

Agenda item	6
Report no	HLC/014/20

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 18 February 2020

Report title: Review of taxi tariff 2019/2020

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1** This report provides the Committee with details of the responses received following public advertisement of the proposed revised scale of the maximum fares that can be charged by taxis and private hire cars fitted with taxi meters.

2. Recommendation

- 2.1** The Committee are invited to:

(i) consider the representations received following advertisement of the proposed tariff, all other further information before it and any submission which any taxi operator attending the meeting may make to the Committee at the meeting and thereafter agree a final tariff,

(ii) agree that any revised tariff will take effect from 30 April 2020, subject to any appeal being lodged as per 8.1 of the report.

3. Background

3.1 At the meeting of the Highland Licensing Committee held on 3 December 2019, Members undertook a review of the current scale of maximum fares and charges for taxis and private hire cars fitted with taxi meters. The Committee agreed a draft tariff to go out for public consultation with no changes to the existing tariffs and one proposed change to the additional charges as follows:

- The soiling charge to be increased from a maximum of £100 to a maximum of £120.

3.2 A copy of the current tariff is attached as **Appendix 1** of the report.

3.3 In accordance with the Civic Government (Scotland) Act 1982, the proposed scale was advertised and responses requested to be submitted to the Council by 6 January 2020.

4.0 Representations received

4.1 Two representations have been received from the following. A copy of these are attached as **Appendix 2** and **Appendix 3** to this report.

Representations received:

- J Lee
- Raymond Munro - Sneckie Taxis, Inverness

5.0 Observations on representations

5.1 The proposed scale was published by Council press release and in the Press and Journal (Highland edition) on 5 December 2019. Members of the public were invited to submit their comments on the proposals by 6 January 2020 which allowed 32 days for submission. Section 17(4B) of the Civic Government (Scotland) Act 1982 states that a licensing authority must allow at least one month after the first publication by the authority of the proposed scales for representations in writing. A copy of the timetable, which was included with the 3 December 2019 report is attached as **Appendix 4** to this report.

5.2 Members of the Committee were provided with a copy of a petition submitted by taxi operators present at the 3 December 2019 meeting. Members were provided this for information only and were not instructed to make any decision on the basis of a petition. Members were advised during the meeting to take account of the briefing note set out in **Appendix 5** to this report. Section 17(4A) of the Civic Government (Scotland) Act 1982 sets out that the licensing authority must consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area. The petition did not infer that a further review would occur in November 2020 but that the signatories did not wish any fare increase until after this time. The 18 month period for reviewing taxi fares as set out in the legislation is a maximum period.

5.3 Any classification of a taxi driver's employment status would be a separate matter for an individual. Any dispute as to the employment status of a driver and the person or company that they work for would be a matter for an Industrial Tribunal and not within the remit of the Highland Licensing Committee.

- 5.4** Any tax implications for a driver based on their employment status would also be a matter for the individual and does not fall within the remit of the Highland Licensing Committee.
- 5.5** The Committee's decision to have a list of designated wheelchair accessible vehicles (WAV's) is a separate matter from the review of the taxi tariff. In any event, the Council is not imposing any duty on an operator to obtain or continue to have a WAV. It is imposing a statutory duty on those drivers of designated vehicles to comply with the duties set out in section 165 of the Equality Act 2010. These are duties that are already expected that WAV operators would be adhering to. Once a designated list is drafted, there will be a consultation period for drivers to apply for exemptions from the list or appeal any decision to be included on the list before any designated list is adopted.
- 5.6** The operation of school run contracts is a separate contractual matter for the Council and does not come within the remit of the Highland Licensing Committee. To provide clarification, there is no licence requirement for school runs, but this does not preclude a licence holder from operating a school run. School runs can have both licensed and unlicensed vehicles in operation.
- 5.7** Whilst it is open for anyone participating in the review process to suggest that the Highland Licensing Committee should consider other factors other than those set out in the briefing note (**Appendix 5**), including comparisons with other local authorities tariffs, it was advised during the sub group meetings that in order to give weight to these factors, the reasoning behind their decision making would need to be first determined.

6.0 Additional Information

- 6.1** The following information, which was provided to the Committee at the previous meeting held on 3 December 2019, is again attached for Members consideration:

Appendix 5 – is the briefing note provided to members of the trade at the sub group meetings and to members and participants at the Committee meeting of 3 December 2019. This sets out the factors that should be considered when reviewing the taxi tariff together with current inflation figures and costs.

Appendix 6 – is the minutes for each meeting in the respective areas.

Appendix 7 – is the additional written submission from Sneckie Taxis received after the conclusion of the sub group meetings.

Appendix 8 – is the comparison of the current tariff compared with the effect of the proposals put forward at the sub group meetings. It was verbally stated at the meeting of the 3 December 2019 that the proposed 5% increase put forward by an individual Inverness taxi operator was withdrawn.

7.0 Implications

- 7.1** The costs to the Council associated with the review of the taxi tariff in terms of outlays will be advertising costs only together with the staff time costs associated with the process, from pre-review consultations with the trade to conclusion. The Traffic Commissioner's costs in determining any appeal following adoption of a final tariff will also be borne by the Council, irrespective of the outcome of any such appeal.

7.2 The fee charged by the Trading Standards Service in relation to the checking and sealing of taxi meters requires to be met by operators. The cost for this, (excluding any new chip required from the meter manufacturer) is currently £68.52.

8.0 Implementation

8.1 The next step in this process will be for the Committee to consider the representations received, all other information before it and any further submissions which any taxi operator attending the meeting may make to the Committee at the meeting and thereafter agree a final tariff. In accordance with the 1982 Act, a letter will be sent to all taxi operators advising them of the outcome and of their right of appeal to the Traffic Commissioner within 14 days of notice being given to them of the Committee's decision. If no appeal is lodged an advert will be inserted in a local paper informing the public of the new tariff and its commencement date.

8.2 Should an appeal be submitted to the Traffic Commissioner this will have the effect of suspending the decision of the Council and the tariff will effectively be on hold, with the original tariff remaining in operation meantime.

9.0 Implementation date

9.1 It is suggested that the implementation date be 30 April 2020. This is to ensure that the advert which requires to be placed in the press (at least 7 days prior to the tariff coming into effect) can be done following confirmation of no appeal (if this is the case). If there are amendments to any of the tariffs it will also afford the taxi operators time in which to arrange for their meters to be recalibrated, if required. It will also give Trading Standards officers time to mark out and set up revised test tracks in the various areas of the Council and it will also ensure that there are sufficient Trading Standards officers available to carry out the meter testing as quickly and efficiently as possible.

Date: 31 January 2020

Author: Claire McArthur

Background Papers: Appendix 1 – Copy of current tariff
Appendix 2 – Representation received from J Lee
Appendix 3 – Representation received from Sneckie Taxis
Appendix 4 – Timetable for implementation of the taxi tariff
Appendix 5 - Taxi scale briefing note – including costs to be considered
Appendix 6 – Minutes from each sub group meeting
Appendix 7 – Additional written submission from Sneckie Taxis
Appendix 8 – Effect of proposed tariffs

THE HIGHLAND COUNCIL

TAXI FARES

In accordance with the requirements of the Civic Government (Scotland) Act 1982, the Highland Council has reviewed the **maximum level** of charges for the hire of Taxis or Private Hire Cars fitted with Taxi Meters.

With effect from 19 November 2018, the maximum fares will be as follows:-

Tariff 1: Applies to vehicles carrying up to 4 passengers, except when a higher tariff applies.

- For the first 785 yards or part; or £3.00
The initial period of waiting time of 119 seconds; or
A combination of time and distance as above
- For each additional 98 yards or part; or .10p
Each additional period of waiting time of 14 seconds; or
A combination of additional time and distance as above

General effect – the price of a hire £4.00 for the first mile plus £1.80 per mile thereafter plus extras*

Tariff 2: Applies to vehicles carrying up to 4 passengers on Good Friday, Easter Monday or May Day and, except when a higher tariff applies, between **9.00pm and 7.00am on any day** and all day on Saturday and Sunday. When 5 or more passengers are being carried, it also applies **at any time** of any day or night, except where a higher tariff applies.

- For the first 560 yards or part £ 3.30
The initial period of waiting time of 119 seconds; or
A combination of time and distance as above
- For each additional 78 yards or part .10p
Each additional period of waiting time of 14 seconds; or
A combination of additional time and distance as above

General effect – the price of a hire £4.90 for the first mile plus £2.30 per mile thereafter plus extras*

Tariff 3: Applies between 6am and midnight on both Boxing Day and 2nd January. When 5 or more passengers are being carried, and except where Tariff 5 applies, it also applies between **9.00pm and 7.00am**, all day on Saturday and Sunday and on Good Friday, Easter Monday and May Day.

- For the first 444 yards or part £ 3.90
The initial period of waiting time of 119 seconds; or
A combination of time and distance as above
- For each additional 65 yards or part .10p
Each additional period of waiting time of 14 seconds; or
A combination of additional time and distance as above

General effect – the price of a hire £6.00 for the first mile plus £2.70 per mile thereafter plus extras*

Tariff 4: Applies to vehicles carrying up to 4 passengers at any time between 6.00pm on Christmas Eve and 6.00am on Boxing Day and between 6.00pm on New Year's Eve and 6.00am on 2 January.

- For the first 444 yards or part; or £3.90
The initial period of waiting time of 119 seconds; or
A combination of time and distance as above
- For each additional 49 yards or part, or .10p
Each additional period of waiting time of 14 seconds; or
A combination of additional time and distance as above

General effect – the price of a hire: £6.60 for the first mile plus £3.60 per mile thereafter plus extras*

Tariff 5: Applies to vehicles carrying 5 or more passengers at any time between 6.00pm on Christmas Eve and 6.00am on Boxing Day and between 6.00pm on New Year's Eve and 6.00am on 2 January.

- For the first 444 yards or part; or £3.90
The initial period of waiting time of 119 seconds; or
A combination of time and distance as above
- For each additional 39 yards or part, or .10p
Each additional period of waiting time of 14 seconds; or
A combination of additional time and distance as above

General effect – the price of a hire: £7.30 for the first mile plus £4.50 per mile thereafter plus extras*

***Extra Charges**

- Booking ahead e.g. by telephone £1.00
- Any bridge tolls or ferry charges, where applicable.
- Any airport car parking charges (Only chargeable on production of a receipt to the hirer)

In addition, a supplementary booking charge may be applied 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). The maximum charge shall be the actual cost at the tariff which applies at the time of travelling between the starting location of the taxi or the location of the taxi base (as the case may be) and the pick-up point or drop-off point, whichever is the closer to the taxi or taxi base. This booking charge is in addition to the fare chargeable at the appropriate tariff for the journey from the pick-up point to the drop-off point. 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.

Soiling Charge – maximum of £100.00 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.

From: J LEE [REDACTED]
Sent: 06 December 2019 12:36
To: Licensing
Subject: Taxi fares

Taxi fares in the Highlands are already too high. I paid £48 to go from Inverness to Nairn one night and that was with Sneckie Taxis. I would rather not drink and take the car. At least Dick Turpin had the decency to wear a mask! Inverness really should not be a city as the transport home is pathetic, last bus to Nairn is about 22:30. Buses should run till at least 2am. J. Lee

5th January 2020

Letter of representation regarding Highlands Councils Taxi tariff review 2019

We write this letter of representation in the hope that the licencing committee will take full account of its contents and reconsider its December 2019 decision not to implement any increase in the current taxi tariffs. Failure by the committee to increase taxi tariffs in 2020 will become the straw that breaks the camel's back and will force our company out of business as taxi operators with the loss of around 40 full time jobs. We are aware this is what our competitors (whom employ no drivers) seem to want to happen, but we are dismayed if this is also the licensing committee members desire! Raising taxi fares in the way we proposed would force no one out of business, if it turned out the trade couldn't stand the increase, all operators would be free to discount fares if they felt they needed to do so to survive, per Scottish Governments advise on the matter.

Train fares have just risen throughout the UK. Highland Council have just recently increased foster care payment rates by around 20%. Taxi tariffs have very recently been increasing everywhere else in Scotland.

Highland Council announced on the 18th of December 2019 that it became a living wage employer, whilst it can be congratulated on that prestigious achievement- its importantly stated in that press release: -

"The accreditation means there is an ongoing commitment to encourage contractors to pay their workers the real Living Wage rate too"

We are a contractor of the council carrying out school transportation contracts, along with occasional ad hoc work. Prior to this press release our company had plans of its own to become a living wage employer and receive the appropriate accreditation which the council has just received, however without an increase in revenue through increased taxi tariffs on every fare that our drivers carry out (which results in more revenue per driver employment hour) then we, as a contractor of the council have absolutely no possibility of becoming a living wage employer.

This appears contrary to the living wage foundations principals and we will be getting in touch with them (amongst others) to ask them to make a representation to the council regarding this. We have been unable to get in contact with the living wage foundation yet because that organization has been closed for the Xmas break, and closed since we noticed the announcement. However, we do hope any representation by them or others we contact will be taken account of, even if these representations are submitted late due to lack of contact availability during the holiday period. In the same way the misleading taxi petition was submitted late and allowed to be considered by committee.

The deadline for submissions on the tariff review was initially given as mid-January 2020, however the council has now (without any warning to us) brought this deadline for submissions forward to the 6th January!

The committee in reaching its December decision not to increase tariffs, appear to have taken no account whatsoever of the very reasoned points we made at that meeting where we stated we needed our tariff to be on a par with elsewhere in Scotland. This decision by the committee is also going against the Scottish Governments own advice, which is to consider (as part of reviewing taxi fares) the cost of employing drivers. Our wages bill is in excess of £1m per annum.

Instead, it would appear the committee took account of a false & misleading petition from other taxi operators and drivers, (the latter of which according to the 1982 Civic Government Scotland act they are not supposed to take account of) which we understand was submitted at the last minute as it was handed out during the course of the meeting - it did not appear in the committee papers. That petition is misleading in that it infers that another review will happen around November 2020 as the action petitioned for, was that: -

“We the undersigned strongly object to any fare increase by Highland Council until at least November 2020”

However, if there is no increase at this current review, (the timetable which was intimated by the council was any change in tariffs this time around would be implemented in late April 2020) it therefore follows that the next opportunity for any increase to be implemented will not be until around 18 months from the late April 2020 date, taking us to around November **2021**. Which is a year later than what the petitioners would appear to believe. By that time (November 2021) all other councils in the UK will have gone through further taxi tariff reviews and we suspect Highland by that time would be at the very bottom end of the tariff tables and would require a significant increase in 2021 to once more put us back on a par with other areas in Scotland. That's if our own business can even survive that long (which is highly doubtful by not giving an increase now to put us on a par with other council tariffs) and if that became the case then the council will be held fully responsible (by not increasing fares) for putting our taxi company out of business with the loss of 40 jobs!

We do not think the members appreciate the problems or have taken properly into account (in their decision not to increase tariffs) the costs associated in employing drivers and the additional taxation burden that places on employers Vs those taxi operators whom choose to employ no one. Not one person objecting to our suggested increases employs a single person/driver! From the fares the objectors/petitioners generate for themselves they do not pay over any VAT (we as a company have to pay over VAT out of all fares received from the public) they do not pay employers national insurance contributions, staff pension contributions, holiday or sick pay! All of which amounts to around 40% more costs for our own business compared to single self-employed operator/drivers not wanting any increase. When you take into account that our costs of operating our taxis are 40% more, then it's surely no wonder that our company need an increase now in order to stay in business as taxi operators.

We believe the Scottish Government advise and the Civic Government Scotland act 1982 suggests that we are the company that is doing it correctly by employing our drivers and giving them workers status, whereas those objecting to an increase from within the trade are not employing any of their drivers. We believe our drivers are entitled to be paid the living wage, but we can only do that if tariffs rise in line with what operators can charge in other Scottish Council areas. Our taxi drivers work in a dangerous and unsociable (hours) environment where drivers are regularly abused and assaulted. One such incident happened to a female driver of ours in 2019 whilst driving a group of 7 young people out to the Black Isle in the early hours of a Sunday morning. One of those 7 passengers assaulted our driver whilst the vehicle was travelling towards Munloch, luckily for everyone else on board that the vehicle ended up upright in a field as opposed to upside down in the woods nearby where all on board could have easily been killed. Along with the considerable trauma that our driver suffered, it cost in the region of £10,000 to have the vehicle repaired, the passenger in question was charged with culpable recklessness.

The Council and members will hopefully be aware of the Hermes, Pimlico plumbers and Uber cases, where the highest tribunals in the land have ruled that their purportedly self-employed staff are actually workers and entitled to the appropriate employment rights which that status/classification brings. The council is currently in danger of acquiescence in the matter of other operators' drivers being classed as self-employed where they should at the very least be classified as workers and enjoy workers' rights.

We believe our company and its 40 staff generate more revenue per year for the exchequer than what 200 self-employed drivers would do and further reason why we need an increase to be able to stay in the taxi business and continue to contribute the £500,000 or so per year which our company currently contributes to HMRC. Members should be aware from the news that Uber have been refused its license to operate in London (deemed not fit and proper by TFL) but also that a separate case (also currently under appeal) could see Uber forced to pay a £1.5 billion VAT bill, partly through their drivers now being correctly classified as workers.

We currently service a significant number of wheelchair passengers each week, but we will be severely affected in our ability to continue to do this because of the double whammy of no increase in tariffs and the councils recent desire of imposing the obligations of the Equality act upon taxi operators.

Unfortunately, and in order to reduce costs, servicing wheelchair passengers will be the first part of our taxi business where we would be left with no choice but to make cuts to, due to the additional costs associated with voluntarily supplying this wheelchair service. At the councils December meeting, we gave an example of an additional cost of £1,300 just to keep one wheelchair vehicles electric lift in a serviceable condition.

Due to the councils desire to impose on operators the listing of our taxis and phcs under the Equalities act, and at the same time its decision not to increase tariffs, we have already handed back to the council 2 wheelchair school runs which have already resulted in increased costs for the council themselves to operate on at least one of these routes. We believe the council will now be supplying the service themselves on one of these routes using a council owned wheelchair mini-bus to carry two wheelchairs at a cost of £90 per day to the council (Just to drive their vehicle alone) for the hire of the PSV qualified driver. Mileage costs and additional fuel and maintenance costs will result in a significant increase in costs to the council for this one route alone.

Without any rise in tariffs until at least almost 2 years from now, It will be our immediate intention (in an attempt to stay in business) to set in place plans to remove from service all of our wheelchair taxis and any school contracted routes that go with that, with the potential for the council to incur more costs elsewhere in replacing this service we currently provide. Which is before even considering the detrimental effect this will have as a knock-on effect to the many wheelchair bound members of the public which we currently very happily service on a daily basis. We are having to consider taking these measures as any business would have to do (cutting out what's most expensive to supply) when faced with difficult choices of how to attempt to stay in business when those responsible for setting the prices won't listen to reasoned argument on the matter. We have not asked for fares to be set at any more than what they are set at elsewhere. On the contrary, what we asked for as an increase would still keep us 27% below what our nearest neighbours in Moray charge for a running mile, yet we can't see how any public sector worker would be happy to be paid 27% less than what their colleagues get paid elsewhere, for doing the exact same job!

Our aim was to become a living wage employer whilst continuing to provide a high level of service to the public whilst operating in a challenging marketplace. Those whom do not want any increase are not compelled to charge any increased prices the council may choose to set; Indeed the government advise is taxi operators wishing to discount rates are free to do so if they wish.

In an attempt to be able to stay in the taxi business (which will only be possible by getting an increase in current taxi tariffs) we intend to lobby the following for support- our local MPs, MSPs, Taxi and Private Hire Association, Living Wage Scotland, Highland Council Unions, Chair of Highland Council resources committee.

Yours Sincerely

Raymond Munro

Managing Director

Culloden Ltd (Trading as Sneekie Taxis)

Culloden Service Station

1 Barn Church Road

Culloden Inverness

Scotland

IV2 7WB

01463 611 111

Appendix 4

Action	Timetable 2019/20
The Council to consult/meet with persons or organisations appearing to be representative of operators of taxis within its area.	Early November 2019
The Highland Licensing Committee will consider the representations received and agree a draft tariff.	HLC – 03/12/19
The draft tariff will be publicised in the P&J (Highland Edition) and on the Council’s website inviting the public to submit comments/representations in relation to the draft tariff within 28 days.	December 2019/ January 2020
Deadline for submissions.	Mid January 2020
The Highland Licensing Committee will meet to consider the results of the public consultation, and agree a final tariff.	HLC – 18/2/20
Any revised fare scale would then come into effect, subject to no appeal to the Traffic Commission being made by the trade.	Late April 2020

The Highland Council

Taxi fare scales review 2019

In terms of the Civic Government (Scotland) Act 1982, the Council as Licensing Authority is required to review the maximum fares that taxis operating within The Highland Council may charge and to set scales. The 1982 Act requires that this should be within 18 months beginning with the date on which the scales came into effect.

The fares approved by the Council are maximum fares which may be charged. Taxi operators are able to discount these rates if they wish. Whilst it is obligatory to review fare levels periodically, there is no obligation to alter the existing fares.

The Scottish Government's Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities issued in April 2012 states that authorities are advised as best practice to pay regard to advice contained in paragraphs 2.34-2.37 of Scottish Department Circular 25/1986. This states that:

“in fixing fares, authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to a standard of the licensing authority, of employing drivers and the prevalent level of wages and costs in related road transport industries. The public interest is best served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return rather than depressing fares for social reasons, however understandable.”

Current scales – with effect from 19 November 2018

Tariff 1 (applies to vehicles carrying 4 passengers, except when a higher tariff applies)

Flagfall (first 785 yards)	£3.00
Mileage	£1.80
Examples:	
1 mile journey	£4.00
2 mile journey	£5.80
3 mile journey	£7.60
4 mile journey	£9.40
5 mile journey	£11.20
6 mile journey	£13.00
7 mile journey	£14.80
8 mile journey	£16.60
9 mile journey	£18.40
10 mile journey	£20.20

Tariff 2 (applies to vehicles carrying up to 4 passengers on Good Friday, Easter Monday or May Day and, except when a higher tariff applies, between 9.00 pm and 7.00 am on any day and all day on Saturday and Sunday. When 5 or more passengers are being carried, it also applies at any time of any day or night, except where a higher tariff applies.)

Flagfall (first 560 yards)	£3.30
Mileage	£2.30
Examples:	
1 mile journey	£4.90
2 mile journey	£7.20
3 mile journey	£9.50
4 mile journey	£11.80
5 mile journey	£14.10
6 mile journey	£16.40
7 mile journey	£18.70
8 mile journey	£21.00
9 mile journey	£23.30
10 mile journey	£25.60

Tariff 3 (applies between 6.00 am and midnight on both Boxing Day and 2nd January. When 5 or more passengers are being carried, and except where Tariff 5 applies, it also applies between 9.00 pm and 7.00 am, all day on Saturday and Sunday and on Good Friday, Easter Monday and May Day.)

Flagfall (first 444 yards)	£3.90
Mileage	£2.70
Examples:	
1 mile journey	£6.00
2 mile journey	£8.70
3 mile journey	£11.40
4 mile journey	£14.10
5 mile journey	£16.80
6 mile journey	£19.50
7 mile journey	£22.20
8 mile journey	£24.90
9 mile journey	£27.60
10 mile journey	£30.30

Tariff 4 (applies to vehicles carrying up to 4 passengers at any time between 6.00 pm on Christmas Eve and 6.00 am on Boxing Day and between 6.00 pm on New Year's Eve and 6.00 am on 2 January.)

Flagfall (first 444 yards)	£3.90
Mileage	£3.60
Examples:	
1 mile journey	£6.60
2 mile journey	£10.20
3 mile journey	£13.80
4 mile journey	£17.40
5 mile journey	£21.00
6 mile journey	£24.60
7 mile journey	£28.20
8 mile journey	£31.80
9 mile journey	£35.40
10 mile journey	£39.00

Tariff 5 (applies to vehicles carrying 5 or more passengers at any time between 6.00 pm on Christmas Eve and 6.00 am on Boxing Day and between 6.00 pm on New Year's Eve and 6.00 am on 2 January.)

Flagfall (first 444 yards)	£3.90
Mileage	£4.50
Examples:	
1 mile journey	£7.30
2 mile journey	£11.80
3 mile journey	£16.30
4 mile journey	£20.80
5 mile journey	£25.30
6 mile journey	£29.80
7 mile journey	£34.30
8 mile journey	£38.80
9 mile journey	£43.30
10 mile journey	£47.80

Extra charges:

Booking ahead i.e. by telephone	£1.00
Soiling charge	£100.00 maximum
Any bridge tolls or ferry charges, where applicable	Actual cost
Any airport car parking charges	Actual cost (only chargeable on production of a receipt to the hirer)
Supplementary booking charge for outward journey which commence 3 miles or more away from the taxi or taxi base (whichever is the nearer)	Actual cost at the tariff which applies at the time of travelling between the starting location of the taxi or the location of the taxi base (as the case may be) and the pick up point or drop off point, whichever is the closer to the taxi or taxi base. (This charge may only be demanded if the customer is informed of the amount of the charge at the time of the booking.)
Called but not used	Charge will be the amount as if it had been occupied from the time it left the stance or garage.

Considerations for fixing a taxi tariff

In light of the above guidance, we have provided figures supplied by the Government's Office of National Statistics (ONS). The main index is the Consumer Price Index which is a measure of consumer price inflation produced to international standards.

The main index is the CPI (all items). However, we have also included other statistics which may be relevant to the taxi tariff fare review, namely 'purchase of vehicles', 'maintenance and repairs', 'petrol' and 'diesel'.

The ONS publishes regular updates on these statistics. To allow comparison between relevant times, the ONS gives figures as indices, meaning that the figures are stated relative to a stated base year or month. The base year or month always has a value of 100 so other times have values which are greater or less than 100 to show how they compare i.e. the implementation of the current taxi scale (November 2018) to the most recent figures (September 2019) which were released on 16 October 2019.

Comparative figures have also been provided for fuel between November 2018 and September 2019 (most recent figures) based on the AA fuel reports.

Figures for changes in weekly earnings have also been obtained from the ONS and figures provided for the changes to the National Minimum Wage.

****It is open to anyone participating in the review process to suggest that the Licensing Committee should consider other factors****

Inflation figures (Consumer Price Index)

	Index name	Start	End	Change
1	ALL ITEMS	107.0	108.5	1.4%
	CPI Index 00 (2015=100)			
	Series: D7BT			
2	PURCHASE OF VEHICLES (all)	104.1	103.6	-0.5%
	CPIH Index 07.1			
	Series: L543			
	PURCHASE OF NEW CARS	109.5	112.6	2.8%
	CPIH Index 07.1.1A			
	Series: L544			
	PURCHASE OF SECOND HAND CARS	96.0	90.6	-6%
	CPIH Index 07.1.1B			
	Series: L545			
3	MAINTENANCE AND REPAIRS	108.5	110.8	2.1%
	CPI Index 07.2.3			
	Series: D7ED			
4	PETROL	115.5	114.7	-0.7%
	CPI Index 97.2.2.2			
	Series ID: L7FP			
5	DIESEL	118.7	114.6	-3.6%
	CPI Index 07.2.2.21			
	Series ID: L7FO			

Source – Office for National Statistics (www.ons.gov.uk)

Indicators are published monthly

START – November 2018

END – September 2019

AA fuel report

September 2019

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	127.6	131.5	138.8	52.7
UK average	127.7	131.4	139.9	63.3
Supermarket average	124.0	127.8	130.8	54.4

November 2018

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	127.0	136.2	136.4	-
UK average	127.5	135.9	138.1	69.5
Supermarket average	123.5	132.4	128.8	55.9

Percentage change between two periods:

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	0.5%	-3.6%	1.7%	n/a
UK average	0.2%	-3.4%	1.3%	-9.8%
Supermarket average	0.4%	-3.6%	1.5%	-2.8%

Earnings

Average Weekly Earnings (AWE) – % changes in average earnings
(whole economy)

August 2019 (latest figure)	3.6%
November 2018	3.4%
Change	0.2%

Based on the information above, we have produced how the fares would change for different percentages across all tariffs compared with the current scale:

please note that the figures shown would be required to be rounded up/down to the nearest 10 pence to accord with the taxi meters

Tariff 1

	Current	0.5%	1%	1.5%	2%	2.5%	3%
Flagfall	£3.00	£3.02	£3.03	£3.05	£3.06	£3.08	£3.09
Mileage	£1.80	£1.81	£1.82	£1.83	£1.84	£1.85	£1.85
1 mile	£4.00	£4.02	£4.04	£4.06	£4.08	£4.10	£4.12
2 miles	£5.80	£5.83	£5.86	£5.89	£5.92	£5.95	£5.97
3 miles	£7.60	£7.64	£7.68	£7.71	£7.75	£7.79	£7.83
4 miles	£9.40	£9.45	£9.49	£9.54	£9.59	£9.64	£9.68
5 miles	£11.20	£11.26	£11.31	£11.37	£11.42	£11.48	£11.54
6 miles	£13.00	£13.07	£13.13	£13.20	£13.26	£13.33	£13.39
7 miles	£14.80	£14.87	£14.95	£15.02	£15.10	£15.17	£15.24
8 miles	£16.60	£16.68	£16.77	£16.85	£16.93	£17.02	£17.10
9 miles	£18.40	£18.49	£18.58	£18.68	£18.77	£18.86	£18.95
10 miles	£20.20	£20.30	£20.40	£20.50	£20.60	£20.71	£20.81

Tariff 2

	Current	0.5%	1%	1.5%	2%	2.5%	3%
Flagfall	£3.30	£3.32	£3.33	£3.35	£3.37	£3.38	£3.40
Mileage	£2.30	£2.31	£2.32	£2.33	£2.35	£2.36	£2.37
1 mile	£4.90	£4.92	£4.95	£4.97	£5.00	£5.02	£5.05
2 miles	£7.20	£7.24	£7.27	£7.31	£7.34	£7.38	£7.42
3 miles	£9.50	£9.55	£9.60	£9.64	£9.69	£9.74	£9.79
4 miles	£11.80	£11.86	£11.92	£11.98	£12.04	£12.10	£12.15
5 miles	£14.10	£14.17	£14.24	£14.31	£14.38	£14.45	£14.52
6 miles	£16.40	£16.48	£16.56	£16.65	£16.73	£16.81	£16.89
7 miles	£18.70	£18.79	£18.89	£18.98	£19.07	£19.17	£19.26
8 miles	£21.00	£21.11	£21.21	£21.32	£21.42	£21.53	£21.63
9 miles	£23.30	£23.42	£23.53	£23.65	£23.77	£23.88	£24.00
10 miles	£25.60	£25.73	£25.86	£25.98	£26.11	£26.24	£26.37

Tariff 3

	Current	0.5%	1%	1.5%	2%	2.5%	3%
Flagfall	£3.90	£3.92	£3.94	£3.96	£3.98	£4.00	£4.02
Mileage	£2.70	£2.71	£2.73	£2.74	£2.75	£2.77	£2.78
1 mile	£6.00	£6.03	£6.06	£6.09	£6.12	£6.15	£6.18
2 miles	£8.70	£8.74	£8.79	£8.83	£8.87	£8.92	£8.96
3 miles	£11.40	£11.46	£11.51	£11.57	£11.63	£11.69	£11.74
4 miles	£14.10	£14.17	£14.24	£14.31	£14.38	£14.45	£14.52
5 miles	£16.80	£16.88	£16.97	£17.05	£17.14	£17.22	£17.30
6 miles	£19.50	£19.60	£19.70	£19.79	£19.89	£19.99	£20.09
7 miles	£22.20	£22.31	£22.42	£22.53	£22.64	£22.76	£22.87
8 miles	£24.90	£25.02	£25.15	£25.27	£25.40	£25.52	£25.65
9 miles	£27.60	£27.74	£27.88	£28.01	£28.15	£28.29	£28.43
10 miles	£30.30	£30.45	£30.60	£30.75	£30.91	£31.06	£31.21

Tariff 4

	Current	0.5%	1%	1.5%	2%	2.5%	3%
Flagfall	£3.90	£3.92	£3.94	£3.96	£3.98	£4.00	£4.02
Mileage	£3.60	£3.62	£3.64	£3.65	£3.67	£3.69	£3.71
1 mile	£6.60	£6.63	£6.67	£6.70	£6.73	£6.77	£6.80
2 miles	£10.20	£10.25	£10.30	£10.35	£10.40	£10.46	£10.51
3 miles	£13.80	£13.87	£13.94	£14.01	£14.08	£14.15	£14.21
4 miles	£17.40	£17.49	£17.57	£17.66	£17.75	£17.84	£17.92
5 miles	£21.00	£21.11	£21.21	£21.32	£21.42	£21.53	£21.63
6 miles	£24.60	£24.72	£24.85	£24.97	£25.09	£25.22	£25.34
7 miles	£28.20	£28.34	£28.48	£28.62	£28.76	£28.91	£29.05
8 miles	£31.80	£31.96	£32.12	£32.28	£32.44	£32.60	£32.75
9 miles	£35.40	£35.58	£35.75	£35.93	£36.11	£36.29	£36.46
10 miles	£39.00	£39.20	£39.39	£39.59	£39.78	£39.98	£40.17

Tariff 5

	Current	0.5%	1%	1.5%	2%	2.5%	3%
Flagfall	£3.90	£3.92	£3.94	£3.96	£3.98	£4.00	£4.02
Mileage	£4.50	£4.52	£4.55	£4.57	£4.59	£4.61	£4.64
1 mile	£7.30	£7.34	£7.37	£7.41	£7.45	£7.48	£7.52
2 miles	£11.80	£11.86	£11.92	£11.98	£12.04	£12.10	£12.15
3 miles	£16.30	£16.38	£16.46	£16.54	£16.63	£16.71	£16.79
4 miles	£20.80	£20.90	£21.01	£21.11	£21.22	£21.32	£21.42
5 miles	£25.30	£25.43	£25.55	£25.68	£25.81	£25.93	£26.06
6 miles	£29.80	£29.95	£30.10	£30.25	£30.40	£30.55	£30.69
7 miles	£34.30	£34.47	£34.64	£34.81	£34.99	£35.16	£35.33
8 miles	£38.80	£38.99	£39.19	£39.38	£39.58	£39.77	£39.96
9 miles	£43.40	£43.62	£43.83	£44.05	£44.27	£44.49	£44.70
10 miles	£47.80	£48.04	£48.28	£48.52	£48.76	£49.00	£49.23

Taxi/PHC Sub Group Meeting

Charles Kennedy Building, Achintore Road, Ft William

Friday 1 November 2019 at 11.00am

Present:

Councillor Andrew Jarvie – Chair
Claire McArthur, Principal Solicitor – Regulatory Services
Iain Meredith, Solicitor – Regulatory Services
Mike Elsey, Senior Licensing Officer
Julie Traynor, Administrative Assistant, Licensing
Angus MacFarlane, Gus's Taxis, Portree
Jamie Blackburn, West Highland Taxis
Jim McCourt, Jim's Taxis
Scott Easson, Elecar
Nina Easson, Elecar
George MacDougall, Greyhound Taxis
Peter McIntyre, Levenside
Alan Hendrie, Alan's Taxis
Joe Coughlin, Deadline Taxis
Donald Nicolson, Taxi Operator
Sandy Gray, Gus's Taxis
Colin MacLeod, Cloudy's Taxis

1. Apologies – None

2. Taxi Tariff Consultation

Claire McArthur, Principal Solicitor, summarised the tariff review procedure and advised that the meetings which the Sub Group were holding in the various areas of Highland would provide the trade with an opportunity to provide initial feedback.

An open discussion took place after which there was unanimous agreement from all the trade representatives present that there should be no change to the tariff amounts, the times when they take effect or any of the additional extras.

The reasons put forward for this were:

- Any increase to the daytime tariff (T1) may have the effect that some of the public no longer use taxis/PHC or they reduce the number of times they do use them.
- There is already evidence that some people are no longer using taxis/PHC following the last tariff rise.

- Customers were only just getting used to the changes to the current tariff
- This is a rural community which doesn't have the luxury of public transport and a lot of the customers relied on taxi services for shopping and hospital appointments
- The major supermarkets were now offering shopping delivery services at a rate either equal to, or cheaper, than the cost of a taxi/PHC. Any increase in the tariff may see more people using this type service instead of taxis/PHC's.
- With the numbers of taxis/PHC's increasing a status quo was preferred to try and ensure that the public continued to use taxis and that there was still a sufficient amount of work for all.
- Very few, if any, operators use the advance booking charge.
- Although it was appreciated that the tariff was the maximum amount which could be charged most operators did charge what was on the meter.

3. Wheelchair Accessible Vehicles (WAV) – List of Designated Vehicles

Iain Meredith, Licensing Solicitor, advised that the Council were in the process of commencing work on compiling a list of designated vehicles under Section 165 of the Equalities Act 2010.

The Act places a number of requirements on the drivers of designated vehicles including:

- carrying a passenger whilst in their wheelchair;
- not making any additional charge for doing so;
- if the person chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Section 165(7) of the Act creates an offence where the driver of a designated taxi or private hire vehicle fails to comply with a duty imposed upon them under the section.

During discussion operators asked if a policy could be adopted by the Council to the effect that any new licences issued be conditioned so that the operator requires to provide a WAV. It was explained that there were a number of reasons why a policy of this nature could not be considered/adopted, which included.

- A blanket policy such as this, which effectively would be a 'back door' way of creating a restriction in numbers, would not in itself be reason to introduce this.
- It may lead to a decline in the provision of taxi/PHC services in rural areas, where there is currently little, or no, public transport, with taxis/PHC numbers reducing or disappearing altogether.

Comments were made by taxi operators that the cost of purchasing and maintaining a WAV was high.

4. Taxi/PHC Guidance Notes – Reviewing and updating

Iain Meredith advised that a review and update of the taxi and PHC guidance notes would be undertaken shortly with sections such as the dress code etc. being updated.

The trade asked whether a driver who wore a kilt would be in breach of the current dress code. It was noted that a number of drivers wore a kilt particularly if they were carrying out tours and although the dress code did not make mention of kilts it was confirmed that no driver would be reported for a breach conditions if they did wear one.

5. Issues which the trade wish to raise.

CCTV – It was noted that the Council do not have a policy in relation to CCTV in licensed vehicles. It is up to the operators own discretion if they wish to install these. If they do they would require to ensure that they comply with the relevant legislation including data protection requirements and that appropriate notices are displayed in and/or on the vehicle.

Door Stewards – Operators advised that on a number of occasions door stewards from licensed premises in Ft William have been escorting people from the premises who were extremely intoxicated and putting them into taxis. Often the driver is unable to establish where the customer wishes to go due to their condition, however, they then have to take on the duty of care in relation to the individual. The feeling was that the stewards were passing their responsibilities onto the taxi drivers by removing them from licensed premises and placing the individual onto the duty of care of the drivers. Claire McArthur advised that it would be difficult to tie this to the remit of a liquor licence as the incident was happening off the licensed premises, however, she would pass on the information to the Licensing Standards Officer who could advise premises in the area of good practice in relation to such instances.

Coaches parking on taxi ranks – Operators advised that coaches/buses parking on taxi ranks was often an issue in Ft William. They were advised to contact Shane Manning, HC Principal Traffic Officer, to see if there were any restrictions that could be put in place to prevent this. This would include improved rank signage which the operators advised was currently inadequate.

Electric cars – One operator had asked whether the Council would consider any grants for the purchase of an electric vehicle to be used as a taxi. Advice was provided to the operator that this would be a matter for the Scottish Government to consider and not a licensing matter.

Taxi Driver's Knowledge Tests – One operator suggested that the pass marks for the knowledge test be increased to try and improve standards citing an example of one new driver who did not know where the Ben Nevis Hotel was. It was noted that whilst the Highland wide pass mark had been reduced to 75%, the local area test pass mark remained at 85% which it was felt was sufficiently high. It was also noted that at the last round of Sub Group meetings held in 2018 meetings with operators in the Caithness area suggested that the pass marks be reduced as they were finding it extremely difficult to recruit drivers as the pass marks were putting them off applying.

Restriction of Numbers – Following comments in relation to the restriction of numbers and capping of licences the Principal Solicitor referred to Counsels opinion which had been sought in relation to this issue. Upon a query being raised it was confirmed that any survey of unmet demand must be carried out by an independent party and cannot rely on feedback from either the trade or licensing officers as to whether there has been any drop in taxi use.

Taxi/PHC Sub Group Meeting

Committee Room 2, Council Headquarters, Glenurquhart Road, Inverness

Thursday 7 November 2019 at 11.00am

Present:

Councillor Liz MacDonald – Chair
Claire McArthur, Principal Solicitor – Regulatory Services
Iain Meredith, Solicitor – Regulatory Services
Mike Elsey, Senior Licensing Officer
Andrew MacDonald, Inverness Taxi Alliance
Jordan Baird, City Taxis
Artur Nowak, Inverness Taxis
Gary Johnson, Happy Cabbies Taxis
Richard Mann, Independent
Steven Cairns, Independent
Nigel Nicholson, City Taxis
Les Steven, Inverness Taxis
Bill Cowan, Independent
James Miller, City Taxis
Chris McEwan, Inverness Taxis
Richard King, Northern Accident Management
Mhairi Moffat, Independent
Raymond Munro, Sneckie Taxis
Andrea Paul, Sneckie Taxis
Wosciech Kobialka, Inverness Taxis
Jamie Fraser, Inverness Taxis

2. Apologies – Cllr Andrew Jarvie

2. Taxi Tariff Consultation

The Chair advised that they would go through each tariff individually and invite the trade representatives present to provide their views on each one.

Tariff 1: The Inverness Taxi Alliance (ITA) advised that they did not wish to see any rise in tariff 1. The radio companies represented at the meeting also confirmed that they did not wish any change to this tariff as did all the independent operators who were in attendance. They stated that the previous tariff increase led to a lot of people no longer using taxis and any further increase would be extremely detrimental to the trade.

One taxi operator suggested a 5% increase across tariff 1.

Sneckie Taxis advised that the structure of the tariff was good but wish to see the running mile for tariff 1 increased to £2.20 with no change to the flag fall. The reason for this was at the last review they had proposed a £2.00 running mile with the final decision of the Committee, following 6 minor objections received, being to increase it to £1.80 for the running

mile. They advised that as they employ their drivers there are increasing costs associated with this, including a potential increase in the minimum wage to £10.00. They also advised that the decision to agree a £1.80 running mile rather than a £2.00 at the last review cost their company a 6 figure sum and that even with this rise Highland's tariff 1 would still be 27% less than Moray Council's taxi tariff.

The issue of discounting was discussed with some operators stating that the rise requested by Sneckie Taxis was only to offset the 10% discount they offered. Sneckie Taxis responded that they do not offer blanket discounts but do offer regular customers loyalty discounts.

One operator stated that the taxi operators in Ft William did not wish an increase either as there had also been a reduction in the numbers of locals using taxis in that area as well.

It was noted that the issue of operators offering different discounts only served to cause confusion for the public. It was also stated that Moray Council had recently frozen their rates for 18 months.

The ITA advised that drivers were making more money 7 years ago compared to today and that any increase in the tariff would be a huge blow to the trade. One operator advised that his average earnings were down 30% due to the public being put off using taxis due to the high tariffs.

There was a difference of opinion amongst the trade in relation to running a viable business and the best way to be cost effective. It was noted amongst the operators that it was a personal choice as to how an operator chooses to structure their business.

Some operators advised that an increase in the tariff would not result in an increase in wages.

Operators cited the cost of the meter test as a factor in relation to any change to the tariff. A small rise would, in effect, take a long time to recoup the fee for the meter change, however, Sneckie taxis disputed this and advised that they should be able to recoup the cost in a short period of time.

Tariff 2: Sneckie taxis wished to see tariff 2 continue to be set at tariff 1 plus 25% for the running mile with no change to the flag fall.

The ITA, the radio companies and the independent operators present all advised that they did not wish an increase on tariff 2 for the reasons previously stated.

Tariff 3: Sneckie taxis wished to see tariff 3 continue to be set at tariff 1 plus 50% for the running mile with no change to the flag fall.

The ITA, the radio companies and the independent operators present all advised that they did not wish an increase on tariff 3 for the reasons previously stated.

Tariff 4: Sneckie taxis advised that they would wish the running mile for tariff 4 to be retained as tariff 1 x 2.

The ITA, the radio companies and the independent operators present all advised that they did not wish an increase on tariff 4.

Tariff 5: Sneckie taxis advised that they would wish the running mile for tariff 5 to be retained as tariff 2 x 2.

The ITA, the radio companies and the independent operators present all advised that they did not wish an increase on tariff 5. A number of operators stated that they did not use this tariff..

Extras

Booking ahead charge: There was a proposal by one operator that this charge be reduced to 50p. The remaining operators indicated that they would be happy for it to remain at £1.00.

Soiling charge: There was a proposal by Sneckie Taxis that the charge be increased to £120 and that this be a fixed amount regardless of the nature or level of soiling. It was noted that the current tariff allowed for an amount up to £100 to be charged meaning that if the soiling was not significantly bad then a lower fee could be charged with potentially more chance of receiving payment. All others present were happy that the amount and wording of this part of the tariff remain as is.

Any bridge tolls or ferry charges: It was unanimously agreed that there be no change to this.

Any airport car parking charges: One operator felt that he was unable to ask for the cost of parking to be refunded by the customer as the fare charged was already high. It was noted that this was discretionary and if a driver did not wish to charge this they did not require to.

Supplementary booking charge - It was unanimously agreed that there be no change to this.

Called but not used charge - It was unanimously agreed that there be no change to this. A number of operators commented that it was seldom used.

One operator advised there were a number of operators who don't attend these meetings, however they had produced an on-line survey to which 100 operators had responded. The results of which were that 94% advised that they wished to see no increase, 3% indicated that they did want an increase and 3% weren't sure.

One operator referred to the guidance document which had been circulated with the agenda and noted that a number of costs including diesel, petrol and the purchase price of vehicles had overall reduced giving further reason for requesting no increase.

3. Wheelchair Accessible Vehicles (WAV) – List of Designated Vehicles

Iain Meredith, Licensing Solicitor, advised that the Council were in the process of commencing work on compiling a list of designated vehicles under Section 165 of the Equalities Act 2010. This list would be published on the Council's website and available for viewing by the public.

The Act places a number of requirements on the drivers of designated vehicles including:

- carrying a passenger whilst in their wheelchair;
- not making any additional charge for doing so;
- if the person chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and

- to give the passenger such mobility assistance as is reasonably required.

Section 165(7) of the Act creates an offence where the driver of a designated taxi or private hire vehicle fails to comply with a duty imposed upon them under the section.

Sneckie Taxis advised that the implementation of this and the additional requirements may result in operators deciding not to continue to operate their WAV and substitute it with a normal saloon type vehicle.

It was clarified that, as operators should already be carrying out the above under their already existing duties under the Equalities Act 2010. The only real difference to drivers once this is implemented is that any failure to comply with these requirements would be an offence under the Act and drivers liable to a criminal conviction rather than it being pursued as a civil matter as it is now.

During discussion operators raised the issue that it could take 2 or 3 times longer to transfer a person in a wheelchair in and out of the vehicle without recompense. Officers explained that, as detailed in Section 165 of the Equalities Act 2010, it is an offence to make any additional charge for carrying a passenger in their wheelchair and they should start the meter at the same point as they would for any other passenger.

It was suggested that taxi firms work collaboratively with a view to improving the customer availability of WAV and that if one firm does not have one available then the run could be passed onto another one. The companies present advised that this already happens in practice now.

It was noted that there was a lack of suitable ranks for the picking up and dropping off of people in wheelchairs as almost all had kerbs which had to be negotiated. A query was raised as to whether a dedicated rank could be provided for WAV's or dropped kerbs in current ranks. Suggestions were put forward for Union Street and outside the Ivy restaurant on Church Street. Officers advised that they would contact Shane Manning, Principal Traffic Officer, with a view to him considering this.

Sneckie Taxis asked why the Council were introducing the requirements of Section 165 of the Equalities Act 2010 if it was not mandatory. The Licensing Solicitor explained that although it was not a statutory requirement there was a duty on the Council to ensure that it takes its equalities duties seriously and does not leave the Council open to any unnecessary risk of legal challenge.

It was clarified that Section 165 of the Equalities Act 2010 did not place a requirement on operators to provide WAV's.

It was also explained that introducing a new policy requiring all new applicants for a taxi operator's licence to provide a WAV could not be used as a back-door way of creating a restriction in numbers which was not what this legislation was intended for.

It was noted that a report in relation to this would be presented to the Highland Licensing Committee at its meeting on 3 December 2019 inviting Members to consider the implementation of a designated list. The report would be available in the week prior to the meeting.

4. Taxi/PHC Guidance Notes – Reviewing and updating

Iain Meredith advised that a review and update of the taxi and PHC guidance notes would be undertaken shortly with sections such as the dress code etc. being updated. A review of the licence conditions would follow in the new year.

5. Issues which the trade wish to raise.

Meter Testing – Operators advised that they felt the meter test fee was too high in relation to the time taken to check and seal the meter. Officers explained that the fee is set to recover all the costs incurred to undertake this process which includes all aspects of carrying out the tests and delivering this function Highland wide. Northern Accident Management advised that he was aware that in at least one other Council the taxi meter agents sealed the meters without the requirement for Officers to check them. It was noted that by doing this there would be no checks carried out that the meters were in fact calibrated to the correct tariff. Some operators were aware of issues regarding the meter having been recalibrated and having the incorrect tariff. Notwithstanding this Officers advised that they would consult Trading Standards on this proposal.

Zoning – The issue of zoning and capping numbers was raised and the Principal Solicitor referred to the information note that was circulated to operators' at the last taxi tariff review consultation. This took into account the Counsel's opinion sought on this matter. Operators were reminded that the wording of the 1982 Act is such that the assessment of unmet demand requires the Council to look at demand for taxi services in the whole of the Council's area. This means the grounds for refusal of a licence in terms of demand cannot be used to create a cap on the number of taxi licences which will be granted solely for Inverness. It can only be used to create a cap on the overall number of taxi licences which will be granted in Highland. The Principal Solicitor also referred to Scottish Government guidance which has made it clear that any overprovision assessment would need to be evidenced and applied for the benefit of the public and not for restricting trade or competition amongst taxi operators. One operator raised the issue that if zoning was introduced those Inverness operators who currently ply for hire in Invergordon when the cruise ships are in would no longer be able to do so.

Inspections – Sneckie Taxis raised an issue which occurred in October this year whereby they had been advised that Riverford Garage would not be open and that they would require to present their vehicle for inspection earlier or remove the plate until the vehicle has been inspected. Officers advised that they would look into this issue.

It was noted that Riverford were the only contracted garage in the area that could carry out inspections of long wheel base vehicles and Sneckie Taxis advised that this meant a 30 mile round trip for their larger vehicles.

Sneckie Taxis advised that they had been told that they should not turn up for inspections until 10 minutes before they were due at the Inverness MOT centre, which they advise was not convenient for them. Officers advised that they would look into the reasons for this.

Penalty Point System – Sneckie Taxis advised that they recently received a letter from Trading Standards advising them that they had accrued 12 penalty points. There was no indication as to what these points were for nor were there any details of a right of appeal. There was a request that this be more transparent and Officers advised that they would contact Trading Standards with this feedback and ask what could be done to improve this.

Taxi spaces in Station Square – A query was raised as to whether the spaces in station square were now available for any taxi driver to use. The Inverness Taxis representative advised that this was not the case and that they still held the contract with Scotrail for the use of these.

PHC's plying for hire – It was noted that should any operators witness a PHC picking up a passenger who has not been pre-booked then they can report this to the Council.

Temporary taxi ranks – It was noted that the recent temporary taxi ranks which were set up during the Academy Street re-surfacing works were not notified to the trade. Officers agreed to raise this with Shane Manning in relation to any future temporary rank proposals.

Infrastructure, zoning and pollution – The ITA stated that they are currently raising concerns with these matters with their Trade Union representative but did not wish to discuss these further at this meeting.

Taxi/PHC Sub Group Meeting

Wick Chambers, Wick Town Hall, Bridge Street,
Wick, KW1 4AJ

Friday 8 November 2019 at 11.00am

Present:

Councillor Andrew Jarvie – Chair
Councillor Andrew Sinclair, Wick and East Caithness Ward
Claire McArthur, Principal Solicitor – Regulatory Services
Iain Meredith, Solicitor – Regulatory Services
Mike Eley, Senior Licensing Officer
Brian Travers – Jimmy's Taxis
Hugh MacDonald – Hugh's Taxis

3. Apologies – None

2. Taxi Tariff Consultation

The Senior Licensing Office summarised the tariff review procedure and advised that the meetings which the Sub Group were holding in the various areas of Highland would provide the trade with an opportunity to provide initial feedback.

The operator's present both indicated that they did not wish to see any change to the flag fall, yardages or amounts of any of the tariffs.

One operator advised that in terms of the times in which the tariffs took effect he would like to see tariff 2 commence at 6.00pm on a Friday evening instead of 9.00pm. He stated that many other professions receive overtime or additional payment for working in the evenings and would wish to be able to charge this on a Friday evening only.

The other operator was in agreement with this however he advised that he would wish to see the tariff amended so that tariff 2 should start from 6.00pm on Mondays to Fridays.

There were no other changes requested to the tariff by those present.

3. Wheelchair Accessible Vehicles (WAV) – List of Designated Vehicles

Iain Meredith, Licensing Solicitor, advised that the Council were in the process of commencing work on compiling a list of designated vehicles under Section 165 of the Equalities Act 2010.

The Act places a number of requirements on the drivers of designated vehicles including:

- carrying a passenger whilst in their wheelchair;
- not making any additional charge for doing so;
- if the person chooses to sit in a passenger seat, to carry the wheelchair;

- to take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Section 165(7) of the Act creates an offence where the driver of a designated taxi or private hire vehicle fails to comply with a duty imposed upon them under the section.

One operator asked whether there were any training courses e.g. moving and handling, which drivers could attend. Officers advised that there were no formal training courses in terms of licensing however they would be happy to sign-post drivers to relevant courses should they wish to attend any.

It was noted that Caithness Rural Transport currently provided a WAV Service within the area. Officers advised that they would check that there were no licensing requirements in respect of this activity.

4. Taxi/PHC Guidance Notes – Reviewing and updating

Iain Meredith advised that a review and update of the taxi and PHC guidance notes would be undertaken shortly with sections such as the dress code etc. being updated.

There were no comments from the operators present in relation to this issue.

5. Issues which the trade wish to raise.

Unlicensed taxis operating in Wick – The operators present advised that they were aware of several vehicles which were being used regularly as unlicensed taxis picking up people in the evenings and weekends in Wick. One person in particular had been doing this for the last 20 years. The frustration of the operators was that they had no point of contact to report it to and found that they were being passed from Licensing to Trading Standards to Police Scotland without getting any resolution. It was noted that Police Scotland were responsible for the enforcement of unlicensed taxis and PHC's and HC officers would contact Police Scotland to make them aware of the issues. Officers would also provide a contact list for taxi operators which would help them get in touch with the correct people.

Enforcement – Operators stated that it had been a number of years since Trading Standards Officers had been to the Caithness area to carry out any enforcement of licensed vehicles and drivers. Both operators present advised that they would welcome Trading Standards officers carrying out regular enforcement of their, and other, vehicles and drivers to ensure that they were complying with the licence conditions. Officers advised that they would speak to Trading Standards Officers with regard to this.

Taxi rank signage – Operators advised that there had still been no additional signage or line painting carried out in relation to the taxi rank in Wick. Officers advised that they would raise this again with Shane Manning, Principal Traffic Officer, with a view to action being taken regarding this.

From: raymond munro [REDACTED]
Sent: 12 November 2019 14:28
To: Michael Elsey; Claire McArthur
Subject: Taxi Tariff review

Mike

Regarding the meeting with the trade on Thursday last week when we stated we were asking for an increase from 1.80 per mile to 2.20 per mile, I may have incorrectly stated we are not looking for an increase on the flag fall, after discussing this with someone who does meter calibrations he has told me an increase in the flag fall may well be required as well in order to achieve an increase of 40p per mile on every mile travelled which is what we are asking for.

As stated we would like to see the tariff go up a further 10% from the £2 per mile that was proposed and consulted upon in the 2018 review to £2.20 per running mile for T1, (but ultimately was not implemented in 2018 because the then licensing committee chairman proposed a motion to keep T1 at 1.80 per mile) and 25% above that for the subsequent T2 & 25% above T2 for T3.

We also would like to see waiting time increased by 10% as well as the soiling charge go up to a mandatory £120 charge.

Hope all the above makes sense.

Regards

Raymond

Appendix 8

Effect of proposals:

Please note that the figures shown would be required to be rounded up/down to the nearest 10 pence to accord with the taxi meters

Tariff 1- 5% increase proposal

	Existing Tariff 1	Proposed Tariff 1	% Increase
1st Drop (Yds)	785	785	0.0%
2nd Drop (Yds)	98	93	5.1%
1st Drop Cost	£3.00	£3.00	0.0%
2nd Drop Cost	£0.10	£0.10	0.0%
Calculated Cost per additional Mile	£1.80	£1.89	5.4%
Actual Cost for 1st Mile	£4.00	£4.10	2.5%
Actual Cost for 2 Miles	£5.80	£6.00	3.4%
Actual Cost for 3 Miles	£7.60	£7.90	3.9%
Actual Cost for 4 Miles	£9.40	£9.80	4.3%
Actual Cost for 5 Miles	£11.20	£11.70	4.5%
Actual Cost for 10 Miles	£20.20	£21.10	4.5%
Actual Cost for 15 Miles	£29.20	£30.60	4.8%
Actual Cost for 20 Miles	£38.20	£40.10	5.0%
Actual Cost for 30 Miles	£56.10	£59.00	5.2%
Actual Cost for 40 Miles	£74.10	£77.90	5.1%
Actual Cost for 50 Miles	£92.00	£96.80	5.2%
Actual Cost for 100 Miles	£181.80	£191.50	5.3%
Average Increase over 1 -100 Miles			4.5%

Tariff 1 - Sneckie Taxis proposal

	Existing Tariff 1	Proposed Tariff 1	% Increase
1st Drop (Yds)	785	785	0.0%
2nd Drop (Yds)	98	80	18.4%
1st Drop Cost	£3.00	£3.00	0.0%
2nd Drop Cost	£0.10	£0.10	0.0%
Calculated Cost per additional Mile	£1.80	£2.20	22.5%
Actual Cost for 1st Mile	£4.00	£4.30	7.5%
Actual Cost for 2 Miles	£5.80	£6.50	12.1%
Actual Cost for 3 Miles	£7.60	£8.70	14.5%
Actual Cost for 4 Miles	£9.40	£10.90	16.0%
Actual Cost for 5 Miles	£11.20	£13.10	17.0%
Actual Cost for 10 Miles	£20.20	£24.10	19.3%
Actual Cost for 15 Miles	£29.20	£35.10	20.2%
Actual Cost for 20 Miles	£38.20	£46.10	20.7%
Actual Cost for 30 Miles	£56.10	£68.10	21.4%
Actual Cost for 40 Miles	£74.10	£90.10	21.6%
Actual Cost for 50 Miles	£92.00	£112.10	21.8%
Actual Cost for 100 Miles	£181.80	£ 222.10	22.2%
Average Increase over 1 - 100 Miles			17.8%

Tariff 2:**Sneckie Taxis proposal**

	Existing Tariff 2	Proposed Tariff 2	% Increase
1st Drop (Yds)	560	560	0.0%
2nd Drop (Yds)	78	64	17.9%
1st Drop Cost	£3.30	£3.30	0.0%
2nd Drop Cost	£0.10	£0.10	0.0%
Calculated Cost per additional Mile	£2.26	£2.75	21.9%
Actual Cost for 1st Mile	£4.90	£5.20	6.1%
Actual Cost for 2 Miles	£7.10	£8.00	12.7%
Actual Cost for 3 Miles	£9.40	£10.70	13.8%
Actual Cost for 4 Miles	£11.70	£13.50	15.4%
Actual Cost for 5 Miles	£13.90	£16.20	16.5%
Actual Cost for 10 Miles	£25.20	£30.00	19.0%
Actual Cost for 15 Miles	£36.50	£43.70	19.7%
Actual Cost for 20 Miles	£47.80	£57.50	20.3%
Actual Cost for 30 Miles	£70.30	£85.00	20.9%
Actual Cost for 40 Miles	£92.90	£112.50	21.1%
Actual Cost for 50 Miles	£115.50	£140.00	21.2%
Actual Cost for 100 Miles	£228.30	£277.50	21.6%
Average Increase over 1 - 100 Miles			17.4%

Tariff 3:**Sneckie Taxis proposal**

	Existing Tariff 3	Proposed Tariff 3	% Increase
1st Drop (Yds)	444	444	0.0%
2nd Drop (Yds)	65	53	18.5%
1st Drop Cost	£3.90	£3.90	0.0%
2nd Drop Cost	£0.10	£0.10	0.0%
Calculated Cost per additional Mile	£2.71	£3.32	22.6%
Actual Cost for 1st Mile	£6.00	£6.40	6.7%
Actual Cost for 2 Miles	£8.70	£9.80	12.6%
Actual Cost for 3 Miles	£11.40	£13.10	14.9%
Actual Cost for 4 Miles	£14.10	£16.40	16.3%
Actual Cost for 5 Miles	£16.80	£19.70	17.3%
Actual Cost for 10 Miles	£30.30	£36.30	19.8%
Actual Cost for 15 Miles	£43.90	£52.90	20.5%
Actual Cost for 20 Miles	£57.40	£69.50	21.1%
Actual Cost for 30 Miles	£84.50	£102.70	21.5%
Actual Cost for 40 Miles	£111.60	£135.90	21.8%
Actual Cost for 50 Miles	£138.70	£169.20	22.0%
Actual Cost for 100 Miles	£274.00	£335.20	22.3%
Average Increase over 1 - 100 Miles			18.1%

Tariff 4:

Sneckie Taxis proposal

	Existing Tariff 4	Proposed Tariff 4	% Increase
1st Drop (Yds)	444	444	0.0%
2nd Drop (Yds)	49	40	18.4%
1st Drop Cost	£3.90	£3.90	0.0%
2nd Drop Cost	£0.10	£0.10	0.0%
Calculated Cost per additional Mile	£3.59	£4.40	22.5%
Actual Cost for 1st Mile	£6.60	£7.20	9.1%
Actual Cost for 2 Miles	£10.20	£11.60	13.7%
Actual Cost for 3 Miles	£13.80	£16.00	15.9%
Actual Cost for 4 Miles	£17.40	£20.40	17.2%
Actual Cost for 5 Miles	£21.00	£24.80	18.1%
Actual Cost for 10 Miles	£39.00	£46.80	20.0%
Actual Cost for 15 Miles	£56.90	£68.80	20.9%
Actual Cost for 20 Miles	£74.90	£90.80	21.2%
Actual Cost for 30 Miles	£110.80	£134.80	21.7%
Actual Cost for 40 Miles	£146.70	£178.80	21.9%
Actual Cost for 50 Miles	£182.60	£222.80	22.0%
Actual Cost for 100 Miles	£362.20	£442.80	22.3%
Average Increase over 1 - 100 Miles			18.7%

Tariff 5:

Sneckie Taxis proposal

	Existing Tariff 5	Proposed Tariff 5	% Increase
1st Drop (Yds)	444	444	0.0%
2nd Drop (Yds)	39	32	17.9%
1st Drop Cost	£3.90	£3.90	0.0%
2nd Drop Cost	£0.10	£0.10	0.0%
Calculated Cost per additional Mile	£4.51	£5.50	21.9%
Actual Cost for 1st Mile	£7.30	£8.10	11.0%
Actual Cost for 2 Miles	£11.80	£13.60	15.3%
Actual Cost for 3 Miles	£16.40	£19.10	16.5%
Actual Cost for 4 Miles	£20.90	£24.60	17.7%
Actual Cost for 5 Miles	£25.40	£30.10	18.5%
Actual Cost for 10 Miles	£47.90	£57.60	20.3%
Actual Cost for 15 Miles	£70.50	£85.10	20.7%
Actual Cost for 20 Miles	£93.10	£112.60	20.9%
Actual Cost for 30 Miles	£138.20	£167.60	21.3%
Actual Cost for 40 Miles	£183.30	£222.60	21.4%
Actual Cost for 50 Miles	£228.50	£277.60	21.5%
Actual Cost for 100 Miles	£454.10	£552.60	21.7%
Average Increase over 1 - 100 Miles			18.9%

Workings for the proposed changes

Sneckie Taxis - Proposal

T1 – Running mile: **£2.20**

T2 – Running mile: T1 (£2.20) + 25% = **£2.75**

T3 – Running mile: T1 (£2.20) + 50% = **£3.30**

T4 – Running mile: T1 (£2.20) x 2 = **£4.40**

T5 - Running mile: T2 (£2.75) x 2 = **£5.50**

Change to the tariff to obtain increases

T1 – Retain the initial yardage but reduce the additional yardage from 98 yards to 80 yards.

T2 - Retain the initial yardage but reduce the additional yardage from 78 yards to 64 yards.

T3 – Retain the initial yardage but reduce the additional yardage from 65 yards to 53 yards.

T4 – Retain the initial yardage but reduce the additional yardage from 49 yards to 40 yards.

T5 – Retain the initial yardage but reduce the additional yardage from 39 yards to 32 yards.

Taxi operator

5% increase in tariff 1

Retain the initial yardage but reduce the additional yardage from 98 yards to 93 yards