

Cabinet Member for Housing, Planning and Regeneration

Agenda

Date:	Monday, 6th November, 2017
Time:	12.30 pm
Venue:	Committee Suite 1 & 2, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Phase Two - Harmonisation of Hackney Carriage Table of Fares** (Pages 3 - 94)

To consider proposals for the implementation of phase two of the harmonisation of the Table of Fares applicable in each of the Council's Hackney Carriage Zones.

CHESHIRE EAST COUNCIL

Portfolio Holder for Housing, Planning and Regeneration

Date of Meeting:	6 th November 2017
Report of:	Director of Planning and Sustainable Development
Subject/Title:	Phase two – Harmonisation of Hackney Carriage Table of Fares
Portfolio Holder:	Cllr Ainsley Arnold

1.0 Report Summary

- 1.1 To consider proposals for the implementation of phase two of the harmonisation of the Table of Fares applicable in each of the Council's Hackney Carriage Zones.

2.0 Recommendation

- 2.1 It is recommended that:

- 2.1.1 phase two of the proposals be initiated in line with the relevant statutory processes (appendix 1)
- 2.1.2 the Licensing Team Leader is authorised to take all necessary actions to commence the proposals including writing and advertising the Statutory Public Notices.
- 2.1.3 If any objections are received following placement of the notices, a further Portfolio Holder meeting should be arranged to consider those objections.
- 2.1.4 If no objections are received, that the Table of Fares for each zone, advertised in accordance with the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, will automatically come into force on the date specified in the Public Notices.

3.0 Reasons for Recommendations

- 3.1 In accordance with the Local Government (Functions and Responsibilities) (England) Regulation 2000, any amendment to the Table of Fares is an Executive function. The Council's Constitution makes provision for decisions of this nature to be made by the relevant Portfolio Holder.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications

- 6.1 None

7.0 Financial Implications

- 7.1 If it is resolved that phase two of the proposals should be implemented, there is a requirement to advertise the variation to the fares in at least one local newspaper. As the Borough is also split into 3 sub-districts (known as zones) each fare card will need to be individually advertised. The costs identified will be met within existing budget provision within the Licensing Section's budget.
- 7.2 The Notices would also be placed on the Council's website and copies placed on the notice boards at the Westfields Council Offices and at the Contact Centres at the Town Hall Macclesfield and Delamere House Crewe.

8.0 Legal Implications

- 8.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the discretion to set the maximum fares payable in connection with the hire of a Hackney Carriage vehicle. The fares must be set out in a table referred to as the 'Table of Fares'.
- 8.2 Section 65 also provides that the following is required when varying a table of fares:
- i. publication of a notice setting out the variation to the table of fares (specifying the period within and manner in which objections can be made) in at least one local newspaper circulating in the district; and
 - ii. deposit of the notice for the period of fourteen days at the offices of the Council (for public inspection).
- 8.3 If no objection to the variation is made within the relevant fourteen day period (or if all such objections are withdrawn) the variation comes into operation on

the date of the expiration of the period specified in the notice (or the date of withdrawal of the last objection (if any)).

- 8.4 In the event objections are made and not withdrawn, a further date (not later than 2 months after the first specified date) shall be set on which the table of fares shall come into force with or without modifications as decided after consideration of the objections.
- 8.5 A Hackney Carriage Proprietor is permitted to charge less, but not more than the maximum set by the Licensing Authority. The case of *R v Liverpool City Council ex parte Curzon Ltd* (1993) has confirmed that if the proprietor is using their own version of the Table of Fares or continues to use a previous Table set by the Local Authority, the taximeter should reflect the fare being charged. There is a requirement for the Table of Fares set by the Council to be displayed in the vehicle.

9.0 Risk Management

- 9.1 Full and thorough consideration of any responses received following the publication of the Notices is necessary to provide a reasonable and appropriate decision. This would also mitigate the risk of challenge to any decision taken.

10.0 Background

- 10.1 The Council's proposals to amend the Hackney Carriage fares has a complex history that has been detailed in several reports previously presented to the relevant Cabinet Member. This history is set out in a timeline of events that have taken place, summarising the consultations and meetings, in relation to this matter (Appendix 2).
- 10.2 In July 2014 proposals were drawn up based on parameters approved the Cabinet Member, which included harmonising fares over a number of steps, that meant that eventually the first mile and flag rates would be the same, and that waiting time be included in any proposals.
- 10.3 A 6 week consultation period was conducted from 13th August 2014 to 24th September 2014. The proposals were also published on the Council's website and two drop-in sessions were organised for anyone who wanted more information on the proposals. The Consultation document is attached at appendix 3 and all consultation responses received are set out at appendix 4.
- 10.4 On the 5th December 2014 the Portfolio Holder considered the consultation responses in relation to the 'Phased Harmonisation' proposals.
- 10.5 On the 13th July 2015 the Portfolio Holder resolved that phase one of the proposals be implemented with effect from 3rd August 2015. The current fares applicable in each zone are set out at appendix 5.

11.0 Summary

- 11.1 Taxis play a vital role in ensuring our night-time economy is safe by making sure patrons to licensed premises leave a town centre quickly and efficiently and arrive home safely. Similarly, in areas where there is reduced public transport provision, taxis can fill this gap ensuring those who need to attend their doctor or do their weekly shop are able to do so.
- 11.2 The table of fares should be set to enable:
- Sustainable income for drivers. It is therefore important that the public and trade recognise that the Council sets the maximum fares payable rather than a fixed rate.
 - Future investment in vehicles to ensure they remain safe and suitable for use as a working vehicle
 - Clear and simple maximum charges that minimise the opportunity for overcharging or confusion
- 11.3 It should also be borne in mind that the Council has no power set the fees in relation to private hire vehicles. This type of hiring should be negotiated when the journey is booked. In respect of these fares, the market finds its own level. Similar, the Table of Fares set by this Authority would not be applicable to any vehicles licensed by other Local Authorities, but working in the Borough. In those instances the driver can charge as much or as little as the customer agrees to.
- 11.4 Following any amendments to the Table of Fares the meters in licensed vehicle may need to be recalibrated. Either to the Council set maximum or to the drivers own Table of Fares. The cost of this process would fall to the proprietor of the vehicle and can vary depending on the type of meter used and the company carrying out the change. However, the cost would be in the region of £25.00 per change.
- 11.5 Consideration should also be given to section 149 of the Equality Act 2010 which sets out characteristics that should be protected. Some protected characteristics have been specifically referred to in previous consultation responses, such as disability and age etc. The Council's duty under Section 149 is to have due regard to the matters set out in relation to equalities when considering and making decisions. This would include decisions on the maximum fares that may be charged for journeys in hackney carriages.
- 11.6 In 2003 the Office for Fair Trading conducted a market study titled 'The regulation of licensed taxi and PHV services in the UK'. Pages 60 to 72 dealt with the regulation of fares and provides informative detail that may assist the decision-maker. This report is attached at appendix 6. The section on fares clearly states that Councils should be encouraged to set the maximum fare and to encourage a competitive market under that maximum. It also confirmed that for taxi drivers to work the fares need to be set at a level that allows them to earn a sufficient amount. The report also makes the case that increasing fares can increase provision.

- 11.7 The Best Practice Guidance produced by the Department for Transport on Taxi and Private Hire licensing (March 2010) is attached at appendix 7. The setting of fares is dealt with at para 52 – 54.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

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Designation: Licensing Team Leader

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Phase Two – Proposed Table of Fares**Congleton:**

TARIFF 1 – Day Rate	
If the distance does not exceed one mile for the whole distance	£3.30
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10:00pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£4.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 - Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£6.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds or part thereof)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Crewe and Nantwich:

TARIFF 1 - Day Rate	
Initial or Minimum Fare (first 5/10 th mile)	£3.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
Initial or Minimum Fare (first 5/10 th mile)	£3.60
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 3 - Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
Initial or Minimum Fare (first 5/10 th mile)	£5.10
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
EXTRA CHARGES	
Waiting time (per 30 seconds or part thereof)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Macclesfield:

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£4.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£6.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds or part thereof)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

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Amendments to the Table of Fares – Timeline

Date	Type	Action
8 th June 2011	Licensing Committee	Approves amendment to the table of fares to increase each zone by 10% with effect from 14 th June 2011. Request made that Officers produce a further report in relation to potential harmonisation of fares
16 th January 2012	Licensing Committee	Report produced in relation to the potential harmonisation of fares. Publication of notices to move the Congleton and Macclesfield zones to the Crewe and Nantwich zone table of fares.
19 th March 2012	Licensing Committee	Objections considered (18 individual and two petitions with 201 signatures) and Officers instructed to produce a further report following further consultation
	Meetings with the trade	Officers meet with representatives from Congleton and Macclesfield zones. No representations from Crewe and Nantwich zone. Invitations sent to drivers from all zones
29 th May 2012	Licensing Committee	Interim report considered
	Mail shot	Officers forward the proposals from the meeting with Congleton and Macclesfield zones to all drivers. All drivers invited to meeting on 27 th July 2012 to discuss the matter
27 th July 2012	Meeting with the trade	<p>Drivers from the Congleton and Macclesfield zones present, but no members of the Crewe and Nantwich zone. Approximately 25 attendees, meeting chaired by Mr D Hawkes. Agreement reached on the following:</p> <ul style="list-style-type: none"> i. A harmonised structure based on a fixed rate for first mile or part thereof ii. The subsequent mile rate to be £0.22 per 1/10th mile or part thereof iii. Tariff 2 to operate from 9pm to 12am at the flag rate plus a set percentage iv. Tariff 3 to operate from 12am to 7am at the flag rate plus 50% v. Soling charge to be £50.00 vi. Additional agreements were reached regarding Sundays, public holidays and Christmas and the rates that are applicable <p>Agreement regarding the rate of the flag/first mile rate was not reached.</p>

Appendix 2

5 th November 2012	Licensing Committee	Areas of agreement reported and Committee who are given several options for the flag rate and additional % for tariff 2. Committee resolve that Cabinet Member be recommended to consult with the trade at a flag rate of £3.50 and tariff 2 at 20%.
7 th January 2013	Portfolio Holder meeting	Cabinet Member considers the information presented and the recommendation from Licensing Committee and approves a six week consultation with trade based on their recommendation.
March 2013	Mail shot	Consultation letter sent to 1201 licence holders (duplicates removed) providing a copy of the proposed changes.
March/April 2013	Consultation	6 week consultation on proposed tariff runs from 18 th March 2013 to 29 th April 2013 (proposals also published on website)
28 th April 2014	Portfolio Holder meeting	Cabinet Member considers the consultation responses and authorises Public Notices to be published
May 2014	Mail shot	Letters sent to the trade informing them that public notices are to be placed in local newspapers. Copies of the Notices included with the letter.
May 2014	Public Notices	Public Notices published in local newspapers
4 th June 2014	Period for objections ends	Objections received to the proposals that need to be consider at a further Portfolio Holder meeting.
1 st July 2014	Portfolio Holder Meeting	Cabinet Member considers the objections received following placement of the Public Notices. It is resolved that no changes to the current fares be made and that proposals for the phased harmonisation of fares be drawn up.
July 2014	Phased harmonisation	Phased harmonisation proposals are drawn up by officers and approved for consultation
August/September	Consultation	6 week consultation on proposed for phased harmonisation runs from 13 th August 2014 to 24 th September 2014 (proposals also published on website and drop-in sessions organised)
5 th December 2014	Portfolio Holder Meeting	Cabinet Member to consider the consultation responses following the dissemination of the phased harmonisation proposals.
June 2015	Public Notices	Notices advertising the changes agreed in December are published in several local papers and on our website
June 2015	Mail Shot	Letters to vehicle licence holders to inform them of the public notice and to forewarn them of potential changes as it is their responsibility to ensure the meters are

Appendix 2

		correct.
28 th June 2015	Consultation	Consultation period advertised in the Public Notices ends
13 th July 2015	Portfolio Holder Meeting	Cabinet Member considers the objections received following placement of the Public Notices. It is resolved that the proposed fare cards are approved subject to clarification on when the extra charges for Christmas and New Year will apply.
20 th July 2015	Call in Period	The Call in period expires without the PH decision being challenged.
21 st July 2015	Mail shot	Letters sent to all vehicle licence holders to inform them of the changes made at the Portfolio Holder Meeting

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Phased Harmonisation of the Council's Tables of Fares

The Licensing Authority has set out its aim of harmonising a number of the functions relating to Hackney Carriage and Private Hire Licensing. Since Cheshire East came into being a number of processes, procedures, and policies have been updated and apply across all our zones. However, the position remains that there are still some differences. One of these differences is that there are very different tables of fares operating in each of the three zones. In June 2011 the Licensing Committee instructed the Council's Licensing Officers to provide information relating to the potential harmonisation of the Council's Tables of Fares. Since then, there have been a number of meetings to discuss how this might be achieved and these have been consulted upon at various points. Following the last consultation exercise the Cabinet Member took a decision not to implement the proposals consulted upon. The Cabinet Member did however set out a number of principles at the meeting on the 1st July 2014 including the benefits of a level playing field. Having taken into consideration the details of the responses, Officers were instructed to produce further proposals for the phased harmonisation of the fares. This document sets out some proposals to phase harmonisation in over a number of steps. It has to be acknowledged that the current fares payable in each zone are very different and to achieve any sort of harmonisation will require compromise across the three areas and within the proposed stepped approach.

In setting its proposals for harmonisation the Licensing Authority has taken into consideration the following information:

1. The relevant legislation and case law
2. The consultation responses already received
3. The Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010). This document confirms that the Department recommends abolishing zones. Whilst this is not a proposal at this time, different fare cards in each zone contributes to the negative aspects of continued zoning including public confusion over differences.
4. The Office for Fair Trading's 'The regulation of licensed taxi and PHV services in the UK' (November 2003)

Cheshire East Council is a 'Residents First' Council and any decision taken will be taken to achieve the best outcome for all our residents. We will take into consideration the views expressed during this further consultation and any decision taken may be influenced accordingly.

However, the benefits of harmonisation are clear and the licensed trade will need to provide their reasons why the Council's intention to harmonise should be amended or abandoned. Alternatively, if the trade has suggestions on alternative ways to change the tables of fares, these can be set out during the consultation process.

Phase1

Crewe Zone

TARIFF 1 - Day Rate	
Initial or Minimum Fare (first 5/10 th mile)	£3.20
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 9pm to 7am	
Initial or Minimum Fare (first 5/10 th mile)	£3.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 3 - All Bank Holidays (midnight to midnight), Christmas & New Year (from 6pm on 24/12 to 8am on 27/12 and from 6pm on 31/12 to 8am on 02/01)	
Initial or Minimum Fare (first 5/10 th mile)	£4.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Summary of changes:

- The flag rate on all tariffs moves from 1/10th of a mile to 5/10th of a mile.
- Amount charged after initial flag changes to 1/10ths of mile
- Tariff 1 flag increases to £3.20. In real terms this would not affect the price of any journey over half a mile. But this change would increase any journey of less than half a mile.
- There would also be an increase on Tariff 3.
- Waiting time increase
- Extra charge per person reduces to £0.30

Zone		Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	C&N current	£2.40 (1/10 th)	£3.20	£4.20	£6.20
T1	C&N proposed	£3.20 (5/10 th)	£3.20	£4.20	£6.20
T2	C&N current	£2.40 (1/11 th)	£3.30	£4.40	£6.40
T2	C&N proposed	£3.40 (5/10 th)	£3.40	£4.40	£6.40
T3	C&N current	£3.50 (1/13 th)	£4.60	£5.90	£8.50
T3	C&N proposed	£4.90 (5/10 th)	£4.90	£6.40	£9.40

Congleton

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.10
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 11:30pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£4.60
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day and New Year's Day	
If the distance does not exceed one mile for the whole distance	£6.20
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

Summary of changes:

- Tariff 1 flag rates increase from £2.90 to £3.10
- Other flags rates increase as a result
- Waiting time reduced by £2.40 per hour and calculation amends to £0.20 per 30 seconds
- Extra charge per person in excess of one introduced
- Soiling charge increases

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	Cong current	£2.90 (1mil)	£2.90	£2.90	£4.90
T1	Cong proposed	£3.10 (1mil)	£3.10	£3.10	£5.10
T2	Cong current	£4.35 (1mil)	£4.35	£4.35	£7.35
T2	Cong proposed	£4.60 (1mil)	£4.60	£4.60	£7.60
T3	Cong current	£5.80 (1mil)	£5.80	£5.80	£9.80
T3	Cong proposed	£6.20 (1mil)	£6.20	£6.20	£10.20

Macclesfield

TARIFF 1 - Day Rate	
Initial or Minimum Fare (first 8/10 th mile)	£3.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 11:30pm to 7am, All Day Sunday and Public/Bank Holidays	
Initial or Minimum Fare (first 8/10 th mile)	£4.50
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day, Boxing Day and New Year's Day	
Initial or Minimum Fare (first 8/10 th mile)	£6.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

Summary of changes:

- Flag rates increase
- Initial rate/Min charge changes to 8/10th mile
- Old Tariff 3 (33.3+) removed and fares that would have fallen under this rate are moved to the new Tariff 2
- Current extra charges removed
- Waiting time increase
- Extra charge per person increases to £0.30

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	Macc current	£2.70 (3/4 th Mil)	£2.70	£3.30	£5.30
T1	Macc proposed	£3.00 (8/10 th)	£3.00	£3.40	£5.40
T2	Macc current	£4.05 (3/4 th Mil)	£4.05	£4.95	£7.95
T2	Macc proposed	£4.50 (8/10 th)	£4.50	£5.10	£8.10
T3	Macc current	£5.40 (3/4 th Mil)	£5.40	£6.60	£10.60
T3	Macc proposed	£6.00 (8/10 th)	£6.00	£6.80	£10.80

Phase 2

Crewe Zone

TARIFF 1 - Day Rate	
Initial or Minimum Fare (first 5/10 th mile)	£3.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am and All Day Sunday and Public/Bank Holidays	
Initial or Minimum Fare (first 5/10 th mile)	£3.60
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 3 - Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
Initial or Minimum Fare (first 5/10 th mile)	£5.10
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Summary of changes:

- Increase in all tariffs
- Tariff 2 amended to start at 10pm and Bank/Public Holidays moved to this rate
- Tariff three becomes a Christmas/New Year rate only and the wording is simplified

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	C&N proposed	£3.40 (5/10 th)	£3.40	£4.40	£6.40
T2	C&N proposed	£3.60 (5/10 th)	£3.60	£4.60	£6.60
T3	C&N proposed	£5.10 (5/10 th)	£5.10	£6.60	£9.60

Congleton

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.30
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£4.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£6.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

Summary of changes:

- Increase on all tariffs
- Tariff 2 takes effect from 10pm

- Change of wording for Tariff 3

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	Cong proposed	£3.30	£3.30	£3.30	£5.30
T2	Cong proposed	£4.90	£4.90	£4.90	£7.90
T3	Cong proposed	£6.40	£6.40	£6.40	£10.40

Macclesfield

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£4.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£6.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

Summary of changes:

- Increase on all tariffs
- Flag rate and first mile rate harmonised (this results in a drop in the first mile rate)
- Tariff 2 takes effect from 10pm
- Change of wording for Tariff 3

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	Macc proposed	£3.40	£3.40	£3.40	£5.40
T2	Macc proposed	£4.90	£4.90	£4.90	£7.90
T3	Macc proposed	£6.40	£6.40	£6.40	£10.40

Phase 3

Crewe Zone

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£5.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 - Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£7.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Summary of changes:

- Flag/Initial rate changed to first mile rate
- Increases in tariffs 2 and 3 as result
- Decrease in tariff 1 from 8/10th of the first mile to 3/10th of the second mile as a result

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	C&N proposed	£3.90	£3.90	£3.90	£6.90
T2	C&N proposed	£5.00	£5.00	£5.00	£8.00
T3	C&N proposed	£7.00	£7.00	£7.00	£11.00

Congleton

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.50
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£5.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£7.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

Summary of changes:

- Increases in flag rates

Zone		Flag Rate	Half Mile Rate	First Mile Rate	Second Mile Rate
T1	Cong proposed	£3.50	£3.50	£3.50	£5.50
T2	Cong proposed	£5.00	£5.00	£5.00	£8.00
T3	Cong proposed	£7.00	£7.00	£7.00	£11.00

Macclesfield

TARIFF 1 - Day Rate	
If the distance does not exceed one mile for the whole distance	£3.50
For each subsequent 1/10th mile or uncompleted part thereof	£0.20
TARIFF 2 - Night Rate 10pm to 7am, All Day Sunday and Public/Bank Holidays	
If the distance does not exceed one mile for the whole distance	£5.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.30
TARIFF 3 – Christmas Day, Boxing Day and New Year's Day (from 6pm on the preceding day to 8am on the subsequent day)	
If the distance does not exceed one mile for the whole distance	£7.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.40
EXTRA CHARGES	
Waiting time (per 30 seconds)	£0.20
For each person in excess of one	£0.30
Where the carriage or seating is soiled	£50.00

Summary of changes:

- Increases in flag rates

	Zone	Flag Rate	Half Mile Rate	One Mile Rate	Two Mile Rate
T1	Macc proposed	£3.50	£3.50	£3.50	£5.50
T2	Macc proposed	£5.00	£5.00	£5.00	£8.00
T3	Macc proposed	£7.00	£7.00	£7.00	£11.00

Summary

These changes can be made at yearly intervals or at intervals agreed by the relevant Cabinet Member. For example change one may take place in Autumn 2014, change two in Spring 2015 and change three in Autumn 2015 or Spring 2016. At the end of these three steps we would be in the following position:

1. All tables would be harmonised to the same structure
2. The Structure of the tables would have been simplified to 3 tariffs
3. Tariffs 2 and 3 would be the same in each zone
4. The extra charges would be the same in each zone
5. Tariff 1 in C&N zone would still be higher than the other zones

The advantages of phasing in these changes will mean that any increases or decreases can be made in such a way as to ease the impact. It would also allow

the Trade to plan for the changes and for their business plans to take account of the implications.

The Council does currently consider that, one Table of Fares structure across Cheshire East is of benefit to the residents of the Borough for the following reasons:

1. Simplified charges for service users
2. Level playing field for service users and the Licensed Trade
3. Reducing the number of tariffs
4. Increase to help the licensed trade invest in good quality vehicles that are safe and comfortable

The Consultation

This consultation will be conducted for the period **13th August 2014 to 24th September 2014**. The Licensed trade and public are free to comment on these proposals, but some questions that the Licensing Authority would appreciate views on are set out at the end of the document.

Drop-in sessions for individuals who want further information on these proposals have been arranged at the Council Offices, Westfields, Sandbach, CW11 1HZ on:

Tuesday 19th August 2014 between 10am – 1pm and 2pm - 4pm

Thursday 4th September 2014 between 10am – 1pm and 2pm - 4pm

If there is a high demand, sessions may be limited to 10 minutes. Further information or general questions can also be direct to the Licensing Team at licensing@cheshireeast.gov.uk or 0300 123 5015.

Responses to the consultation should be made to:

Miss Kim Evans
Licensing Team
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Or

By email: licensing@cheshireeast.gov.uk

LCT CORR.

RECEIVED
15 SEP 2014

Kim Evans
Licensing Officer
Cheshire East
Westfields
Middlewich Rd
Sandbach
Cheshire
CW11 1HZ

Top Cars Uk Ltd
The House

10/9/14

Dear Mrs Evans,

I refer to your recent letter advising of revised Hackney carriage tariffs in the Cheshire East Area.

Clearly the first set of tariff increases are virtually what we agreed at our meeting with Michael Jones, yourself, representatives of the three zones and David Rutley's caseworker.

You may remember that Michael Jones said " that there should be no harmonisation " and fortunately thanks to his commercial nous he realised that the proposed tariff as it was would have meant a substantial decrease in the income of the Crewe drivers something that he considered unacceptable in the current economic climate.

Had a similar proposal, to reduce the allowances and expenses of members of the licensing committee and the wages and pensions of members of the licensing team been mooted there, would have been uproar.

As one councillor glibly said to me there are winners and losers in every situation ,magnanimously said by someone who would have lost nothing.

As far as I can ascertain *this concept of harmonisation* has come about through complaints of overcharging although the number of complaints seems to have been less than ten!! There are an estimated 1.5 million taxi journeys in Cheshire East every

year and I know of no professional organisation that would base any strategy on a .00006 % problem. If the licensing committee were serious about addressing overcharging then enforcement officers have only to check out cabs on a Friday and Saturday night where the practice is rife.

I refer to previous correspondence regarding B's and bonnets .The people of Cheshire East deserve a more professional approach to their affairs than having people trying to preserve their power status ignoring reasonable arguments both from the residents and the MAJORITY of Hackney carriage drivers.

The original proposals would have gone through if our MP David Rutley had not arranged the meeting with Michael Jones and it is fortunate that his commercial experience enabled him to quickly see that the proposals were utter nonsense. It took him about 5mins to work out an acceptable solution something the licensing team and committee hadn't been able to do over a three year period and incredibly when the *legal notices* were published there was the now famous clerical error omission of provision for waiting time.

Fortunately I do believe that the licensing committee and licensing team realise the woeful shortcomings in the original consultation process in that private hire operators hijacked this process for their own ends. The larger private hire operators make their money by renting radios to Hackney carriage drivers. The minimum fare on one of the larger operators tariffs is £ 3-30. Often on these short journeys the meter would register less but the customer still pays the minimum on the operators tariff. That, I believe is illegal? That is why they were so keen on the original proposal of a £ 3-50 flag so as to enable them to trade within the law!!

Their suggestion of time and a half on a Sunday is not representative of Hackney drivers views.

Private hire operators on a Sunday normally use the standard rate tariff or at most add 50 pence per trip. There is very little Hackney business on a Sunday even at the time and a third rate because people know this and they ring private hire companies. Those people who do jump in Hackneys are horrified at the extra cost on a Sunday and these are not just people who are travelling out of town but people who travel to the local estates. If the time and a half on a Sunday were to be introduced I would warn people when they got in and I guarantee most of them would get out!!

Is it right to make Hackney's uncompetitive so that the people of Macclesfield will be forced to ring a private operator and have less choice?

Similarly in your proposed second phase you are introducing a new tariff at 10-30pm. This again is a private hire operator's "gimme" and for exactly the same reasons as the proposed Sunday rate. It will mean that people arriving on the busy trains from Manchester and London at this time who would normally jump in a cab on the rank will soon come to realise the increased rate and will be on the phone to the likes of Silvertown or Cab Co. Again you're restricting the choice of people.

I know you think your proposals are designed to put extra money into our pockets but it will not!! It will however put more money in to the private hire operators pockets which is where this all began. We know how our business works.

So on the initial phase the only point that most of us disagree with is the introduction of time and a half on a Sunday. Leave it as it is.

There is no time scale for the introduction of the other two phases suggested by Licensing and I understand that you are looking for feedback from the trade. Clearly the third phase doesn't give us harmonisation either so again there is no clear strategy in place. It is impossible in this economic climate to forecast what will happen in even one years time let alone over a five year period and the second two phases should be scrapped and the new tariff reviewed after two years.

Clearly there are a lot of variables to consider including a proper understanding of the economic impact of the Law Commission's' report and Michael Jones's statement about Cheshire West and Cheshire East coming together. Maybe we will harmonise our fares with Ellesmere Port.

This harmonisation strategy was based on a less than .0001 % problem so I would hope that the committee would at least have the good grace to listen to a far greater percentage of drivers?

This process, which started in 2011 has been a complete waste of resources and money resulting in the tariff proposals being published without provision for waiting time. Has anybody costed this flawed process?

The residents of Crewe, Congleton and Macclesfield care very little for the prices of commodities in the neighbouring zones whether it is groceries, petrol or taxi fares. The people who take short taxi journeys in their local borough are unlikely to take a similar journey in a neighbouring zone and have a problem.

What is the likelihood of that?

1.5 million taxi trips per year remember.



LCTCORR.

F.A.O.
Miss Kim Evans,
Licensing Team,
Municipal Buildings,
Earle Street,
Crewe,
CW1 2BJ

RECEIVED

16 SEP 2014

Mytax Taxis,

Mytax Taxis Ltd
100-102
The
Crewe
CW1 2BJ
Tel: 01273 831111
Fax: 01273 831112

RE: Consultation – Changes to the Hackney Carriage Table of Fares

Dear Miss Evans,

Enclosed are my completed questions to the questionnaire and also some additional comments at the end that I would like to be considered as part of this consultation process.

Question 1:

Do you think that a simplified table of fares in force across the whole of Cheshire East would be a benefit to the public?

A simplified table of fares across Cheshire East would most definitely be of benefit to the Public and also be seen as a fairer system. At the moment the variation of fares across Cheshire East only leads to confusion amongst the public as they are unsure why taxis in the same district charge very differently.

Question 2:

Do you think that a simplified table of fares in force across the whole of Cheshire East would be an advantage or disadvantage to the licensed trade?

A simplified table of fares across Cheshire East would be of great benefit/advantage to the Licensed Trade. At the moment the variation of fares across Cheshire East creates an unfair system or "unlevel playing field". Taxi Owners in Cheshire East have to pay equal rates for vehicle licences, driver badges, vehicle tests, medicals, fuel and vehicle maintenance, yet depending on where they operate, fare charges vary for similar journeys. This makes it difficult for Taxi Firms in lower rated boroughs such as Congleton being able to compete equally with higher rated boroughs such as Crewe.

Question 3:

Will the phased harmonisation of the table of fares alleviate the concerns raised by the trade that harmonisation in one step would increase the fares too much?

The phased harmonisation of fares will alleviate concerns of fares rising too quickly and steeply in Congleton providing that the adjustments are spread over two to three years. If the phased harmonisation is completed in too

shorter timescale this will lead to added confusion for the public and also likely to lead to a drop in custom as many residents will be too quickly "priced out" of using taxis.

Please remember also that for every change made to the fare structure there is a charge to the operator of at least £25 made for each meter change and also the loss of half a day's trading while the vehicle meter is being altered.

Question 4:

Do you have any suggestions for a reasonable timescale for implementation? Or the intervals that each change should be made at?

I believe that to alleviate the problems highlighted in question 3 the timescales for implementation of each phase should be made at intervals of no less than 9 months and no greater than 12 months. Therefore the total process should take between 2 to 3 years.

Question 5:

Are there any other areas of the licensing process that you think should be harmonised?

I think that it would be of great benefit to the Trade if the testing stations were harmonised so that vehicle testing could be undertaken at any of the testing stations. At the moment Congleton Hackney vehicles can only be tested at Crewe some 14 miles away from where I'm based.

Another area that would benefit the Trade when acquiring a new vehicle would be to have the vehicle profiling (ie. photo taken) performed at the same time as the initial vehicle test rather than having to take the vehicle on a separate occasion to Crewe to have Neil Ennion take photographs. This is very costly to the trade, again losing several hours of trading for this exercise and the travel costs involved in taking the vehicle back to Crewe.

Another process that could be simplified is with Driver Badge renewals. Once a drivers badge is about to expire the same information has to be presented to the Council on each renewal, such as proof of address, National Insurance number, Passport etc.. There are certain pieces of information that remain the same throughout a driver's lifetime and once the Council has them on record then there should be little need to see them again. Coupled with the fact that drivers are facing it harder and harder to make a living and that many drivers are not declaring to pay tax to HMRC and jobs are being offered from some firms in Congleton as "Cash in hand", maybe an idea on renewal would be for the Council to ask to see previous year's Tax Return notice. This information would then display proof of address, NI Number and drivers name and address all in one legitimate document and prove that the driver had been declaring his income to the HMRC as a taxi driver.

Question 6:

Do you agree or disagree with the principles set out at the meeting on the 1st July 2014?

Residents first.....

I agree in principle that any changes should be in the interests of the public first, however, with taxi fare increases (ie. Congleton) the Council need to appreciate that the majority of residents will be biased/opposed towards any increases in fares and will favour lower fares compared to quality of vehicles. Therefore I feel it is necessary to phase the rises in Congleton over a lengthier period such as 3 years as to reduce the opposition from the public. I also believe that maximum age limits for vehicles should be set to force "greedy" operators to have to invest in newer vehicles.

Harmonisation.....

I disagree with the point that keeps arising that "it doesn't make sense for a taxi to be prohibited from picking up a fare following an out-of-area drop off". I have heard this point raised many times by Councillors at Council Meetings and the argument is deeply flawed. Unlike highly populated areas such as Manchester and London the probability of a new passenger requiring a taxi after an out-of-area drop off is almost zero. As a Hackney Carriage driver in Congleton I am flagged down by a member of the public no more than once per week so to assume that this would happen after an out of area drop off is farcical. What is more likely to happen if the three zones are merged is that taxis will congregate where the most trade can be found, in larger towns and at busy railway stations. This will have the effect of reducing the number of taxis in an area whilst increasing the numbers in others. Zoning forces set numbers of taxis to work in defined areas which is not open to discretion of the drivers. Another way of looking at this is to consider the Congleton Zone 1. Even though this Zone comprises of Congleton, Alsager, Sandbach, Middlewich and Holmes Chapel 99% of all the Zone 1 Hackney Taxis can only ever be found in Congleton (where the residents requiring most taxis can be found). Therefore Congleton, Alsager, Sandbach, Middlewich and Holmes Chapel Taxis are effectively already de-zoned/harmonised generating too many taxis in Congleton with not enough rank space and too few taxis in neighbouring areas. This would just happen on a larger scale if de-zoning across Cheshire East were to occur. Also please be aware that adding more taxis would not alleviate this problem either, as Macclesfield Taxis and Staffordshire Taxis are already operating in Congleton under Congleton Taxi Firms yet there seems to be no increase in taxis in other towns such as Holmes Chapel or Sandbach for example.

Clear and simple charges.....

Clear and Simple charges – I fully agree.

Protection of the public.....

Protection of the public – I fully agree and believe that simplifying the structure will enable the public to feel safe in the knowledge that whatever

Cheshire East Taxi they use they can be assured of the same fare pricing structure.

I would also like to make the following additional comments based on the proposed changes to the Hackney Carriage Table of Fares:-

- Taxi fares in Congleton and throughout Cheshire East have not altered for three years and it's long overdue for Congleton Taxi Firms to get an increase. I welcome the increased charges to the Congleton Hackney Tables of Fares.
- Harmonisation of the Table of Fares should happen because why should people of Cheshire East in Macclesfield and Crewe pay more for their taxis than people in Congleton? How can people within Cheshire East feel they are being treated equally by their Council if rates for taxis vary depending on where they live?
- "Unlevel Playing Field", how can Congleton Taxi Firms be expected to compete with Taxi Operators in the rest of Cheshire East by paying the same Licence Fees, Driver Badge Fees, Test Fees, fuel prices and vehicle maintenance costs yet charging less for their journeys? At the moment the system is "not fair".
- A major effect of low fares not increasing over many years can be seen in the age and state of the taxis themselves. The majority of Taxis are over 7 years old with many of them over 10 years old. Some of these vehicles have travelled over a quarter of a million miles. How can this be in the best interest of the Public? Business vehicles need to be replaced periodically and not increasing fare rates over long periods of time prevents Taxi Firms from investing in the future of the service.
- I agree that some customers on low incomes will be affected indirectly by any increase in fares, however, we must remember that the proposed rates are a maximum charge and it is up to the discretion of the driver whether or not to charge the customers less.
- If this proposal is rejected then I believe the Taxi Trade will be expected to continue for several more years on fares set back in 2011 – Zone 1 needs a rise!

Yours Faithfully

From: [REDACTED]
Sent: 03 September 2014 08:54
To: LICENSING (Cheshire East)
Subject: Proposed Increase in Taxi fares

My disabled son is a frequent user of Taxi services in Congleton and it is with some concern that I read of Cheshire East Councils intention to raise the cost of Taxi fares by a significant amount.

Clearly as costs rise for taxi service providers then it is necessary to raise prices, but the proposed rises indicated in the local press and identified through conversations with local Taxi drivers, appear to go far and beyond those of inflation and from what I can understand appear more related to an harmonisation of prices across the wider Cheshire area rather than "local" needs.

This is both unfair and inappropriate for Congleton, not only will it apply significant additional financial costs to those people less able (e.g. my son and a number of his disabled friends) who are highly dependent on taxi services, but it will also further impact town centre shops & businesses, who are already under pressure, by adding further cost to visits to the town for many people.

Additionally it is apparent through my conversations with Taxi service providers it is not something they want!

- 1) I would like to take this opportunity to object strongly to approval of "above inflation rises" to taxi fare in Congleton.
- 2) I would request that Cheshire East Council look at the wider picture when making their decision relating to these increases.
- 3) Don't drive our small independent business out of Business through "big brother tactics" Fair competition is good but, interference by state authorities is not.
- 4) Listen closely to those who work in the business, they are operating at the "coal face" and have the closest interaction with the users of those services.

Best Regards

[REDACTED]
Concerned resident of Congleton

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From: [redacted]
Sent: 23 September 2014 10:55
To: LICENSING (Cheshire East)
Subject: consultation on taxi phased harmonisation

My response to a 'Residents First' council, as stated on the letter addressed to all those concerned about the Taxi harmonisation is an absolute joke!!

How can increased the fares help the local residents of congleton and the local businesses?? When i occasionally get a taxi from mossley into the town centre it already costs £12.00 return and thats ridiculous, for a 3 mile round trip give or take? Has anyone thought about the implications regarding public safety too? Just four weeks ago after returning from work at 2am, a deranged lady was squatting in the middle of the road on Park lane, holding traffic up, obviously very dangerous, and unstable! If anyone wanted to go out in Congleton with the price increase, they would attempt to walk home instead, that isn't safe, i know, I've attempted it before when no taxis were available.

I like to think that i could take care of myself to a certain degree, but when the relevant people find out that more people walk home after a night out, the consequences are quite frightening!

What about the younger 19 to 25 years old girls walking back, scantily clad as they always are, would you want your daughter, son walking home late at night? I certainly wouldn't let mine!

The residents of Congleton would simply go elsewhere, i.e. a train to manchester return is only £8.90 and even cheaper if you get a duo ticket!

Regarding the local residents who rely on taxis with health problems, learning disabilities etc, how can you put in a 'Harmonisation' that affects these very needy, struggling people? These people do not deserve this treatment and it will cause very solitary lifestyles for them as they can't afford to go out, that is not acceptable and surely a human rights issue is here?!

I feel that Congleton is a struggling town to a certain aspect, and by putting this ridiculous harmonisation in place it will definitely finish the town off, particularly the night scene, so the local bars and restaurants would suffer greatly, it would turn into a ghost town, that nobody would bother to go out at nighttime, and the daytime trade too would suffer for the people reliant on using taxis as a form of transport.

Every aspect of the proposal from Congleton Town Council that i have read, is a far more realistic proposal as they know what is right for our town, moving forward, we care about our town and its residents, please don't jeprodise this by killing our local community.

Quigleys wine and cocktail bar

Riverside Taxis

LCTCORR

RECEIVED

24 SEP 2016

Questions

This is an open consultation process and any views expressed will be taken into consideration. However, the Licensing Authority does seek views on the following:

1. Do you think that a simplified table of fares in force across the whole of Cheshire East would be a benefit to the public? If no, please state why

The answer is No. The public in Crewe, Macclesfield or Congleton have little or no interest in fares in other towns. Most are regular users and know what there fare is, in all my years of the Taxi trade I have never had any comment about fares in Crewe or Macclesfield from any customer in my taxi. It is not a problem, it is only the Council that want it to be a problem.

2. Do you think that a simplified table of fares in force across the whole of Cheshire East would be an advantage or disadvantage to the licensed trade? Please state why

Disadvantage.

The fares and tariffs are fine, they have been at different levels for years, and for very different reasons. Crewe, and Macclesfield are very much different towns to Congleton and have tariffs to reflect there public. Congleton is not in the same league as it's two bigger local towns, so has adapted a different table of fares for that reason. This is all about you the Council, de-serving and nothing about the public or us the Taxi Trade.

3. Will the phased harmonisation of the table of fares alleviate the concerns raised by the trade that harmonisation in one step would increase the fares too much?

Since this obsession began of harmonisation, its plain and simple that a mile fare of £2.90 in Congleton and a mile fare of £4.20 in Crewe is never going to be harmonised, and even with all your ridiculous ~~efforts~~ Crewe will still be more expensive and on a different tariff.

Your phased harmonisation is putting too much cost onto the public, fares should only go up because of costs, or inflation, not because a Council Member is trying to justify his or her place on the Council, and making a name for themselves.

4. Do you have any suggestions for a reasonable timescale for implementation? Or the intervals that each change should be made at? (ie 6 monthly, yearly, or varying intervals).

~~Never~~

Fares and tariffs should be looked at on a 12-18 month basis, and costs such as fuel, Council costs, inflation rates etc. should be considered. I don't think harmonisation over any time scale will work.

5. Are there any other areas of the licensing process that you think should be harmonised? If yes please give examples

The vehicle testing since Cheshire East came about, is nothing short of a disaster, so much debate could be had if we ever had any contact with the council

The Council could harmonise the amount of plates, just reading the press, it becomes evident that there are way too many taxis in Macclesfield. Harmonise the plates, stop issuing plates except M type disabled.

6. Do you agree or disagree with the principles set out at the meeting on the 1st July 2014?

Residents first. Taxis are a public service and the interests of the service users are paramount. However, taxi owners and drivers are also residents of CE and we have to strike a balance between the interests of the public and the interests of the Trade. If fares are set too low, the quantity and quality of taxi provision will suffer which is not in the interests of the public.

Harmonisation. We have three zones as a result of historical accident and my goal is to have a single zone. It doesn't make sense for a taxi to be prohibited from picking up a fare following an out-of-area drop off. We also need to standardise testing and inspection, vehicle conditions and the regulation of the number of licences. Harmonisation of fares is more difficult as we have three very different fare cards and immediate harmonisation would produce winners and losers but please very few. I therefore propose to move progressively towards harmonisation over a few years.

The three zones were not a historical accident, the 3 zones worked very well for decades, it's Cheshire East that is the accident, just because you have an idea it doesn't mean it is a good one. And with Mr Jones talking about Cheshire being one again, all this is even more ridiculous.

Clear and simple charges. The charging structure is too complicated and there are too many different tariffs. The paying public should know what they are going to pay irrespective of which zone they are in. I therefore propose to move to a simpler structure across the zones with a view to harmonised tariffs in due course.

A customer gets a taxi in Congleton, Crewe, Leeds Manchester, Biddulph, Stoke etc, etc pay the local tariff for that town or city. That's how it is and how the public know how it works. Congleton is closer to Biddulph than Crewe or Macclesfield, these tariffs are different, so why should Crewe and Congleton not be different. What is wrong with you

Protection of the public

Cheshire East was born out of a political ~~mis~~ mash, and could just as easily disappear. ~~Cheshire East~~ Cheshire East is a geographic ~~entity~~ nonentity, different fares and tariffs in different towns is how it has worked since time began, and it has worked well.

The Councils proposals are not required, leave things as they have worked for decades, there are some harmonising that could take place, but after all this time, Crewe would still be on a different tariff.

Towns and City's all over the country have had different tariffs to suit there local needs, the Council are in my view making a problem that the public or the taxi trade have ever viewed an opinion on. The bigger problem is out of town illegal taxis, but the council do nothing about that, the "residents first" idea doesn't work with that one.

LCTCORR

24 SEP 2016

Questions

RECEIVED

This is an open consultation process and any views expressed will be taken into consideration. However, the Licensing Authority does seek views on the following:

1. Do you think that a simplified table of fares in force across the whole of Cheshire East would be a benefit to the public? If no, please state why.

Simplified tables of fares already exist.
A taxi fare is shown on the meter in each taxi, which is all that is required.

Concern a) Why should fares be upgraded if there are more than 1 person in taxi? Would there not be comments for example, children should be half price?

Concern b) Late night fares are common. Called double fares. This has been experienced by some new taxi drivers who actually charge double. The confusion is caused by the late night charge being fare 2 on the meter.

2. Do you think that a simplified table of fares in force across the whole of Cheshire East would be an advantage or disadvantage to the licenced trade? Please state why.

Disadvantage.
This question obviously relates to a policy of removing the three zones.
The removal of the three zones is a disadvantage to the licenced trade as it will result in a loss of income to the licenced trade.

3. Will the phased harmonisation of the table of fares alleviate the concerns raised by the trade that harmonisation in one step would increase the fares too much?

Fares should only be altered in relation to fair increases due to inflation. Harmonisation of local fares should only relate to a national policy of all fares being the same. Taxi provision is a local issue according to local situations.

4. Do you have any suggestions for a reasonable timescale for implementation? Or the intervals that each change should be made at? (ie. 6 monthly, yearly, or varying intervals).

In general taxi fares should be examined annually and by agreement, increases should be considered. Taking into account inflation, alteration of fuel costs, alteration of insurance costs and alteration of Clarke Fare Council costs.

5. Are there any other areas of the licensing process that you think should be harmonised? If yes please give examples

Vehicle testing and licensing should be available in the Congleton area. Because Cheshire East is just a political area this testing and licensing facility should also be available for use by Macclesfield and Crewe based taxi proprietors and drivers.

6. Do you agree or disagree with the principles set out at the meeting on the 1st July 2014?

Residents first. Taxis are a public service and the interests of the service users are paramount. However, taxi owners and drivers are also residents of CE and we have to strike a balance between the interests of the public and the interests of the Trade. If fares are set too low, the quantity and quality of taxi provision will suffer which is not in the interests of the public.

Yes

I am not aware of any complaint relating to poor provision of taxi service caused by local taxi fares being too small. Surely this country operates on a system of supply and demand. If fares are too high there will be no demand - No demand leads to no taxis. Harmonisation. We have three zones as a result of historical accident and my goal is to have a single zone. It doesn't make sense for a taxi to be prohibited from picking up a fare following an out-of-area drop off. We also need to standardise testing and inspection, vehicle conditions and the regulation of the number of licences. Harmonisation of fares is more difficult as we have three very different fare cards and immediate harmonisation would produce winners and losers but please very few. I therefore propose to move progressively towards harmonisation over a few years.

My goal, as well as all other local taxi drivers is a fair, legal, service, to members of the public - This has been interrupted lately by the actions of Cheshire East Council.

Clear and simple charges. The charging structure is too complicated and there are too many different tariffs. The paying public should know what they are going to pay irrespective of which zone they are in. I therefore propose to move to a simpler structure across the zones with a view to harmonised tariffs in due course.

We do not have telepresence yet.
 Someone getting into a house in Croydon or in Moulton or in Great Ouse should pay the same rate relative to that area. This is how it would be if they hailed a cab in London or Glasgow or Protection of the public - 2.50 from London B. 1.00 from Glasgow.
 The Government is not even to consider having a single rate for all areas.

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From: Cong Town Council
Sent: 24 September 2014 14:50
To: LICENSING (Cheshire East)
Cc: Mike Smith
Subject: Taxi Harmonisation Consultation

To Whom it May Concern

As Congleton Town Centre Manager I would like to add my support to the alternative proposals put forward by Congleton Taxi Companies to improve the taxi service around Congleton. They provide a clear and simple charging structure that should satisfy, residents, taxi trade and Cheshire East Council. They would provide a greater degree of harmonisation, but would allow some necessary flexibility in the three zones, will provide protection and certainty to the public and demonstrate that Cheshire East is a Resident First council.

1. £3.10 or £3.20 flag fall across all three zones and then apply the current fare charges once the vehicle is moving.
2. £2.00 per mile after the first mile.
3. £50.00 soilage charge.
4. 11.30pm time and half until 7.00am.
5. Sundays and Bank Holidays time and half.
6. Christmas Day & New Year's Day double time.
7. £24.00 per hour waiting time (40p per minute).
8. A 3 tariff structure across the 3 zones:-

Tariff 1 = Day rate 7.00am – 11.30pm

Tariff 2 = Night rate 11.30pm – 7.00am All day Sundays and Bank Holidays

Tariff 3 = Christmas Day and New Year's Day

9. 30p extra for more than 1 passenger to be removed.

10. Scrap the proposal of vehicle age and replace with extra MOT checks in a year.

11. Scrap the idea of de-zoning.

My main concerns with the current proposals are

1. The people delivering the service in Congleton don't think it will work and don't appear to want the increases
2. It is not a 'Resident First' policy – the prices over the three phases rising considerably for Congleton
3. Congleton does not currently enjoy a good public transport service and so many elderly residents, people with disability and those without a car who are at greatest risk of social isolation rely on taxis for essentials – shopping, doctors trips etc
4. Starting the evening tariff at 10pm rather than 11.30 could have a detrimental impact on the evening economy which we are trying hard to encourage to grow.

Regards

Jackie

Jackie MacArthur
Congleton Town Centre and Marketing Manager
Congleton Town Council

Taxi Fare Harmonisation Consultation Response on behalf of Congleton Town Council

The phased harmonisation of Cheshire East Council's Tables of Fares set out by Cheshire East Council seems to have a large disproportionate negative affect on the residents of Congleton and the taxi firms operating within Congleton.

It provides a period of continual change and uncertainty as well as an unprecedented level of fare and other charges increase that is not wanted by the paying public, the trade themselves and will have a negative impact on the trade and business of Congleton Town Centre and other retail and commercial sites within the town.

The proposals for Congleton will have a tremendous negative impact on a number of key users of the current taxi services offered.

It will impact on residents who have no vehicle transport of their own who are from low income or disadvantaged families who rely on taxi's to do their shopping in the town. These families are already experiencing financial difficulties due to welfare changes and other factors and to add a large percentage increase on an essential service will impact on these difficulties further.

Also many of the current customers are pensioners and or have disabilities. By putting fares up by the levels suggested would have a disproportionate impact on this group and this is very likely to increase the level of social isolation they experience.

The sector is seeing a fragile recovery in the level of trade which is what is being seen within the retail sector too. Putting up fares at the level suggested could hamper this fragile recovery.

There appears from feedback from the local taxi trade that this issue is being pursued by Cheshire East Council officers and some councillors which is not in keeping with Cheshire East Council's Residents First approach.

There also appears to be no acknowledgement of the differences between the major towns across the borough and their different needs.

The suggested changes to the night rate will have a detrimental impact on the town's night time economy which Congleton Town Council is supporting the development of quality eating, drinking and entertainment establishments. Taxis are vital due to a severe lack of public transport and the obvious need to comply with the drink / drive laws.

The current numbers of taxi rank spaces at the only taxi rank in the town has capacity for only 8 and at times this is insufficient. By harmonising fares this will inevitably lead to an influx of taxis from other towns if the council would now have the opportunity to de-zone. The town council understands that the law commission has done a u-turn on its recommendation to abolishing zones. The influx of taxis from out of town would inevitably mean increased competition at the rank and with insufficient space taxi's will be travelling around town waiting until a space becomes available thus increasing pollution and increasing running costs.

There is no public request to de-zone or harmonise fares across the borough. What they want in their own town is a fair and clear table of fares and charges that are affordable to provide a quality service that is sustainable. What is being proposed by Cheshire East Council undermines this need.

Cheshire East Council is proposing a 7 year age cap for vehicles. This could force many Congleton based taxi's out of business due to the cost of new vehicles and setting up a new taxi is very expensive. What they propose instead which we support is more regular and vigorous tests of

existing vehicles by having two MOT tests or equivalent in between the yearly council test which would mean three tests a year for vehicles over 6 or 7 years old at a local authorised station. This will help to ensure vehicles are maintained to a high standard.

Detailed below are some alternative proposals from the Congleton based Taxi firms which we believe are sensible, workable and won't have a detrimental negative impact on the public who rely on their service. They would provide a clear and simple charging structure that should satisfy, residents, taxi trade and Cheshire East Council. They would provide a greater degree of harmonisation, but would allow some necessary flexibility in the three zones, will provide protection and certainty to the public and demonstrate that Cheshire East is a Resident First council.

1. £3.10 or £3.20 flag fall across all three zones and then apply the current fare charges once the vehicle is moving.
2. £2.00 per mile after the first mile.
3. £50.00 soilage charge.
4. 11.30pm time and half until 7.00am.
5. Sundays and Bank Holidays time and half.
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Tariff 3 = Christmas Day and New Year's Day

9. 30p extra for more than 1 passenger to be removed.
10. Scrap the proposal of vehicle age and replace with extra MOT checks in a year.
11. Scrap the idea of de-zoning.

Glen Williams, Chairman, Congleton Town Council Community Environment & Services Committee

Paul Bates, Vice Chairman, Congleton Town Council Community, Environment & Services Committee

Questions

This is an open consultation process and any views expressed will be taken into consideration. However, the Licensing Authority does seek views on the following:

1. Do you think that a simplified table of fares in force across the whole of Cheshire East would be a benefit to the public? If no, please state why

YES:

2. Do you think that a simplified table of fares in force across the whole of Cheshire East would be an advantage or disadvantage to the licensed trade? Please state why

ADVANTAGE: (i) ENABLE TRAVELLING ACROSS THE WHOLE OF CHESHIRE EAST
(ii) SIMPLIFY RETURNS ON FUEL ETC.
(iii) EASE CUSTOMER CONCERNS IF ONE CHARGE FOR 1 MILE - NO EXTRAS - REDUCING COMPLAINTS AND INCREASING CUSTOMER CONFIDENCE IN PRICE CHARGES
(iv) SIMPLER TO ADMINISTER BY COUNCIL ENABLING INFLATIONARY INCREASES TO BE GIVEN ON AN ANNUAL BASIS RATHER THAN AS IS THE CURRENT SITUATION RETROSPECTIVE INCREASE - FURTHERING BETTER LIVING STANDARDS FOR DRIVERS & INCREASING RETURNS FOR COUNCIL

(v)

3. Will the phased harmonisation of the table of fares alleviate the concerns raised by the trade that harmonisation in one step would increase the fares too much?

YES

4. Do you have any suggestions for a reasonable timescale for implementation? Or the intervals that each change should be made at? (ie 6 monthly, yearly, or varying intervals).

EVERY 6 MONTHS - IE 18 MONTHS TO COMPLETE 3 PHASES.

DATES TO BE ADVISED AND AGREED ONCE PHASE 1 HAS BEEN AUTHORISED - EVERYONE THEN KNOWS WHERE THEY ARE - EXHIBITING CLEAR LEADERSHIP FROM THE COUNCIL - WITH THE CAUTION THAT AT 24 MONTHS FROM THE IMPLEMENTATION OF PHASE 1 AN ⁰PRELIMINARY REVIEW SHOULD BE MADE - ENABLING THE COUNCIL & TRADE TO INCREASE FARES TO

REFLECT PRICES INDEX = PRESENTING A TRANSPARENT VIEW TO THE PUBLIC/TRADE AND COUNCIL OF HOW A FARE HAS BEEN ARRIVED AT.
END OF HAND WRITING

5. Are there any other areas of the licensing process that you think should be harmonised? If yes please give examples

YES - AS PER 6 BELOW - ESPECIALLY VEHICLE SIZE - A TAXI LICENCED FOR 4 SHOULD PROBABLY ACCOMMODATE 4 ADULT PASSENGERS AND SHOULD BE OF FARE MONITOR OR ITS TYPE SIZE, EXTERIOR DIMENSIONS OF LESS IMPORTANCE.

6. Do you agree or disagree with the principles set out at the meeting on the 1st July 2014?

Residents first. Taxis are a public service and the interests of the service users are paramount. However, taxi owners and drivers are also residents of CE and we have to strike a balance between the interests of the public and the interests of the Trade. If fares are set too low, the quantity and quality of taxi provision will suffer which is not in the interests of the public.

Agree

Harmonisation. We have three zones as a result of historical accident and my goal is to have a single zone. It doesn't make sense for a taxi to be prohibited from picking up a fare following an out-of-area drop off. We also need to standardise testing and inspection, vehicle conditions and the regulation of the number of licences. Harmonisation of fares is more difficult as we have three very different fare cards and immediate harmonisation would produce winners and losers but please very few. I therefore propose to move progressively towards harmonisation over a few years.

Agree

Clear and simple charges. The charging structure is too complicated and there are too many different tariffs. The paying public should know what they are going to pay irrespective of which zone they are in. I therefore propose to move to a simpler structure across the zones with a view to harmonised tariffs in due course.

- AGREE - 1 mile - 1 charge - 10/10TH - EVERY 10TH THEREIN 1 CHARGE
- UNSOCIAL HRS SURCHARGE
 - FAIR WAITING TIME CHARGE TO BOTH CUSTOMER & DRIVER
AT LEAST COUNTERMINUTE MIN WAGE
 - LEGALLY ENFORCEABLE SOCIAL CHARGE

Protection of the public - OF PARAMOUNT IMPORTANCE BUT WHAT ABOUT PROTECTION OF THE DRIVER - I THINK SOMETIMES TAXI DRIVERS VULNERABILITY IS IGNORED - WE KNOW WE ARE ON AFTER ALL WE HAVE BEEN CHECKED & SCRUTINISED TO SEE IF WE ARE OF GOOD ENOUGH CHARACTER TO HOLD A LICENCE SOME OF OUR CUSTOMERS ARE LESS THAN HONOURABLE SOME POSITIVELY VICIOUS

Miss Kim Evans
Licensing Team
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Questions

This is an open consultation process and any views expressed will be taken into consideration. However, the Licensing Authority does seek views on the following:

1. Do you think that a simplified table of fares in force across the whole of Cheshire East would be a benefit to the public? If no, please state why

No.

Whilst a common fares structure might be a benefit, harmonizing fares themselves does not take into account the differing socio-economic structures of the three areas.

By the time the final phase is implemented, the size of the increase for the Congleton area, **which unlike the other two zones has little/no public transport after 6pm Monday – Saturday and at any time Sunday**, will put regular use of taxis beyond the economic reach of a significant proportion of the current passenger population.

2. Do you think that a simplified table of fares in force across the whole of Cheshire East would be an advantage or disadvantage to the licensed trade? Please state why

An advantage to those working out of Crewe & Nantwich and Macclesfield.
A definite disadvantage for those based in Congleton.

The proposed changes to fares will make it more lucrative for Crewe & Nantwich / Macclesfield drivers to travel to Congleton hoping to pick up trade, making it more difficult for the locally-based drivers to earn a living from a customer base likely to be reduced by the increased costs.

3. Will the phased harmonisation of the table of fares alleviate the concerns raised by the trade that harmonisation in one step would increase the fares too much?

Yes, to a certain extent.

It will not, however, alleviate the concerns raised over the eventual size of the increases – particularly for Congleton – *per se*.

4. Do you have any suggestions for a reasonable timescale for implementation? Or the intervals that each change should be made at? (ie 6 monthly, yearly, or varying intervals).

Yearly at the fastest.

5. Are there any other areas of the licensing process that you think should be harmonised? If yes please give examples

6. Do you agree or disagree with the principles set out at the meeting on the 1st July 2014?

Residents first. Taxis are a public service and the interests of the service users are paramount. However, taxi owners and drivers are also residents of CE and we have to strike a balance between the interests of the public and the interests of the Trade. If fares are set too low, the quantity and quality of taxi provision will suffer which is not in the interests of the public.

Disagree – the higher the fare the more drivers, of varying quality, will appear to try and get “a share of the pot”.

Further, encouraging “out of town” drivers to ply for hire, who neither know the customers nor the area well, will inevitably lead to a decline in the overall quality of service received.

Harmonisation. We have three zones as a result of historical accident and my goal is to have a single zone. It doesn’t make sense for a taxi to be prohibited from picking up a fare following an out-of-area drop off. We also need to standardise testing and inspection, vehicle conditions and the regulation of the number of licences. Harmonisation of fares is more difficult as we have three very different fare cards and immediate harmonisation would produce winners and losers but please very few. I therefore propose to move progressively towards harmonisation over a few years.

Standardisation of testing and vehicle conditions/inspections is a sensible move.

The differences between existing 3 zones are not due to “a historic accident”, but arose due the different nature of the towns within them. Harmonisation of the fares **structure** makes a degree of sense, but why can’t the **prices** charged be based on the location the journey starts from (as now – the meter rate doesn’t suddenly change when the vehicle crosses from the old Congleton borough into Macclesfield or Crewe)?

Clear and simple charges. The charging structure is too complicated and there are too many different tariffs. The paying public should know what they are going to pay irrespective of which zone they are in. I therefore propose to move to a simpler structure across the zones with a view to harmonised tariffs in due course.

As above, simplification of the **structure** may make sense, but at least within the Congleton area, people regularly travel beyond the bounds of the zone (to Biddulph, Kidsgrove, the Potteries, Manchester, etc) and are used to paying different rates depending on which taxi they hire for their return journey.

A clear display of the price on the meter gives a more than adequate indication of what the fare is going to be at the end of the journey!

Protection of the public

Questionable, *as per* comments above regarding “out of area” drivers.

Appendix 5

Congleton Zone**Hackney Carriage Table of Fares from 3rd August 2015**

MAXIMUM CHARGES - PASSENGERS ARE REMINDED TO CHECK THE FARE DEMANDED WITH THAT SHOWN ON THE TAXIMETER

TARIFF 1 – Day Rate

If the distance does not exceed one mile for the whole distance	£3.10
For each subsequent 1/10th mile or uncompleted part thereof	£0.20

TARIFF 2 - Night Rate 11:30pm to 7am, All Day Sunday and Public/Bank Holidays, Christmas Eve from 6pm till Midnight, New Year's Eve from 6pm till Midnight

If the distance does not exceed one mile for the whole distance	£4.60
For each subsequent 1/10th mile or uncompleted part thereof	£0.30

TARIFF 3 - Christmas Day from Midnight to 7am on Boxing Day and New Year's Day from Midnight to 7am on 2nd Jan

If the distance does not exceed one mile for the whole distance	£6.20
For each subsequent 1/10th mile or uncompleted part thereof	£0.40

EXTRA CHARGES

Waiting time (per 30 seconds or part thereof)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Any comment about the Vehicle or Driver should be sent in writing to Licensing Team, Municipal Buildings, Earle Street, Crewe, CW1 2BJ. Quoting the registration or plate number of the vehicle and/or driver's badge number.

Crewe and Nantwich Zone**Hackney Carriage Table of Fares from 3rd August 2015**

MAXIMUM CHARGES - PASSENGERS ARE REMINDED TO CHECK THE FARE DEMANDED WITH THAT SHOWN ON THE TAXIMETER

TARIFF 1 – Day Rate

Initial or Minimum Fare (first 5/10th mile)	£3.20
For each subsequent 1/10th mile or uncompleted part thereof	£0.20

TARIFF 2 - Night Rate 9pm to 7am

Initial or Minimum Fare (first 5/10th mile)	£3.40
For each subsequent 1/10th mile or uncompleted part thereof	£0.20

TARIFF 3 - All Bank Holidays (midnight to midnight), Christmas & New Year (from 6pm on 24/12 to 8am on 27/12 and from 6pm on 31/12 to 8am on 02/01)

Initial or Minimum Fare (first 5/10th mile)	£4.90
For each subsequent 1/10th mile or uncompleted part thereof	£0.30

EXTRA CHARGES

Waiting time (per 30 seconds or part thereof)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Any comment about the Vehicle or Driver should be sent in writing to Licensing Team, Municipal Buildings, Earle Street, Crewe, CW1 2BJ. Quoting the registration or plate number of the vehicle and/or driver's badge number.

Macclesfield Zone**Hackney Carriage Table of Fares from 3rd August 2015**

MAXIMUM CHARGES - PASSENGERS ARE REMINDED TO CHECK THE FARE DEMANDED WITH THAT SHOWN ON THE TAXIMETER

TARIFF 1 – Day Rate

Initial or Minimum Fare (first 8/10 th mile)	£3.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.20

TARIFF 2 - Night Rate 11:30pm to 7am, All Day Sunday and Public/Bank Holidays

Initial or Minimum Fare (first 8/10 th mile)	£4.50
For each subsequent 1/10th mile or uncompleted part thereof	£0.30

TARIFF 3 – Christmas Day, Boxing Day and New Year's Day (7pm 24 Dec to 7am 27 Dec and 7pm 31 Dec to 7am 2 Jan)

Initial or Minimum Fare (first 8/10 th mile)	£6.00
For each subsequent 1/10th mile or uncompleted part thereof	£0.40

EXTRA CHARGES

Waiting time (per 30 seconds or part thereof)	£0.20
For each person in excess of one	£0.30
Where the vehicle or seating is soiled	£50.00

Any comment about the Vehicle or Driver should be sent in writing to Licensing Team, Municipal Buildings, Earle Street, Crewe, CW1 2BJ. Quoting the registration or plate number of the vehicle and/or driver's badge number.

6 REVIEW OF FARE REGULATION

Introduction and summary

- 6.1 This chapter reviews the regulation of taxi fares. To assess the impact of fare regulation we:
- looked at the rationale behind fare regulation and the protection it affords consumers
 - considered the impact that fixing fares has on the market for taxis
 - took into account the experiences of international markets that have deregulated fares.
- 6.2 The research we commissioned to inform this assessment is at annexes D and J.
- 6.3 We have found that, whilst there are some arguments for removing fare regulation, the case for retaining controls is much stronger. The nature of the rank and hail sector of the taxi market makes it almost impossible for consumers to exercise choice on price as it is very difficult to shop around. Deregulating fares may therefore lead to higher prices. This is particularly important, for example for disabled consumers (who may not have access to alternative forms of transport), for those concerned about their safety (for example if they are catching a taxi late at night), or for those who do not know the local area. In these and other instances, fare regulation protects consumers from being overcharged.
- 6.4 However, there are measures that could be taken to introduce further competition on price into the market.
- 6.5 **We recommend that throughout the UK LAs should only set fare tariffs which represent the maximum that can be charged, and not set fixed or minimum fares. It should be made clear to consumers that they are able to negotiate on fares, for example, when ordering a taxi over the telephone. We also recommend that, where possible, LAs actively facilitate more price competition in the market, particularly in the rank and hail sectors of the market.**
- 6.6 This chapter looks at these issues and the background to the recommendations in more detail. Section 1 looks at the background to fare setting in the UK. Section 2 deals with the effects of these regulations on the market. Section 3 assesses a number of different

approaches to fare regulation and section 4 gives our conclusions and recommendations.

Section 1: background to fare setting

- 6.7 LAs can regulate fares for taxis but not for PHVs. Ninety-five per cent of LAs that responded to our survey regulate fares.
- 6.8 In England, Scotland and Wales outside of London fares set by LAs represent the maximum that can be charged¹²². This allows taxis to compete on price by offering lower fares to consumers. However only 25 per cent of those LAs responding to our survey make this clear on their fare tariff cards. In London, a mandatory tariff is set which does not allow taxis to give discounts to consumers on a regular basis.¹²³ In Northern Ireland the LA has the power to set both maximum and minimum fares, although in practice these are set at the same level, creating a mandatory tariff.
- 6.9 In those authorities where fares are set by the LA, taxis tend to use taximeters to measure the distance and/or time involved in a journey. This is often required by the LA as a licensing condition.¹²⁴ In England and Wales outside London PHVs may also use taximeters, but LAs cannot require them to do so. However, if they choose to use taximeters, these must be tested and approved by or on behalf of the relevant LA. There is no clear pattern of taximeter use by PHVs. Our survey of LAs found that in some cases the majority of PHVs have taximeters fitted whilst in others no PHVs have taximeters fitted.
- 6.10 LAs have no powers to set PHV fares.¹²⁵ Fares are set by individual firms or may be negotiated directly with customers. Our survey of LAs found no clear relationship between taxi fares and PHV fares. In some areas licensing officers report that PHV fares are significantly lower than taxi

¹²² This was established in the case of *R v Liverpool City Council ex p. Curzon Limited* 12 November 1993 CO/1338/91 QBD, unreported.

¹²³ Although they are allowed to depart from this tariff on occasion, e.g. if a passenger has had their money stolen. This judgement must be made on a case by case basis. There is no blanket discretion.

¹²⁴ This is not always the case. For example in Dumfries and Galloway the fare is calculated based on the distance shown by taxi's mileometer rather than using a taximeter.

¹²⁵ Apart from the Department of the Environment in Northern Ireland, which may set fares for PHVs as well as taxis but in practice does not do so.

fares, whilst in other areas it is common for PHVs to have taximeters fitted and to charge the same fares as taxis.

Fare regulation in practice

- 6.11 The process for setting taxi fares differs between LAs. Statistics from the DfT show that in 35 per cent of authorities surveyed, the fare tariff is revised following requests from the taxi trade, and in 65 per cent the fare is revised on a regular basis, in most cases yearly.¹²⁶
- 6.12 The decision-making process for changing fare levels also differs widely. In London, a formula for fare increases has been established, based on changes to driver and vehicle costs. Outside London the standard process in many areas is for representatives of the taxi trade to put forward a proposed fare increase to the local council's licensing committee, which is then either approved or rejected. The law requires that any change to the fare tariff must be published in a local newspaper and deposited for inspection at the council offices for a minimum of 14 days. This allows members of the public to complain if they are unhappy with the proposed change. Some licensing authorities go further than this and directly consult with the public through focus groups and citizens' panels to get their views about taxi fares.¹²⁷
- 6.13 Table 6.1 illustrates the wide variety of different taxi tariffs throughout the UK.

¹²⁶ Department for Transport: Taxi and Private Hire Vehicles in England and Wales, 2001-2002.

¹²⁷ For example this practice occurs in Bristol, where a citizens' panel was consulted about the current level of taxi fares.

TABLE 6.1: MOST EXPENSIVE AND LEAST EXPENSIVE TAXI FARES BY LICENSING AUTHORITY:

Most expensive			Least expensive		
1	Luton (Airport)	£6.00	1	Hartlepool	£2.70
2	Vale of White Horse	£5.30	2	Alnwick	£2.80
	Epsom & Ewell	£5.20		Bolsover	£2.80
	Hertsmere	£5.20	3	North East Derbyshire	£2.90
	London	£5.20		North Lanarkshire	£2.90
3	Caradon	£5.10	4	Berwick on Tweed	£3.00
4	Adur	£5.00		Sedgefield	£3.00
	Brighton & Hove	£5.00		Warrington	£3.00
	Maidstone	£5.00	5	Blaenau Gwent	£3.10
	Sevenoaks	£5.00		Inverclyde	£3.10
	Tunbridge Wells	£5.00		North Tyneside	£3.10
				Thanet (Broadstairs)	£3.10

Source: Private Hire and Taxi Monthly, November 2003, based on a standard two mile daytime journey (The average UK fare is £3.93).

- 6.14 The level of fares in each area is likely to depend on a number of local factors including the bargaining power of the taxi trade, the affluence of taxi users in the area and the costs of providing taxi services. There is no obvious geographical pattern to explain the above results. We also have no evidence to suggest that fare levels differ between LAs with or without quantity controls.

Section 2: regulating taxi fares for on-street and rank hiring

- 6.15 This section sets out the rationale for fare regulation for rank and hail. In doing so we present theoretical and empirical evidence that underlies the rationale.
- 6.16 The legislation governing PHVs prevents them from plying for hire on the street or at ranks, so this section relates only to taxis.

Do taxi fares need to be regulated?

- 6.17 Fare regulation is intended to protect consumers from overcharging by taxis. In the 1993 Green Paper on taxis, the DfT stated that 'the control of taxi fares is justifiable, if at all, only because the consumer of taxi services at ranks or in the street is in a peculiarly weak position, cannot shop around, and is very vulnerable to overcharging'.¹²⁸
- 6.18 There are two main arguments given in support of fare regulation:
- the structure of the market and the way it operates provides little incentive for price competition between licensed taxi drivers
 - to protect vulnerable consumers.

Lack of competition in the market

- 6.19 The way taxis are hired from the street and from ranks results in situations where there is little consumer pressure for taxis to compete on price.
- 6.20 Consumers hailing taxis from the street face high and uncertain search costs. Shopping around is not a realistic option. If they choose to turn down a taxi because it is too expensive the waiting time until the next taxi arrives is uncertain, as is the relative price and quality of the next taxi compared to the current one. Moreover, consumers cannot return to the original taxi if they cannot find a cheaper option. The first taxi that the consumer hails effectively makes a 'take it or leave it' offer, which the consumer has to assess with very limited information.¹²⁹

¹²⁸ Department for Transport: Taxis and Private Hire Vehicles: A Consultation Paper on the Future of taxi and Private Hire Vehicle Services in England and Wales, 1993

¹²⁹ See Diamond, P. (1971). 'A model of price adjustment', *Journal of Economic Theory* 3, p156-168. and Shreiber, C. (1975), 'The economic reasons for price and entry regulation of taxi cabs', *Journal of Transport Economics and Policy* 9, p268-279.

- 6.21 Similarly, when consumers hire taxis from taxi ranks they are generally required to take the first cab from the rank. On many ranks this is convention rather than necessity and could be changed, but on some ranks there is simply no room for taxis to pull out from the middle of the rank. Again there is no scope for consumer choice, and so no incentive for taxis to compete on price.
- 6.22 For price competition to occur, taxis need to be able to signal to consumers that they are cheaper and customers need to be able to exercise choice over which taxi they use. As described above, customers hiring taxis from ranks or in the street are usually not able to exercise choice. In contrast, when booking a taxi over the telephone consumers are often in a better position to shop around and find the best price.
- 6.23 Price competition is more likely to occur in situations where firm reputation and repeat business are important. For firms operating in the telephone booking sector the chance of repeat business is higher and taxi firms are able to increase future sales by lowering prices. In this situation price competition is more likely to occur.
- 6.24 Where firms operate in both the phone sector and the hail and rank sector, price competition in the phone booked sector can in theory translate into lower prices in the hail and rank sectors. This may occur where a firm has a recognisable brand and competition in the phone booked sector keeps prices low. Any temptation on the part of firms to increase prices in the hail and rank sector would be tempered by the risk of losing the low price reputation gained in the phone booking sector. However this effect is likely to be limited and there is no empirical evidence to support the theoretical argument.
- 6.25 Overall, the combination of the inherent nature of the on-street taxi service, the first in first out rule at ranks, high search costs and the weak bargaining position of consumers means that taxis operating at ranks and on the street are not constrained by the competitive forces which result from consumers shopping around. As a result there is an incentive to charge high prices in the absence of some form of fare regulation. Where taxis are booked by telephone the scope for consumers to shop around helps to constrain the prices taxis can charge.

Consumer protection

- 6.26 Fare regulation is particularly important for consumers in a vulnerable position where they are more susceptible to overcharging.
- 6.27 First, consumers such as disabled and older people are likely to be in an even weaker bargaining position than other consumers because they are less able to take alternative forms of transport. This means they may be liable to get charged even more than other consumers if fares were not regulated.
- 6.28 This problem also applies to consumers in particular vulnerable situations. For example, those trying to catch a taxi late at night who may be concerned about their personal safety will be in a particularly weak bargaining position and could be charged a high price by an unscrupulous taxi.
- 6.29 The second problem is that some consumers will simply be less well informed than others about the price of taxi services and alternatives to taxis and so will be in a weak bargaining position over the fare. Tourists are a good example of this type of poorly informed consumer.
- 6.30 In the absence of fare regulation, there is no mechanism that will prevent consumers in vulnerable situations being charged excessively for using taxis services.

What happens when fares are deregulated?

- 6.31 Ninety-five per cent of UK LAs responding to our survey who licence taxis also regulate taxi fares, so domestic evidence on fare deregulation is limited. There is some anecdotal evidence from those authorities that do not regulate fares which suggests that consumers are not being charged excessively for taxi services. However, these authorities are mainly in rural or semi-rural areas with the vast majority of work coming from telephone bookings. As explained above, this might have the effect of encouraging price competition.
- 6.32 There is some evidence on the effects of fare deregulation from countries and cities around the world that have deregulated taxi fares. The results of these deregulations are mixed and depend on a number of factors. These include local circumstances such as the structure of the taxi market, the level at which the fare was set prior to deregulation, and other regulatory changes that accompanied fare deregulation. For this reason, the results of fare deregulation outside the UK can only provide

an indication of the potential outcomes from taxi fare deregulation in the UK rather than a definitive answer.

- 6.33 The following, taken from our international study shows what happened in five countries that deregulated fares.¹³⁰ The effects of fare deregulation varied considerably between the five countries. In some cases deregulation has been a success whilst in others fare regulation has been re-introduced. This lack of a strong evidential base in support of fare deregulation is an important result in itself.

Sweden

- 6.34 Taxi fares were deregulated in Sweden in 1990. Fares increased initially in real terms but have since increased in line with inflation. The deregulation of fares coincided with the introduction of a 25 per cent value added tax on fares. The introduction of this tax distorted the immediate effect of price deregulation as a high proportion of the tax increase would have been passed on from taxi firms to consumers, so it is not clear whether the subsequent price increases were due to price deregulation or tax. In the years following price deregulation, fare increases have been smallest in large cities and greatest in rural areas. This may reflect a lack of competition in rural areas or simply higher costs associated with taxi provision in these areas which have been passed on directly to consumers.
- 6.35 Strict rules govern the information on fares that Swedish taxis must display. These include displaying the price of a standard 15 minute trip of 10km on the inside of the vehicle and also on the outside of the vehicle in lettering that is visible at least two metres away.
- 6.36 To encourage price competition between taxis, different ranks charge different fares and consumers can choose between ranks on the basis of their preferences about waiting times, fares and quality of vehicle.

¹³⁰ TOI: The Impact of taxi market regulation - An international comparison (annexe J).

New Zealand

- 6.37 In New Zealand taxi fares were deregulated in 1989. Fares have fallen in real terms in larger cities (by 15 to 25 per cent) while the results in smaller towns were ambiguous. The law requires that maximum fares must be registered with the Secretary of Transport and calibrated on the compulsory taxi meter. Individual taxis are free to set their own fares below this maximum. The fare must be displayed on the inside and outside of the vehicle.

Norway

- 6.38 Uniquely, taxi fares have been deregulated in some larger cities without any accompanying removal of entry controls. Where fares have been deregulated they have increased. Unlike Sweden and New Zealand fare deregulation has not been accompanied by strict rules about providing information on fares to consumers.

The Netherlands

- 6.39 In the Netherlands, since 2000, regulated fares instead of being fixed, have been set at maximum levels. Fares have risen. This is because the licensing authority has increased the maximum fare. Our study shows that there is some evidence of price competition occurring, based on reports of some taxis charging less than the maximum fare.

The United States

- 6.40 During the 1970s and 1980s, a number of US cities deregulated almost all aspects of their taxi services including fares. Following deregulation, fares increased in real terms in almost all cases and fare controls were subsequently re-introduced. Fare increases for street and rank hiring were greater than fare increases in the telephone booking sector. The effect was particularly clear in terms of increased fares at airport ranks.
- 6.41 It is not possible to draw overall conclusions from these international examples. It is clear that fare deregulation has in some cases led to increases in fares. However, it appears that strict requirements on fare setting and providing information to consumers may have contributed to the relative success of fare deregulation in New Zealand.

Potential problems of taxi fare regulation

- 6.42 Notwithstanding the benefits of fare regulation, it needs to be recognised that fixing fares at a particular level can cause problems in the way that the market works.
- 6.43 LAs have very limited information about the taxi market on which to base their fare setting decisions. In many areas of the UK, the taxi industry is highly fragmented so gathering information from firms difficult. If LAs set fares too low, this may lead to long queues of consumers waiting for taxis. If fares are set too high, this may lead to long queues of taxis waiting at ranks or cruising the streets looking for work.
- 6.44 Setting fixed taxi fares also reduces the scope for price changes to act as a signal for matching supply with demand as happens in a normal competitive market. Where fares are fixed rather than set as a maximum, the limited potential for taxi firms to compete on fares is removed completely. In the hail and rank sectors, price competition is likely to be very limited, but in others there is more scope for competition to occur. Examples are ranks that do not require the consumer to take the first taxi on the rank or areas where lots of cruising taxis make search costs lower.¹³¹
- 6.45 Furthermore, if taxis were allowed to charge higher fares at times of peak demand this would encourage more taxis to operate at these times. This would benefit consumers by reducing waiting times during periods of peak demand. LAs can help to reduce waiting times to some extent by setting peak and off-peak fare tariffs that encourage a greater supply of taxis at peak times and less at off peak times. Anecdotal evidence on this point comes from London where the Public Carriage Office and representatives of the Licensed Taxi Drivers Association have told us that recent increases in the fares tariff at night have encouraged more taxis onto the streets at these busy periods.

¹³¹ Halcrow: Impact of Taxi Regulation on Taxi Markets – Case Study (annexe D). For example, in Worcester passengers are not required to take the first cab from the rank. However there was no evidence that this leads to price competition among taxis.

Section 4: assessment of approaches to fare regulation

6.46 In arriving at our recommendations on fare regulation we considered the likely effects that would arise from different degrees of fare deregulation.

Full fare deregulation

6.47 A full fare deregulation option, where consumers negotiate fares with drivers, was rejected due to competition and consumer protection problems in the hailing and rank sectors as outlined above.

Partial fare deregulation

6.48 Another option considered was partial fare deregulation, which would involve taxi firms setting their own maximum fare tariffs and keeping maximum fares at that level for an obligatory minimum period. Firms would be required to display a standard sample fare so that it is visible outside the taxi. Partial fare deregulation has occurred in Sweden and in New Zealand. The strict rules on how companies set and display their fares protect vulnerable consumers from being over-charged.

6.49 Partial deregulation is only likely to be a success in areas where price signalling can be effective and where consumers can actually exercise choice (for example by not being forced to select the first taxi in a rank).

6.50 There are likely to be implementation problems with partial deregulation. For example if the law requires that all taxis display a standard sample fare for a three mile journey on the outside of the vehicle so that potential passengers can compare prices, taxis can set their tariffs so that the fare for a three mile journey is low but the fare for other journeys is higher. Consumers are therefore still faced with uncompetitive high fares for longer journeys. These problems could be overcome, but at a cost of making the information presented more complex and therefore less easy for consumers to understand.

6.51 For these reasons we do not recommend partial fare deregulation for the UK taxi market.

Setting the fare as a maximum

- 6.52 A third option is for LAs to continue setting fares, but instead of setting a mandatory fare that all taxis must charge, the fare should become a maximum and taxis could choose to charge below this maximum.¹³² This will facilitate price competition in the limited number of circumstances where consumers are able to exercise choice. As described above, these include ranks that do not require customers to take the first cab on the rank and areas with a lot of cruising taxis where search costs are lower.
- 6.53 In its 1993 Green Paper on taxi licensing, the DfT concluded that all taxi fares should be set as a maximum rather than a mandatory tariff and that this should be made clear to consumers. The current situation, where not all LAs make it clear in their tariff that the fare is a maximum, is confusing for consumers and is likely to reduce price competition. Only 25 per cent of the LAs that responded to our survey publish a fare tariff that clearly states the metered fare is a maximum – in the other 75 per cent there is no mention of the fact that taxis can charge less than the published tariff.
- 6.54 A potential argument for not allowing taxis to set prices below the published fare is to prevent price competition driving out competition in terms of quality or safety. However evidence from the PHV sector does not support this argument. In the PHV sector prices are not regulated and a wide variety of fare levels and quality levels co-exist, from high-priced chauffeur-driven executive cars to cheaper discount cabs that simply meet the minimum standards required by law. Furthermore, we consider that quality and safety are best controlled directly, through the setting of minimum standards that taxis and drivers must meet.

Section 5: conclusion and recommendations

- 6.55 There are arguments both in favour of and against fare regulation for taxis. The nature of the market means that consumers, particularly vulnerable consumers, derive greater benefit from the existence of fare regulation. Fare regulation protects consumers.

¹³² This is theoretically already possible in the UK except for London and Northern Ireland.

- 6.56 UK LAs should continue to regulate taxi fares. However, there are some measures that can be undertaken to improve competition in the licensed taxi market whilst retaining the benefits to consumers of fare regulation.

Recommendations based on this assessment

- 6.57 We recommend that throughout the UK LAs should only set fare tariffs which represent the maximum that can be charged, and not set fixed or minimum fares. It should be made clear to consumers that they are able to negotiate on fares, for example, when ordering a taxi over the telephone. We also recommend that, where possible, LAs actively facilitate more price competition in the market, particularly in the rank and hail sectors of the market.
- 6.58 It is for LAs to decide how this might occur. One method used in other countries involved taxis displaying their fare in the window or the outside of the cab, either in terms of the price for a standardised trip, or a percentage discount off the metered fare.

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**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
BEST PRACTICE GUIDANCE**

March 2010

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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INTRODUCTION

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

THE ROLE OF TAXIS AND PHVs

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

ACCESSIBILITY

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from:

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at

www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see
<http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

- Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Stretched Limousines

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as ‘5% below the metered fare’ might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at www.isa.gov.org.uk/default.aspx?page=402. [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

¹ "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

Notifiable Occupations Scheme

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

67. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Language proficiency

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

Topographical Knowledge

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

PHV OPERATORS

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Use the meter within the licensed area, unless the passenger has agreed to hire by time.***
- ***If using the meter, not start the meter until the passenger is seated in the vehicle.***
- ***If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

- ***Ensure that the passenger has pre-booked and agrees the fare before setting off.***
- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

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