



Licensing Committee

Wednesday, 11 September 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 11 September 2019** at **09:30**.

BUSINESS

1. Sederunt

2. Declaration of Group Decisions and Members Interests *

3. Resolution

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 7 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4. Minute of Meeting on 12 June 2019

5 - 6

5. Civic Government (Scotland) Act 1982 - Mandatory

7 - 14

Review of Taxi Fares and Charges

Report by the Corporate Director (Corporate Services)

6. Question Time ***

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

**7. Civic Government (Scotland) Act 1982 - Application for
Grant of a Taxi Driver Licence (Case No. TD/19/004)
[Para 14]**

- Information relating to action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

Summary of Licensing Committee functions:

To deal with all aspects of the issue of licenses by Local Authorities as required by Government; to deal with matters of Licensing and registration not falling within the functions of any other Committee.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Tracey Sutherland

Clerk Telephone: 01343 563014

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THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor Louise Laing (Depute Chair)
Councillor James Allan (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ron Shepherd (Member)

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Minute of Meeting of the Licensing Committee

Wednesday, 12 June 2019

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor James Allan, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Ryan Edwards, Councillor Louise Laing, Councillor Marc Macrae, Councillor Maria McLean, Councillor Amy Taylor

APOLOGIES

Councillor Theresa Coull, Councillor Donald Gatt, Councillor Aaron McLean, Councillor Ron Shepherd

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Rhoda Banfro, Solicitor and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Amy Taylor.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillor's Code of Conduct there were no declarations from group leaders or spokespersons in regards to any prior decisions taken on how Members will vote on any item on the agenda.

3. Minutes of meeting on 17 April 2019

The minute of the meeting of the Licensing Committee dated 17 April 2019 was submitted and approved.

4. Written Questions **

The Committee noted that no written questions had been submitted.

5. Mandatory Review of Fairs and Charges Report

A report by the Corporate Director (Corporate Services) invited the Committee to formulate a set of proposals for the maximum fares and charges applicable to taxis.

Following consideration the Committee agreed to:

- i) note the views expressed by taxi operators in the informal consultation process;
- ii) to formulate a set of proposals for the maximum fares and charges applicable to taxis in Moray; namely
 - a) not to increase the taxi fares and charges for the coming year
 - b) emphasis in the consultation that the charges are maximum charges and that the taxi operators can charge less
 - c) ask taxi operators whether pre-booked taxi surcharge is applied
 - d) ask whether the fouling charge is adequate to cover the cost of cleaning and time the taxi is off the road.
 - e) ask whether taxi operators would find face to face meetings useful to discuss the consultation.
- iii) instruct the Head of Legal and Democratic Services to conduct a formal consultation on those proposals as required by the Civic Government (Scotland) Act 1982; and
- iv) note the views expressed in the formal consultation at its next scheduled meeting in order to approve a revised fare structure for implementation on 29 December 2019.

6. Question Time ***

There were no further questions.



REPORT TO: LICENSING COMMITTEE ON 11 SEPTEMBER 2019

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

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 The reason for this report is to invite 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.
- 1.2 This report is submitted to the Committee in terms of Section III (H) (1) of the Council's Scheme of Administration relating to the exercise of the function of the Council as licensing authority for The Moray Council area.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) **consider the responses received from the formal consultation process;**
- (ii) **in light of those responses, fix the maximum fares and charges applicable to taxis in Moray to have effect from 6 October 2018; and**
- (iii) **instruct the Head of Legal and Democratic Services to implement the new fare card on that date.**

3. BACKGROUND

- 3.1 Maximum taxi fares must be fixed by the Licensing Committee no less than each 18 months.
- 3.2 The current fare card a copy of which is produced at **Appendix 1**, came into effect on the 29 June 2018 and so a further review must take place no later than the 29 December 2019.
- 3.3 The Committee, at its meeting on 12 June 2019 (item 5 of the Agenda refers), considered views expressed by taxi operators in an informal consultation

process undertaken by officers as well as other information relevant to taxi fares.

- 3.4 In the light of all information considered, the Committee agreed on proposals to keep the current fare card the same, with the possible exceptions of the soiling charge and the hiring charge for pre-booked taxis. The Committee proposed to consult with the trade on the following:
- (i) whether the current soiling charge should be increased or remain the same; and
 - (ii) whether the charge for pre-booking a taxi is utilised by the trade and if not whether it should be removed from the current fare card.
- 3.5 The Committee also proposed to consult with the trade on whether there was an appetite to engage with the Licensing Committee at one or more face-to-face formal consultation meetings. The Committee instructed Officers to carry out a survey to ascertain whether there was sufficient interest to organise such meetings. The meeting survey was sent on 21 June 2019 and closed on 4 July 2019. The survey was sent to over 89 operators and received a total of 13 responses. Due to the poor responses received by Officers, the Committee instructed the Head of Legal and Democratic Services to instead proceed with the formal consultation by publicising the fare proposals in the local newspaper, trade newsletter, email and social media. Thereafter officers were to report back to the Committee in order for it to approve a new fare card for implementation no later than the 29 December 2019.
- 3.6 Following the meeting of the Committee on the 12 June 2019, an advert was placed in the Press and Journal newspaper on 29 July 2019, detailing the proposals and inviting representations in relation to them. Information was also posted on the Council's website and facebook pages. In addition, an email detailing the proposals was sent to Community Councils, Local Area Forums and Moray's Third Sector Interface (an amalgamation of Moray Social Enterprise Network, Volunteer Centre Moray and Voluntary Action Moray), taxi operators and taxi drivers for comment.

4. RESPONSES TO THE FORMAL CONSULTATION

- 4.1 The formal consultation commences on the 29 July 2019 and is due to end on the 27 August 2019. Owing to the need to produce the Committee papers the responses to the formal consultation received up to the date of drafting hereof have been collated into a document which is produced at **Appendix 2**. Any further responses will be updated to members orally at the meeting.
- 4.2 The responses appear to be largely in favour of the status quo. Maintaining the booking fee would not prejudice those who do not use it but would retain the option for others as they are maximum fares.

FIXING OF MAXIMUM FARES

- 4.3 In the light of all information supplied, including considering any responses received in the formal consultation process, the Committee is invited to agree the maximum fares and charges applicable to taxis in Moray.

- 4.4 The Committee is also invited to agree the date on which a new fare card will come into effect being a date not later than the 29 December 2019. In this regard the Committee may wish to consider the impact of a change during the Christmas holiday period and the closure of large parts of the Council at that time.
- 4.5. It should be noted that after the fixing of fares the authority must notify all relevant persons within seven days and the new fare card will be advertised as appropriate.

5. SUMMARY OF IMPLICATIONS

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

The provisions of taxi licensing, and civic licensing in general, directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to the following: Regulating taxi vehicles and taxi drivers through the licensing system contributes to a safer community by ensuring they are fit to undertake those activities. Taxis are a valuable part of a growing and diverse economy. They provide employment opportunities and support the tourism and night economies. Taxis also promote health and independence by providing mobility for the whole community and access to resources.

(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. The current maximum fares and charges were agreed by the Committee and came into effect on 29 June 2018 (para. 6 of the minute of the meeting of the 16 May 2018 refers). A review therefore needs to be completed by 29 December 2019.

(c) Financial implications

The current proposals do not require alterations to taxi meters.

If further changes are made then any costs incurred by the Council's Fleet Services department 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.

If changes are made to the Tariff, two days to check all cars would be required at a likely cost of £10 per meter check/reseal. Changes to the meter tariff will have an associated cost for each meter that operators own to have changed and checked at approximately £70. These costs would require to be met by the taxi trade. Premises would also need to be found for these changes to take place for a two day period; in the past High School car parks have been used.

(d) Risk Implications

There are no risk implications arising from this report.

(e) Staffing Implications

The only staffing implication arising from this report is in terms of the time it will take to notify all taxi operators of the outcome of the review and for Fleet Services staff to check/reseal taxi meters. Staff time is being met from existing resources.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

Initial Screening has been carried out by the Equalities Officer. The risk of adverse impact of the proposals consulted upon – no change to current fares - is considered to be low. An Equalities Impact Assessment is therefore not required at this time. Future proposed changes may be subject to a new impact assessment.

(h) Consultations

Consultation has been carried out on the proposals as detailed above.

5. CONCLUSION

- 5.1 As taxi licensing authority for The Moray Council area, the Council is required to review fares and charges applicable to taxis at least every eighteen months. The Committee now needs to fix fares and charges to take effect no later than 29 December 2019.**

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board
Background Papers: There are no background papers
Ref: SAH

**THE MORAY COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
LICENSING OF TAXIS AND PRIVATE HIRE CARS**

Item 5.

MAXIMUM CHARGES APPLICABLE TO HIRE OF TAXIS AND PRIVATE HIRE CARS FITTED WITH TAXI METERS

| <u>EXCLUSIVE HIRE</u> | | |
|--------------------------|---|-------|
| <u>THE DISTANCE FARE</u> | | |
| a) | For the first mile | £3.60 |
| b) | For every additional 1/10 th of a mile or part thereof | 30p |

EXTRAS

- (1) **WAITING** A sum calculated at the rate of £20.00 an hour. Waiting time to be charged 5 minutes after customer informed of arrival of taxi.

SURCHARGES

- (2) (Only one surcharge can be charged for each journey)
- (a) For each hiring between 7.00 p.m. and 12 midnight on any day except Sundays, 24th, 25th, 26th, 31st December and 1st and 2nd January a surcharge of £1.00.
- (b) For each hiring between 12 midnight and 7.00 a.m. on any day except 25th, 26th and 27th December, 1st, 2nd and 3rd January a surcharge of £1.70 applies.
- (c) For each hiring between 7.00 a.m. and 12 midnight on Sundays and Bank Holidays a surcharge of £1.50 applies.
- (d) For each hiring between 7.00 p.m. on 24th to 7.00 a.m. on 27th December inclusive and between 7.00 p.m. on 31st December to 7.00 a.m. on 3rd January inclusive a surcharge of 50% on the basic fare, subject to a minimum fare (after allowing for the surcharge) of £6.45.
- (3) For each hiring where more than four passengers are carried, a surcharge of 50% applies.
- (4) For each hiring pre booked, a surcharge of £0.50 applies.
- (5) A charge of £120.00 to every passenger fouling a taxi.

Complaints:

Any complaints regarding overcharging should be made in writing to the Moray Council Licensing team either by email to LicStandardsOfficers@moray.gov.uk or by letter to Council Headquarters, High Street, Elgin IV30 1BX. The licence number of the vehicle or its driver and the name of the company (if any) should be quoted.

ALASDAIR MCEACHAN
Head of Legal and Democratic Services
29 June 2018

Explanatory Notes

1. The Council is required to set maximum fares and charges for journeys in Taxis and Private Hire Cars fitted with Taximeters that it licences. Fares are reviewed at regular intervals of no more than 18 months. There is opportunity for the public and trade to participate in the setting on the levels of fares proposed in any review and taxi operators have the right to appeal against the fares and charges set down by the Council before they come into operation.
2. Please note that a taxi driver is not required to take you on a journey ending outside the Moray boundary. If the driver does agree to take you out with Moray, these maximum fares do not apply and it is up to you to reach agreement with the driver as to the fare. You should do this before you start.
3. The maximum fare you are required to pay is the sum calculated in accordance with the fares and charges above. These only apply within Moray.
4. If you are asked to pay VAT then this should be included as part of the fare and please ask for a proper VAT receipt.
5. It is up to you to decide whether you wish to give the driver a tip.
6. It is a criminal offence for you to take a taxi journey without having the money to pay for it.
7. Bank holidays are those referred to on the Scottish Government Website www.mygov.scot/scotland-bank-holidays

Appendix 2

Responses to formal consultation on taxi fare proposals.

Response 1

I think the current charges are fine

We currently use the booking fee so would be a drop in revenue if removed, also the cost of changing the tariffs on all taximeters as they would have to be removed probably hasn't been considered

I would be in favour of leaving this alone at the present time

Response 2

Remove the 50p surcharge for a customer pre booking a taxi. Should never have been introduced in the first place. Why penalize your own customer/new customer for booking a taxi? I never charged it. The soiling fee at present is fine as it stands.

Response 3

1. Soiling charge all but unenforceable, if they are not prepared to pay you will not see your money without going ludicrous lengths.

2. Pre booking charge never used.

Response 4

I think the soiling charge should be increased to £150. If someone is sick in your car at a time in the early evening you can almost guarantee that that is you and your car off the road for the evening and a proper valet for that car costs £70 already so no matter what you're going to lose money anyway but £150 at least would give you around £80 to help with bills that we all be etc.

I don't take any bookings so have no view of the charge for booking a taxi.

Response 5

I would never charge for pre-booking.

Just keep the fares the same, they are already expensive enough.

Response 6

1. The soiling charge can sometimes never be enough, however just getting the fine from a (probably) drunk customer can prove very difficult, so the current charge seems fair enough to me.

2. I've never implemented a pre-booking fee and never would, so I'd rather see that removed from the fare card.

Its good to see that the committee are proposing no change to the fares as its the only realistic option (other than a reduction!). I find it increasingly hard to get our fair share of the local market due to the fare reducing companies out there, and indeed can only very rarely charge the full meter price. We are forced to under charge the meter drastically or would become non viable. Companies who won't move from the meter price are going to find it very hard to survive and personally I find some fares embarrassing to ask for and am obliged to heavily discount. Just as well the meter only shows the maximum that can be charged or a lot of people would be priced out of using taxis. I did reply to the previous email inviting our opinions before the last fare consultation, stressing that I was dead against any increase as I think our areas taxi fares are too expensive. Should there be any more fare increases in the next few years I feel that the private hire route might be the way for us to go, freeing us from the ever increasing moans of the public.

Summary

Pre booking fee

- 1 person in favour of keeping
- 2 persons in favour of removing
- 3 persons state it has never been used but express no preference

Soiling Charge

- 1 person in favour of increase
- 2 persons state fares – presumably including soiling but without mentioning it – should remain the same
- 1 person says the soiling charge is fine
- 2 person state spoiling charge is difficult / impossible to collect with one of those stating the amount is fine