table is to come into force with or without modification, as decided.

There is no right of appeal to the Magistrates Court regarding a council's decision on the level of the hackney carriage fares. However, any aggrieved person would have the option of applying for a judicial review of the decision.

Failure to undertake this process correctly will render any decision to vary the maximum fare structure void.

ANY OTHER IMPLICATIONS

Human Rights – The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality. i.e., is the decision/action proportionate to what it wishes to achieve, in other words, does the end justify the means.

CONSULTATION

A consultation has been undertaken with all hackney carriage proprietors and drivers licensed by Boston Borough Council. A copy of the responses is provided at Appendix C.

Consulted also:

CMT
Portfolio holder for licensing.

APPENDICES

Appendices are listed below and attached to the back of the report: -

<i>APPENDIX A</i>	Letter of request for tariff increase from Boston Hackney Carriage Association.
<i>APPENDIX B</i>	Copy of current Hackney Carriage Tariff Sheet.
<i>APPENDIX C</i>	Responses from consultation with Hackney Carriage Proprietors and Drivers

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

FINANCE PROFORMA

BOSTON BOROUGH COUNCIL
PROFORMA FOR EXECUTIVE APPROVAL OF THE RELEASE OF RESOURCES
(CAPITAL AND REVENUE BUDGETS)

FROM: Rachel Hilton

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS
 IN RESPECT OF THE ATTACHED

REPORT: REVIEW OF MAXIMUM HACKNEY CARRIAGE FARE
 STRUCTURE

REPORT DATE: 12 DECEMBER 2017

OPTION 1	£ Year 1 2017/18	£ Year 2 2018/19	£ Year 3 2019/20	£ Year 4 2020/21	£ Year 5 2021/22
-----------------	---------------------	---------------------	---------------------	---------------------	---------------------

Revenue

	400				
Total Revenue	400				
Cost					

Funding required:	To be covered from existing budgets.	Considered by:	Regulatory and Appeals committee
		Date:	12.12.17

Total capital cost £0

Revenue cost £400

Financial Services Comments

There will be no financial implications as the estimated costs will be met from existing budgets.

Risk

Procurement

Value for Money Efficiency

This FP is valid for 3 months from FP date	If this FP is no longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.

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BHCA 21 AUGUST 2017

CHAIRMAN GARY CHAMBERLAIN SECRETARY RAYMOND SMEDLEY

TREASURER STEPHEN POTTS VICE CHAIR KAREN SAVAGE

COMMITTEE GARY SLEAFORD B SAVAGE ROBIN FRYATT COLIN DUST

KEITH MURLOW GRAHAM WILSON

TO Fiona White Taxi licensing

The BHCA would request that you review the metered fare we are not asking for a percentage increase.

Rate 1 increased by 40 pence

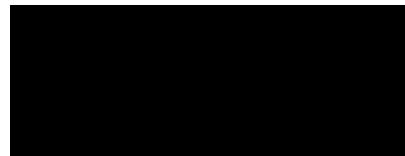
Rate 2 increased by 60 pence

Rate 3 increase by 80 pence

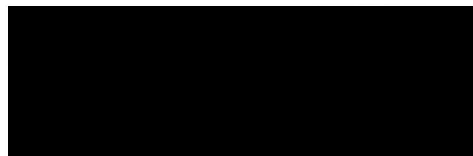
As you can see by these rates there is only a marginal increase to our customers and this does not increase with distance.

As you can appreciate since our last increase in 2015 our costs have escalated this will go part way to bringing us up towards the minimum wage.

RAYMOND SMEDLEY SECRETARY



GARY CHAMBERLAIN CHAIRMAN





BOSTON BOROUGH COUNCIL
MAXIMUM AUTHORISED HACKNEY CARRIAGE FARES
25 March 2015

TARIFF 1:

Vehicles carrying up to 4 persons between 0730 – 2300 Hours

Fare

- | | |
|--|-------|
| ◆ For the first 391.11 yards | £2.40 |
| ◆ For each subsequent 195.56 yards or uncompleted part thereof | £0.20 |
| ◆ <u>Waiting Time</u> – for each period of 60 seconds | £0.20 |

TARIFF 2:

*Vehicles carrying up to 4 persons between
 2300 – 0730 Hours and 5 to 8 persons between 0730 – 2300 Hours*

- | | |
|--|-------|
| ◆ For the first 293.33 yards | £3.10 |
| ◆ For each subsequent 146.67 yards or uncompleted part thereof | £0.20 |
| ◆ <u>Waiting Time</u> – for each period of 42.53 seconds | £0.20 |

TARIFF 3 :

Vehicles carrying 5 to 8 persons between 2300 – 0730 Hours

- | | |
|--|-------|
| ◆ For the first 234.67 yards | £4.80 |
| ◆ For each subsequent 117.33 yards or uncompleted part thereof | £0.20 |
| ◆ <u>Waiting Time</u> – for each period of 40 seconds | £0.20 |

EXTRA CHARGES:

For each parcel, packet or item of luggage (excluding hand luggage, perambulators and wheelchairs) £0.30

Soiling Charge £50.00

Hirings on Sundays & Statutory Bank Holidays and from 1600 Hrs on 24 December to 0730 Hrs on 27 December and 1600 Hrs on 31 December to 0730 Hrs on 02 January:

Up to 4 person occupancy	Tariff 2
5 to 8 person occupancy	Tariff 3

BOOKING FEE:

A booking fee up to a maximum of £4.75 where (1) the hackney carriage is booked in advance, (2) the customer is told the amount of the booking fee at the time of the booking and (3) the customer has not cancelled the booking at least 15 minutes prior to the hackney carriage's attendance at the agreed pick-up point and time.

HACKNEY CARRIAGE VEHICLE

LAND CHARGES/LICENSING
17 NOV 2017
RECEIVED



TAXI LICENSING

PROPOSED MAXIMUM FARE CHARGES

COMMENTS FORM

Proprietor/Driver:.....



(SWIFT)

Comments

MY THOUGHTS ARE
TARIFF 1 0.40 INCREASE
TARIFF 2 0.20 INCREASE
TARIFF 3 NO INCREASE, BUT INCREASE
IN DISTANCE TARIFF



Please return to: Taxi Licensing
Boston Borough Council
Municipal Buildings
West Street
BOSTON
Lincs
PE21 8QR

By 30 November 2017



TAXI LICENSING

PROPOSED MAXIMUM FARE CHARGES

COMMENTS FORM

Proprietor/Driver:..... [REDACTED]

Comments

I think the increase in tariffs is a good idea and totally agree with the request put forward by the Boston Hackney Carriage Association. The increase in fuel charges warrants an increase in some form.

Please return to: Taxi Licensing
Boston Borough Council
Municipal Buildings
West Street
BOSTON
Lincs
PE21 8QR

By 30 November 2017

LAND CHARGES/LICENSING
28 NOV 2017
RECEIVED