

Notice of Meeting

Licensing and Safety Committee

Councillor Porter (Chair),
Councillor Brossard (Vice-Chairman),
Councillors Allen, Atkinson, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake and Mrs McKenzie-Boyle



Thursday 12 May 2022, 6.30 - 7.30 pm
Zoom Meeting

Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: ALL	
2.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: ALL	
3.	Request from taxi trade to review hackney carriage tariffs	3 - 18
	To comment on a business case submitted by representatives of the taxi trade to review the current table of fares in light of the current increase in the cost of fuel prior to the Executive considering the request at their 24 May 2022 meeting. To note the statutory consultation process that must be undertaken if the Executive agrees to consult on the proposals set out in the business case. Reporting: Sean Murphy	

Sound recording, photographing, filming and use of social media is permitted. Please contact Derek Morgan, 01344 352044, committee@bracknell-forest.gov.uk, so that any special arrangements can be made.

EMERGENCY EVACUATION INSTRUCTIONS

If you hear the alarm, leave the building immediately. Follow the green signs. Use the stairs not the lifts. Do not re-enter the building until told to do so.

Published: 4 May 2022

EMERGENCY EVACUATION INSTRUCTIONS

If you hear the alarm, leave the building immediately. Follow the green signs. Use the stairs not the lifts. Do not re-enter the building until told to do so.

To: **THE LICENSING AND SAFETY COMMITTEE**
12 May 2022

REQUEST FROM TAXI TRADE TO REVIEW HACKNEY CARRIAGE TARIFFS **Public Protection Partnership Manager**

1 Purpose of Report

- 1.1 To comment on a business case (Appendix A) submitted by representatives of the taxi trade to review the current table of fares in light of the current increase in the cost of fuel prior to the Executive considering the request at their 24 May 2022 meeting.
- 1.2 To note the statutory consultation process that must be undertaken if the Executive agrees to consult on the proposals set out in the business case.

2 Recommendations

The Licensing and Safety Committee

- 2.1 **NOTES** the existing tariffs which have been in place since 01 August 2021 (Appendix B).
- 2.2 **COMMENTS** on the business case put forward by the trade (Appendix A).
- 2.3 **NOTES** any comments received on the consultation at the 23 June 2022 Licensing and Safety Committee meeting.

That the Executive

- 2.1 **NOTES** the existing tariffs which have been in place since 01 August 2021 (Appendix B).
- 2.2 **CONSIDERS** the business case put forward by the trade (Appendix A).
- 2.3 **CONSIDERS** if statutory consultation should be undertaken on revisions to the table of fares for hackney carriage tariffs based on the proposals set out in Appendix D to this report.

If the Executive is minded to consult on any changes they are asked to:

- 2.1 **AGREE** that the consultation will run from the 01 June 2022 to the 15 June 2022.
- 2.2 **AGREE** that a public notice (as set out in Appendix E) will be placed in the Bracknell News on the 01 June 2022.
- 2.3 **AGREE** that the consultation will be promoted on both the Bracknell Forest Council and the Public Protection Partnership's website and a note will be displayed at the Time Square Offices by the 01 June 2022.
- 2.4 **AGREE** that a copy of the notice should be emailed individually to all Bracknell licensed Hackney Carriage Proprietors for their comments.

2.5 **NOTE** that the Licensing and Safety Committee will, at the 23 June 2022 meeting, be asked to note any responses received during the period of consultation.

2.6 **NOTE** that if objections are received and not withdrawn the Executive at its meeting on the 19 July 2022 will consider the business case alongside any objections and determine whether the proposed varied table of fares, with or without modification, will come in to operation and the revised implementation date.

3 Reasons for Recommendations

3.1 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to "...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section."

3.2 The current tariff scale was agreed in 2021. The taxi trade have submitted a business case asking for the tariffs to be reviewed urgently in light of the current fuel prices. It should be noted that it has previously been agreed that the tariffs would be consulted on annually. This request is just expediting that process. The cost of fuel could be revisited during the 2023 consultation on tariffs.

4 Alternative Options Considered

4.1 Not to increase the fares.

5 Supporting Information

5.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares. To assist with this decision process data from other authorities is attached at Appendix C. The cost of a two mile fare across 349 local authorities/ areas as at 27 April 2022 can be found at: <https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>

5.2 The trade have requested an urgent review of the tariffs in light of the current cost of diesel and petrol. Their business case is attached at Appendix A. The AA's Fuel Price report states that in August 2021 the average cost of petrol and diesel in the South East of England was 136.2 pence per litre (Unleaded 95 Octane) and 137.8 pence per litre respectively. These prices have increased to around 167.3 pence per litre for petrol on the 22 March 2022 and 179.9 pence per litre for diesel on the 23 March 2022.

5.3 Licensing authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, licensing authorities have the power to "...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section."

- 5.4 The trade are not obligated to charge the maximum fare. This means that hackney carriage drivers are well within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set.
- 5.5 Any proposed changes would need to be subjected to a statutory consultation process.

Background

- 5.6 The current tariff scale as set out in Appendix B was agreed in 2021. The Council received a request for the urgent review of these tariffs on the 04 April 2022.
- 5.7 There are currently three tariffs in place:

Tariff 1 (Minimum Charge £3.00)

For the first 450 yards (411 metres) or 1 minutes 42.8 seconds = £3.00
For each subsequent 175 yards (160 metres) or uncompleted part = 20p
Waiting time – for up to every 40 seconds = 20p

Tariff 2 – (Minimum Charge £4.50)

For hiring between 11.00pm and 7.00am
For hiring on Bank and Public Holidays 50% on Tariff 1
For hiring on Christmas Eve and New Year's Eve from 6.00pm until midnight (includes an additional 50% on tariff 1)

Tariff 3 - (minimum Charge £6.00)

For hiring on Christmas Day through to 7.00am on Boxing Day
(Includes an additional 100% on tariff 1)

Additional charges also for fouling of vehicle interior (£50) and vehicle exterior (£10).

- 5.8 Based on business case the trade are proposing that the maximum Hackney Carriage fare be increased from £6.80 for a two mile fare to £7.80 during Tariff 1 operating hours. The revised tariffs being proposed for consultation are detailed in Appendix D.
- 5.9 In order to set maximum fares, the 1976 Act prescribes a statutory consultation process and a means of dealing with representations in relation to a licensing authority's proposal to adopt or vary fares.
- 5.10 If the Authority is minded to make any adjustment to the fares the Council must publish a notice setting out the proposed changes in at least one local newspaper. The notice must specify that readers will have at least fourteen days from the date of the first publication of the notice to comment on the change. The notice should also set out how the representations should be made.
- 5.11 A copy of the notice must be displayed at the Council's Office and in addition Officers are proposing that a copy will also be placed on both the Bracknell Forest Council and the Public Protection Partnership's websites. Officers are also proposing that copy of the notice be emailed to the trade. The meter companies will also be contacted.
- 5.12 All comments on the business case request will be reported to the Licensing and Safety Committee for the Members to note. Any objections received and not withdrawn will be presented to the Executive at the 19 July meeting alongside the business case from the trade. The Executive will be asked to determine if, on consideration of the business

case from the trade and any consultation responses received, the existing table of fares is to be varied to be the revised table of fares, with or without modification.

- 5.13 If no objections are received the revised table of fares will come into effect on the 16 June 2022.
- 5.14 Any comments from the Licensing and Safety Committee about this proposal will be notified to the Executive at the 24 May meeting.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Advice has been sought from the Monitoring Officer who has confirmed that the power of a Local Authority to set/vary tariffs is under s. 65 Local Government (Miscellaneous Provisions) Act 1976. This legislation does not specify any restrictions on any number of timings for subsequent changes/variations to the tariffs. It sets out that any proposed variations are subject to consultation / publication.

Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 sets out a list of Local Authority functions which are specified as not being Executive functions. Various Taxi Licensing functions are listed in the schedule such as the power to licence hackney carriages, drivers and vehicles. These functions therefore sit within the Licensing and Safety Committee in our constitution as they cannot be exercised by the Executive/an Executive Member or an Officer under Executive delegation. However S65 (the setting of tariffs) is notably absent both in Schedule 1 (or in any of the other schedules which specify a list of functions known as Local Choice functions that a local authority may vest in its Executive.).

Under Section 9D(2) of the Local Government Act 2000 any function of a Local Authority which is not specified in the above regulations automatically becomes an Executive function. This must therefore be the case with the setting of tariffs under s65 of the Local Government (Miscellaneous Provisions) Act 1976. As a consequence, although the Licensing and Safety Committee will be asked to note any and all comments received during the consultation the final determination will be made by the Executive.

Financial Advice

- 6.2 The costs associated with the consultation will be met from within existing budgets

Other Consultation Responses

- 6.3 Consultation will be undertaken with the trade as well as residents and meter companies

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to: Have no impact on emissions of CO₂.

Background Papers

None

Appendices

Appendix A – Taxi Trade Business Case

Appendix B – 2021 Tariff Scales

Appendix C – Comparator Data from other authorities

Appendix D – Proposed Revised Table of Fares

Appendix E – Draft Public Notice

Contact for further information

Sean Murphy, Public Protection Partnership, Sean.Murphy@westberks.gov.uk

This page is intentionally left blank

To whom ever this may concern,

Introduction

Latest figures from data firm Experian Catalist show the average cost of a litre of fuel has reached £1.799. The cost of diesel has increased by over 25% since 2020 and the fuel price we believe will continue to rise. It is the largest part of our daily running cost. If our running costs are up 20-25%, it will start to bite us.

Ultimately the consumer index the tariff is based on will be current to the time of consultation.

As Bracknell Forest Council is aware, the Hackney Carriage trade has had a fare increase on the 1st August 2021 and we had to wait 10 years for increase of only £0.80. Just to remind you the last fare increase has been completely swallowed up by the madness increase in fuel prices because of saddened current situation. It is too unjustifiable for us not to have another increase soon to deal with this emergency crisis.

The £0.80 increase we had since 2011 now with a new Tariff fare, because of fuel crisis it should be an increase at least an extra a £1. The total of £1.80 (with last increase included) will result in an increase of just over 16 pence per year for the last 11 years until now.

We are now setting out our business case for an increase. It's been over 8 months since we have received tariff increase and although the living cost, council tax, mortgage, car repairs, especially with gas, electricity this month April and fuel prices is gone over the roof in the last few weeks, there were consistent efforts to achieve an increase in an year.

Summary of Business Case from 1st August 2021 to 2nd April 2022

August 2021 Fuel price £1.379 per litre

April 2022 Fuel price £1.799 per litre.

(From August 2021 to April 2022 gone up by 0.42 pence per litre).

The Hackney Carriage tariff fare increase from our association has been agreed for proposing tariff 1 to be raised 2 miles trip from £6.80 fare to £7.80 by staying at the same starting flag at £3.

We worked out for the first 415 yards (379.476 Meters) and for each subsequent 135 yards (123.444 meters) a 2 miles fare to £7.80.

"Proposed by our Hackney Carriage drivers Association

TARIFF 1

STARTING FLAG STAYING THE SAME AT £3.00

FIRST OFF IS 415 YARDS
AND THEN 135 YARDS
FOR EVERY 20 PENCE.
TOTAL £7.80 (2 miles)

TARIFF 1 FLAG £3.00
1 x 415 yards = £0.20
23 x 135 yards= £4.60
2 miles fare total £7.80"

Conclusion

We hope BFC will understand with good cooperation that the Taxi Trade like any other businesses cannot operate without price increases. Since 2020 in August by looking at inflation rates has been increased so much. The consumer prices index (CPI) UK fuel inflation has risen from last August just over 25% more till today and it is likely to increase. The tariff would be based on what the current index is.

We would also like to urge you to consider the recent fuel crisis for the fare increase and not delay this, as you did previously with other matters.

We welcome your feedback.

Kindest Regards,

Manoj on behalf Bracknell Hackney Taxi Drivers Association

BRACKNELL FOREST COUNCIL HACKNEY CARRIAGE FARE CHART effective 01 August 2021
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Extra Charges
Rate for the first mile: £4.50		Rate for the first mile: £6.75		Rate for the first mile: £9.00		
Rate for each mile thereafter: £2.00		Rate for each mile thereafter: £3.00		Rate for each mile thereafter: £4.50		
Hiring when journey commences between 07:00 and 23:00 Monday to Sunday		Hiring when journey commences between 23:00 and 07:00 Monday to Sunday and on Bank and Public Holidays and on Christmas Eve and New Year's Eve from 18:00 until 24:00		Hiring when the journey commences on Christmas Day through to 07:00 on Boxing Day		Fouling of vehicle – interior (£50) Fouling of vehicle – exterior (£10)
£3.00	Maximum Charge up to 450 yards or 1 minute 42.8 seconds or a combination of time and distance	£4.50	Maximum Charge up to 450 yards or 1 minute 42.8 seconds or a combination of time and distance	£6.00	Maximum Charge up to 450 yards or 1 minute 42.8 seconds or a combination of time and distance	
20p	For each subsequent 175 yards or every 40 seconds or part thereof	30p	For each subsequent 175 yards or every 40 seconds or part thereof	40p	For each subsequent 175 yards or every 40 seconds or part thereof	When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter

If the journey takes the taxi outside the Bracknell Forest Council area the driver **MUST** still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable.**

Any complaints about a taxi or a driver should be directed to Licensing@Bracknell-Forest.gov.uk quoting of possible the taxi plate number and or the driver's badge number

Appendix C

Please find below a selection of comparator authorities. A full list of two mile journeys by authority can be found at: <https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>.

Authority	Tariff
London Heathrow	£13.40 (highest tariff)
Epsom & Ewell	£9.80
Wokingham	£8.20
Reading	£8.00* about to be consulted on
Surrey Heath	£7.80
Guildford	£7.60
Oxford City	£7.60
West Berkshire	£7.40
Wiltshire	£7.00
Vale Of White Horse	£6.90
Hart	£6.80
Bracknell Forest	£6.80
Swindon	£6.70
Basingstoke And Deane	£6.60
Runnymede	£6.60
Rushmoor	£6.40
RBWM	£6.40
East Hampshire	£6.40
Spelthorne	£6.20
Southampton	£6.20
St Albans	£6.20
Test Valley	£6.00
Three Rivers	£6.00
Slough	£6.00
Milton Keynes	£6.00
Cherwell	£5.56
Pendle	£4.40 (lowest)

This page is intentionally left blank

BRACKNELL FOREST COUNCIL HACKNEY CARRIAGE FARE CHART effective 27 MAY 2022
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Extra Charges
Rate for the first mile: £5.20		Rate for the first mile: £7.80		Rate for the first mile: £10.40		
Rate for each mile thereafter: £2.60		Rate for each mile thereafter: £3.90		Rate for each mile thereafter: £5.20		
Hiring when journey commences between 07:00 and 23:00 Monday to Sunday		Hiring when journey commences between 23:00 and 07:00 Monday to Sunday and on Bank and Public Holidays and on Christmas Eve and New Year's Eve from 18:00 until 24:00		Hiring when the journey commences on Christmas Day through to 07:00 on Boxing Day		Fouling of vehicle – interior (£50) Fouling of vehicle – exterior (£10)
£3.20	Maximum Charge up to 415 yards or 1 minute 42.8 seconds or a combination of time and distance	£4.80	Maximum Charge up to 415 yards or 1 minute 42.8 seconds or a combination of time and distance	£6.40	Maximum Charge up to 415 yards or 1 minute 42.8 seconds or a combination of time and distance	
20p	For each subsequent 135 yards or every 40 seconds or part thereof	30p	For each subsequent 135 yards or every 40 seconds or part thereof	40p	For each subsequent 135 yards or every 40 seconds or part thereof	When this vehicle is carrying more than 4 passengers, a surcharge of 50% will be applied to the fare shown on the meter at the end of the journey. This will however not be shown on the taximeter

If the journey takes the taxi outside the Bracknell Forest Council area the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable.**

Any complaints about a taxi or a driver should be directed to Licensing@Bracknell-Forest.gov.uk quoting of possible the taxi plate number and or the driver's badge number

BRACKNELL FOREST BOROUGH COUNCIL
Local Government (Miscellaneous Provisions) Act 1976 Section 65 Hackney
Carriage Fares

NOTICE IS HEREBY GIVEN that Bracknell Forest Borough Council is consulting upon a proposal to vary the existing table of fares chargeable in the Borough to be as follows:

- i. For the first 415 yards - £3.20
- ii. For each subsequent 135 yards – 20p
- iii. Waiting Time 40 seconds – 20p

Any comments on the proposed variations should be submitted in writing to the undersigned by WEDNESDAY 15 JUNE 2022.

A copy of the notice is available for public inspection by appointment during normal office hours at the address below for 14 days from the 01 JUNE 2022

The Executive will meet on the 19 JULY 2022 if there are objections received during the period of consultation and to determine whether the proposed varied table of fares, with or without modification, will come in to operation. If no objections are received the new fares will come into operation on the 16 JUNE 2022.

Sean Murphy
Public Protection Manager
Public Protection Partnership
Theale Library
Church Street
Theale
Berkshire RG7 5BZ

This page is intentionally left blank