



REPORT TO: LICENSING COMMITTEE ON 16 NOVEMBER 2022

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - MANDATORY REVIEW OF TAXI FARES AND CHARGES

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider the responses received as part of the formal consultation carried out in relation to the review of the maximum fares and charges applicable to taxis and, in light of those responses, to agree a new fare card. There are no powers delegated to officers in this regard.
- 1.2 This report is submitted to Committee in terms of Section III G (1) of the Council's Administrative Scheme relating to the exercise of the function of the Council as licensing authority for the Moray Council area.

2. RECOMMENDATIONS

- 2.1 **It is recommended that the Committee, in accordance with the Civic Government (Scotland) Act 1982, :-**
- i. Considers the views received from the formal consultation process;**
 - ii. In light of those responses, agrees the maximum fares and charges applicable to taxis in Moray to have effect from 10 December 2022; and**
 - iii. Instructs the Head of Governance Strategy and Performance to publish the fare structure and issue a new fare card to all operators.**

3. BACKGROUND

- 3.1 The Committee, at its meeting on 7 September 2022, considered views expressed by taxi operators in an informal consultation process, agreed proposals for the maximum fares and charges applicable to taxis in Moray attached at **APPENDIX 1**, and instructed the Head of Governance Strategy and Performance to conduct a formal consultation on those proposals and report back to Committee in order for it to approve a new fare card for implementation on 10 December 2022(para 6 of the minute refers). The original date mentioned in that report was 14 December 2022. The Fleet

Services team have requested this be amended to the earlier date to alleviate space and staffing concerns. This change of date will not cause any issues for the timescale for appeals and would be advantageous to operators.

- 3.2 Following the meeting referred to above, an email detailing the proposals and inviting representations in relation to them was sent to all Operators the following day and also uploaded on the Council's website.

4. RESPONSES TO THE FORMAL CONSULTATION

- 4.1 There are currently 94 licensed taxi operators in Moray. Licensing officers contacted all of them, seeking their views on the proposed changes and requesting they share the consultation with their drivers. The consultation was also published on the licensing pages of the Council's website. The consultation ran from 8 September to 19 October 2022. 6 responses have been received and the responses along with a summary appears in **APPENDIX 2**.

- 4.2 The Committee is invited to agree the maximum fares and charges applicable to taxis in Moray, having taken consideration of the responses received in the formal consultation process.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to a growing and diverse economy and safer and healthier communities. The various licensable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licensable goods and services are fit to do so.

(b) Policy and Legal

In terms of section 17 of the Civic Government (Scotland) Act 1982, the Council, as taxi licensing authority for the Moray Council area, is required to review the fees and charges in connection with the hire of taxis in its area. The fare card, as it is known, requires to be reviewed within every 18 months of fares coming into effect. The fares and charges set are the maximum that can be charged so that, if the taxi operator so chooses, s/he may charge less.

(c) Financial implications

The costs associated with the review of taxi fares are mainly considerable staff time as described below in staffing. This can be met from existing budgets.

If the Committee chooses to alter the fare structure then it will be necessary to recalibrate all taxi meters. Any costs incurred by the Council's Fleet Services section in relation to resealing the taxi meters (if necessary) will require to be met by taxi operators. The cost of recalibrating the taxi meters (if necessary) will also require to be met by taxi operators. On average the cost by a meter supplier to run and calibrate a meter (one of their own) over the measured mile costs £10, and a tariff update would be approximately £20. There will also be a £5 charge for fleet services to check the paperwork and reseal the meters.

(d) Risk Implications

There is a risk that any decision is open to an appeal. An appeal would be to the Traffic Commissioner and a further process may be specified/required as a result. If the fares are not set within the 18 month statutory timescale then the further delay may also result in an appeal and further process. These risks are mitigated by the fact that we have held a full informal consultation with the clear view of the majority of responses being to alter fares. We will also hold a full formal consultation should the committee decide to alter the fare structure based on the informal consultation responses, which will mitigate the risk of appeal further.

There is 14 days to appeal from notice being given. The effect of an appeal would be to suspend any decision unless and until an appeal has been determined.

For ease a proposed timeline is provided here:

- Report to Committee 16/11/22 for final determination
- Notice of Committee decision issued 17/11/22
- 2 weeks for appeal until 2nd / 3rd /12/22
- Long stop Implementation date 29/12/22
- Implement changes earlier because of Christmas so calibration and reseal of meters would be Saturday December 10th after agreement with Fleet Services

(e) Staffing Implications

The only staffing implication arising from this report is in terms of the time taken to undertake consultation, draft the published information, compile the responses to the consultation, draft this Committee report and notify taxi operators of the outcome of the review. Whilst the time is considerable this can be met from existing resources.

(f) Property

There are no anticipated property implications arising from this report.

(g) Equalities/Socio Economic Impact

An equalities impact assessment is not required in connection with this report. This is because one of the recommendations of this report is for a public consultation to be undertaken in relation to the taxi fare review.

(h) Climate Change and Biodiversity Impacts

No climate change or biodiversity implications have been determined for this consultation result because it will not increase the amount of taxi vehicles or journeys.

(i) Consultations

Consultation has taken place as described. Taxi operators and interested parties were invited to submit a response to both the informal and formal consultation.

7. CONCLUSION

- 7.1 The Council, as licensing authority, must review the fare scale for taxi/PH operators every 18 months. Following the implementation of the fare card on 29 June 2021, the Council must review the fare scale by 29 December 2022, taking into consideration the relevant consultees views and determine whether the existing fare scales should remain the same or be altered. Given the date of this current review falling between Christmas and New Year we would propose that any decision made at be implemented at the earliest possible date, which after allowing for the appeal process, would be 10 December 2022**

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Background Papers: None

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