

Report to Licensing Committee

Date of meeting: 3rd December 2013



**Epping Forest
District Council**

Subject: Hackney Carriage and Private Hire Licensing Policy

Officer contact for further information: Alison Mitchell ext 4017

Committee Secretary: Adrian Hendry

Decisions Required:

Subject to any amendments agreed that the Committee recommends to the Council that:

- 1. The Hackney Carriage and Private Hire Licensing Policy be amended to include provisions in relation to the installation of taxi meters,**
- 2. That if it is agreed to install meters in Hackney Carriages, the Fares shown in the table attached to this report be put out to public consultation and if no replies are received that they are adopted and come into effect on 1st April 2014.**

Report:

BACKGROUND

1. At its meeting held on the 11 April 2012, it was reported that the Epping Forest Taxi Association which represents some of the independent taxi drivers in the district had asked the Authority to consider fixing a fare tariff and require all hackney carriages to have a meter installed. A consultation had been carried out and 131 respondents agreed that the Authority should set fares and 51 were against the proposition.
2. The Committee resolved
 - (1) That the Senior Licensing Officer carries out a consultation with a view to recommending a fare tariff for journeys within the district for EFDC licensed Hackney Carriages;
 - (2) [That meters are fixed to Hackney Carriages licensed in this area and that they are inspected on a regular basis;
 - (3) That a company is appointed through the Council's tendering process to carry out this work; and
 - (4) That a further report be brought back to the next Licensing Committee reporting on progress made.
3. Following a number of meetings with members and also with the taxi trade and others a report was made to the Licensing Committee on 10th April 2013 when members resolved that:
 - 1) It was agreed that this Authority should set the fares charged for Hackney Carriages;

2) That the charges as set out in Appendix 1 of the report (on page 27 of the agenda) be agreed and this tariff was to be advertised and if no objections received be agreed and recommended to full council; and

3) That the conditions of the vehicle licence be amended to include that meters must be installed in Hackney Carriages.

4. The draft policy document was sent to the people and bodies listed in Appendix I of the policy and a copy placed on the Council's website. The policy included provisions amending the taxi licensing conditions to require meters to be installed in hackney carriages and other conditions necessary for enforcing a fare tariff.

5. A copy of the proposed Fare Tariff is set out below

6. The Council received a number of representations which mainly concerned the installation of meters. A table setting out the main concerns of those replying to the consultation is included in this report and the representations are attached.

7. The result of the consultation was reported to the Licensing Committee on 9th October 2013. The Licensing Committee resolved:

1) That the Hackney Carriage and Private Hire Licensing Policy, without reference to the implementation of taxi meters, be recommended to the Council for adoption; and

(2) That consultation be undertaken with the Chairman of the Licensing Committee regarding whether the issue of taxi meters be deferred until the next scheduled meeting of the Committee in April 2014 or an extra-ordinary meeting be arranged in the meantime.

The Council has adopted the policy as amended.

8. If the Committee agrees to the installation of meters in Hackney Carriages the policy will be amended as shown on the attached draft policy in bold and a recommendation made to full Council that the amendments be adopted. The tariff will be advertised in January 2014 with a view to introducing the tariff in April 2014. If representations are received then the tariff will be referred back to members. When the tariff is agreed the owners of the Hackney Carriages will be required to arrange for the meters to be fitted.

TABLE OF FARES FOR HACKNEY CARRIAGES FROM

Annex 1

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
Rate 1 For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive	£3.50	£0.20
Rate 2 For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays	£3.70	£0.30
Rate 3 For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve	£4.10	£0.40
Rate 4 For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve	£5.50	£0.50

Assistance Dogs – No Charge

All other dogs, carried at driver's discretion – No Charge

Fouling of the vehicle at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)
Quoting the vehicle registration mark/licence number or the driver's badge number.**

Summary of above charges

Rate 1	Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
Rate 2	Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
Rate 3	Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour.

Replies to the Consultation

Name of Consultee	Comment	Reply
Inspector Mark Jordan - Police	Expressed concern that the Private Hire Vehicles were not required to use a taximeter	The legislation only permits the Council to regulate Hackney Carriage Vehicles in this way.
Neil Sjoberg – The Epping Sports Club	The club often send minors home in taxis. Cabs should contain a large sized photo of the driver with reference number	At present taxi drivers wear badges of a similar size as the EFDC staff identification badges. .
Ian Shaw	<p>1. Concerned that the Council does not limit the numbers of taxis and this results in higher fares being charged</p> <p>2. If a fare tariff is introduced for hackney carriages this will bring about a two tier system and hackney carriage drivers will lose trade.</p> <p>3. The result will be that drivers will transfer over to private hire. Requests that the council introduce a dual licence</p>	<p>1. Government Guidance is against introducing a limit on numbers. There are requirements to carry out wide consultations and the policy can be challenged at any time.</p> <p>2. The legislation does not permit a Council to set tariffs for private hire. It is open to the hackney carriage drivers to agree a lesser fare than that shown on the meter.</p> <p>3. Most hackney carriage drivers operate by being hailed or by pre-booking. As it is possible to agree a lower fare than the tariff there seems little advantage.</p>
Nina M Coulthard St Michaels and All Angels Church	Revd Coultard has asked that the amendment to policies are marked in bold.	This will be done in future.
Cllr Chris Pond	Objected to the fitting of meters in cabs	The Council previously consulted on Fare Tariffs and a report was made to members in April 2013
Vivienne Messenger Planning Committee Clerk for Loughton Town Council	<p>1. Objected to require cans to be fitted with meters.</p> <p>2. The Committee considered that the objectives of fitting meters could be met by requiring drivers to exhibit a table of maximum fares and publish them on the District's website.</p>	The Council previously consulted on Fare Tariffs and a report was made to members in April 2013

Resource Implications:

The fare tariff will have to be advertised in the local paper

Legal and Governance Implications:

Town and Police Clauses Act 1847 and 1889

Local Government (Miscellaneous Provisions) Act 1976

Human Rights Act – Article 6 - right to a fair hearing

Safer, Cleaner and Greener Implications:

The aim of the local authority licensing of the taxi and PHV trades is to protect the public.

Consultation Undertaken:

It is proposed that the draft policy be put out to consultation

Background Papers:

The existing licence conditions

Impact Assessments:**Risk Management**

That Hackney Carriage drivers and owners will be disadvantaged by the fact that the tariff may be higher than the fare charged by Private Hire Vehicle drivers but it is open to charge a lower fare. The meters will be inspected and to ensure that they are correctly calibrated.

Equality and Diversity

The policy will have equal impact on the applicants and will assist in applications by setting out the Council's requirements.