

## **Item: 4**

**Licensing Committee: 8 March 2018.**

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

**Report by Executive Director of Corporate Services.**

#### **1. Purpose of Report**

To report on the outcome of the consultation on the review of the scales of maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles.

#### **2. Recommendations**

The Committee is invited to note:

##### **2.1.**

That, on 7 December 2017, the Committee resolved that new scales proposed by taxi operators for maximum fares and charges from 1 May 2018 for all taxi services within the Mainland area of Orkney, including the linked south isles, attached as Appendix 1 to this report, be approved for public consultation.

##### **2.2.**

That the statutory consultation process was undertaken during the period 5 January to 5 February 2018, when the public were requested to submit representations in respect of the proposed scales, referred to at paragraph 2.1 above.

##### **2.3.**

That no representations were received from the public.

**It is recommended:**

##### **2.4.**

That the scales for maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, attached as Appendix 1 to this report, be approved.

##### **2.5.**

That the scales, referred to at paragraph 2.4 above, should take effect from 1 May 2018.

## **3. Policy Aspects**

### **3.1.**

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not relate specifically to progressing the Council's declared priorities.

### **3.2.**

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

## **4. Introduction**

### **4.1.**

At its meeting held on 7 December 2017, the Licensing Committee noted:

#### **4.1.1.**

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 2017, as detailed in Appendix 1 to the report by the Executive Director of Corporate Services.

#### **4.1.2.**

That a statutory consultation process with taxi operators was undertaken during the period 1 September to 13 October 2017, when operators were requested to submit comments or suggestions in respect of the current scales, referred to at paragraph 4.1.1 above.

#### **4.1.3.**

That one representation was received from operators, attached as Appendix 2 to the report by the Executive Director of Corporate Services.

#### **4.1.4.**

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

#### **4.1.5.**

The proposed new scales, attached as Appendix 3 to the report by the Executive Director of Corporate Services, based on the representation received from operators, referred to at paragraph 4.1.3 above.

#### **4.1.6.**

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

#### **4.1.7.**

The results of a comparison of scales agreed by other local authorities in the north of Scotland, detailed in Appendices 4 to 8 to the report by the Executive Director of Corporate Services.

#### **4.1.8.**

That, although a representative from Craigies Taxis had intimated that he would be attending the meeting to represent the operators in support of the representation referred to at paragraph 4.1.3 above, due to adverse weather conditions, he was unable to attend.

### **4.2.**

The Committee resolved, in terms of delegated powers:

#### **4.2.1.**

That the new scales proposed by taxi operators, referred to at paragraph 4.1.5 above, be approved for public consultation.

#### **4.2.2.**

That the Executive Director of Corporate Services should submit a report, to the meeting of the Committee to be held on 8 March 2018, on the outcome of the public consultation, referred to at paragraph 4.2.1 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 2018.

## **5. Public Consultation**

### **5.1.**

Particulars of the consultation process, referred to at section 4.2.1 above, are detailed in section 7 below. These include a requirement that the licensing authority must publish the proposed scales in a newspaper circulating in its area as well as proposing a date on which the proposed scales are to come into effect.

### **5.2.**

The new scales proposed by taxi operators, referred to at paragraph 4.1.5 above, contained a proposed increase in the First mile rate (Tariff 1) from £3.80 to £4.00. No further amendments to the scales were proposed.

### **5.3.**

The public consultation process was undertaken during the period 5 January to 5 February 2018 and no representations were received.

## **5.4.**

Accordingly, it is recommended that the proposed scales for the maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, attached as Appendix 1 to this report, be approved with effect from 1 May 2018.

## **6. Financial Implications**

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

## **7. Legal Aspects**

### **7.1.**

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).

### **7.2.**

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.

### **7.3.**

The statutory provisions referred to in section 7.2 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.

### **7.4.**

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

#### **7.4.1.**

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

#### **7.4.2.**

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

### **7.4.3.**

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.

### **7.4.4.**

Consider any such representations.

### **7.5.**

The relevant date referred to at section 7.4.3 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.

### **7.6.**

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 the Scottish Traffic Area.

### **7.7.**

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.

### **7.8.**

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

### **7.9.**

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.

### **7.10.**

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

## **8. Contact Officers**

Gillian Morrison, Executive Director of Corporate Services, extension 2103, email [gillian.morrison@orkney.gov.uk](mailto:gillian.morrison@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).

## **9. Appendix**

Appendix 1: Proposed scales for 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 2018.