

# **Item: 4**

**Licensing Committee: 2 December 2021.**

**Civic Government (Scotland) Act 1982.**

**Review of Fares and Charges in Respect of Taxi Services on Mainland Area of Orkney.**

**Report by Chief Executive.**

## **1. Purpose of Report**

To consider proposed scales, effective from 1 May 2022, for maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, for approval for public consultation.

## **2. Recommendations**

The Committee is invited to note:

### **2.1.**

The current scales for maximum fares and charges for all taxi services within the Mainland area of Orkney, including the linked south isles, effective from 1 May 2021, as detailed in Appendix 1 to this report.

### **2.2.**

That a statutory consultation process with taxi operators was undertaken during the period 19 August to 15 October 2021, when operators were requested to submit comments or suggestions in respect of the current scales, referred to at section 2.1 above.

### **2.3.**

That no representations were received from operators.

### **2.4.**

That the licensing authority requires, at intervals not exceeding 18 months, to propose new scales, whether at altered rates or the same rates.

### **2.5.**

That the proposals require to be advertised to allow the public a period of at least one month to submit representations.

**It is recommended:**

## **2.6.**

That the new scales, which are the same as the current scales for maximum fares and charges for all taxi services, referred to at section 2.1 above, be approved for public consultation.

## **2.7.**

That the Chief Executive should submit a report, to the meeting of the Committee to be held on 10 March 2022, on the outcome of the public consultation, referred to at paragraph 2.6 above, together with proposed scales for the maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, to be effective from 1 May 2022.

## **3. Current Scales**

### **3.1.**

The Council publishes information about the setting of taxi fares, together with current scales, at <https://www.orkney.gov.uk/Service-Directory/T/Taxi-Fare-Setting.htm>.

### **3.2.**

On 4 March 2021, the Licensing Committee adopted the current scales for maximum fares and charges for all taxi services within the Mainland area of Orkney, including the linked south isles, as detailed in Appendix 1 to this report, which took effect from 1 May 2021.

## **4. Consultation with Taxi Operators**

### **4.1.**

Particulars of the consultation process are detailed in section 8 below.

### **4.2.**

The statutory consultation process with taxi operators was undertaken during the period 19 August to 15 October 2021. Operators were asked whether they wished to suggest any amendments to the current scales.

### **4.3.**

No response to the consultation was received.

## **5. Public Consultation**

It is now proposed that the new scales, which are the same as the current scales, be advertised from 6 January 2022 stating that any person may make representations in writing until 7 February 2022. A further report will be submitted to the Licensing Committee on 10 March 2022, detailing the outcome of the public consultation.

## **6. Corporate Governance**

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **7. Financial Implications**

### **7.1.**

The maximum fares and charges for taxi services were last altered with effect from 1 May 2021 when all tariffs were increased for the first mile travelled, for each mile thereafter and for the touring rate, by approximately 12% to 14%.

### **7.2.**

There are no direct financial implications to the Council arising from the recommendations of this report.

## **8. Legal Aspects**

### **8.1.**

The fares for the hire of taxis in any area and all other charges in connection with the hire of a taxi or with the arrangements for its hire shall not be greater than those fixed for that area in terms of sections 17 and 18 of the Civic Government (Scotland) Act 1982 (the Act).

### **8.2.**

In terms of section 17(2) of the Act, the licensing authority must fix scales for the fares and all other charges in connection with the hire of a taxi, and review those scales, within 18 months beginning with the date on which the scales came into effect. In fixing scales, the licensing authority may alter fares or other charges or fix them at the same rates as previously.

### **8.3.**

The statutory provisions referred to in sections 8.1 and 8.2 above do not apply to fares and charges in respect of private hire cars which do not have a meter fitted. If a meter is fitted in a private hire car, the scales for maximum fares and charges apply.

### **8.4.**

Before establishing any scales or carrying out any review the licensing authority must:

#### **8.4.1.**

Consult with persons or organisations appearing to be, or be representative of, the operators of taxis within their area.

#### **8.4.2.**

Following such consultation, review the existing scales and propose new scales (whether at altered rates or the same rates).

#### **8.4.3.**

Publish those proposed scales in a newspaper circulating in its area:

- Setting out the proposed rates.
- Explaining the effect of the proposed scales.
- Proposing a date on which the proposed scales are to come into effect.
- Stating that any person may make representations in writing until the relevant date.

#### **8.4.4.**

Consider any such representations.

#### **8.5.**

The relevant date referred to at section 8.4.3 above is a date specified by the licensing authority falling at least one month after the first publication by the authority of the proposed scales.

#### **8.6.**

After fixing scales, the licensing authority must set out and explain the effect of the scales as fixed and notify all persons or organisations appearing to be, or be representative of, the operators of taxis within their area of the date on which the scales as fixed are to come into effect and their rights of appeal to the Traffic Commissioner for Scotland.

#### **8.7.**

Following the fixing of scales, the licensing authority must publish them in a newspaper circulating in its area and specify in the advertisement the date on which the scales are to come into effect.

#### **8.8.**

The scales may come into effect no earlier than 7 days after the date on which they are published.

#### **8.9.**

The authority must give notice of the scales:

- Where no appeal has been lodged, as soon as practicable after the expiry of the period of 14 days within which appeals may be lodged.
- Where such an appeal has been lodged, as soon as practicable after the determination of the appeal.

## **8.10.**

An appeal is determined on the date on which the appeal is abandoned or notice is given to the appellant of its disposal.

## **9. Contact Officers**

John W Mundell, Interim Chief Executive, extension 2101, email [chief-executive@orkney.gov.uk](mailto:chief-executive@orkney.gov.uk).

Gavin Mitchell, Head of Legal Services, extension 2233, email [gavin.mitchell@orkney.gov.uk](mailto:gavin.mitchell@orkney.gov.uk).

Elaine Sinclair, Legal Clerk, extension 2232, email [elaine.sinclair-hill@orkney.gov.uk](mailto:elaine.sinclair-hill@orkney.gov.uk).

## **10. Appendix**

Appendix 1: Current scales for maximum fares and charges for all taxi services within the Mainland area of Orkney, including the linked south isles, effective from 1 May 2021.



**ORKNEY**  
ISLANDS COUNCIL

**Scales of Maximum Fares and Charges in respect of all Taxi Services in the Mainland Area of Orkney and Linked South Isles 2021/22.**

<b>Description.</b>			
First mile.	Tariff 1. £4.50.	Tariff 2. £5.50.	Tariff 3. £6.50.
For each mile thereafter.	Tariff 1. £2.00.	Tariff 2. £2.40.	Tariff 3. £2.90.
Extras – all tariffs.		£2.00.	
Waiting time – all tariffs.		£27.00 per hour.	
<b>Additional.</b>			
Car fouling – all tariffs.		£120.00.	
Touring rate – all tariffs – vehicles licensed to carry up to 4 passengers.		£45.00 per hour.	
Touring rate – all tariffs – vehicles licensed to carry more than 4 passengers (maximum of 8 passengers).		£67.00 per hour.	
Vehicles carrying more than 4 passengers (maximum of 8 passengers).		All tariffs multiplied by 1.5.	
<b>Tariff Information.</b>			
Tariff 1.	normal operating times – 07:00 to 20:59 daily except as otherwise stated herein.		
Tariff 2.	21:00 to 06:59 daily. 21:00 Saturday until 06:59 Monday. 07:00 to 20:59 County Show Day.		
Tariff 3.	County Show Day 21:00 to 06:59 the next day. Christmas holiday 19:00 on 24 December to 06:59 on 27 December. New Year holiday 19:00 on 31 December to 06:59 on 3 January.		

<b>Extras.</b>	
(a)	carriage of animals (excluding assistance dogs).
(b)	journeys to and from Airport.
A limit of £2.00 for extras will apply.	
In addition, provision has been made for a supplementary booking charge of up to a maximum of £20.00 to compensate for the cost of the outward journey for hires which commence 3 miles or more away from the taxi or taxi base (whichever is the nearer) and the customer wishes to travel further away. This charge may only be demanded if the customer is informed of the amount of the charge at the time of booking.	
When a taxi (or a private hire car fitted with a taxi meter) is called but not used, a charge shall be allowed as if it had been occupied from the time it left the stance or garage.	
<b>Car Fouling.</b>	
Maximum of £120.00 payable by an offending passenger, where a vehicle requires to be removed from service for cleaning in order for it to be restored to a usable state and condition.	
<b>Touring Rate.</b>	
Vehicles licensed to carry up to 4 passengers – minimum charge of £45.00.	
Vehicles licensed to carry more than 4 passengers (maximum of 8 passengers) – minimum charge of £67.00.	
<b>Agreed:</b> 4 March 2021.	
<b>Effective From:</b> 1 May 2021.	