

---

## **NORTH AYRSHIRE COUNCIL**

**9<sup>th</sup> January 2019**

### **Licensing Committee**

---

**Title:** **Review and Fixing of Taxi Scales (Civic Government (Scotland) Act 1982, Sections 17 to 18A)**

**Purpose:** To advise Committee of procedure

**Recommendation:** That the Committee agrees:

- (a) to approve the proposed timetable for the Review and Fixing Process, as set out in the Appendix to this Report; and
- (b) to set a date and time for the Trade Consultation meeting with Taxi Operators.

---

## **1. Executive Summary**

- 1.1 The Licensing Committee exercises the functions of the Council as "Licensing Authority" under many statutes, including the Civic Government (Scotland) Act 1982 (as amended by the Criminal Justice and Licensing (Scotland) Act 2010).
- 1.2. Taxi fares and other charges are limited to the Scales fixed by the Licensing Authority (1982 Act, Section 17). These are the maximum amounts which may be charged. It is open to Operators to discount these rates if they wish.
- 1.3. The Licensing Authority must fix those Scales within 18 months of the current Scales coming into effect. The current Scales came into force on 17th December 2017, so the Licensing Authority must fix the new Scales by 17th June 2019.
- 1.4. Before fixing Scales the Licensing Authority must review the Scales in accordance with Section 17(4A). The Appendix to this Report sets out a possible timetable for the review process.

## **2. Background**

- 2.1 The procedure for reviewing and fixing Scales is set by the 1982 Act, and consists of a number of stages:

(a) First Committee Meeting - Trade Consultation (Section 17(4A)(a))

The Licensing Authority must consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area. The Council will:

- send letters to the principal trade associations inviting them to attend
- write to individual holders of Taxi Licences

A Notice would be placed on the Council website and on the Council's Facebook page. In past Consultations the meeting has been set for 10.00 a.m., and some operators have stated that this was too early for them.

As in past years, the Committee will have information about:

- the current Scales in North Ayrshire
- the rate of inflation
- the Scales set by other Licensing Authorities. The Committee should treat this information with caution as each Authority has its own charging basis, so comparison may not always be possible.

(b) Second Committee Meeting - Proposal (Section 17(4A)(b))

Following the Trade Consultation the Licensing Authority must review the existing Scales, and propose new Scales, whether at altered rates or the same rates;

(c) Public Consultation - First Advertisement (Section 17(4A)(c))

Following such Review the Licensing Authority must publish the proposed Scales in a newspaper circulating in its area, stating that any person may make representations in writing until a specified date falling at least one month after the first publication. Previous advertisements have appeared in local newspapers.

(d) Third Committee Meeting - Fixing the Scale (Section 17(2))

The Licensing Authority must consider such representations, and fix the Scales.

(e) Notification to Trade (Section 17(4D)..17(5))

The Licensing Authority informs both individual operators and trade organisations within 7 days of the Scales being 'fixed'. Any of them may appeal to the Traffic Commissioner within 14 days of receiving Notice, and Appeal suspends the decision to fix new Scales (Section 18(4)).

## (f) and (g) Second Advertisement (Section 18A)

The Licensing Authority is to publish the new Scales in local newspapers. The date of publication depends on whether or not there is an appeal:

- If there has been no appeal, publication occurs as soon as practicable after the expiry of the 14 day appeal period.
- If there is an appeal, publication occurs as soon as practicable after the determination of the appeal.

Publication is not a 'consultation', but is simply informing the public that the new scale has been fixed and will shortly come into effect.

- 2.2 The process of reviewing and fixing Taxi Fare Scales does not have a direct cost to the Trade, but it may have an indirect effect. In the event of an appeal to the Traffic Commissioner, the Licensing Authority must pay the Traffic Commissioner's account, regardless of the outcome of the Appeal: Section 18(10). The Council paid the Traffic Commissioner £4,277 after the 2015-16 Appeal. Such expenditure could be reflected in future Taxi Licence fees, as the reviewing and setting of Taxi Fare Scales is one of the 'functions' mentioned in 1982 Act, Schedule 1, Paragraph 15:

"A Licensing Authority shall charge such fees in respect of Taxi and Private Hire Car Licences and Applications for such Licences as may be Resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions under sections 10 to 23 (other than section 19) of this Act in relation to such Licences."

### **3. Proposals**

- 3.1 It is proposed that the Committee agrees to:-

- (a) approve the proposed timetable for the review process as set out in the appendix to the report; and
- (b) set a date and time to meet with the Trade to carry out Trade Consultation (Stage (a)).

### **4. Implications**

<b>Financial:</b>	The Taxi fare structure has substantial implications for both the trade and the community. In addition, legal costs to the Licensing Authority may arise if the fare review becomes subject to an appeal to the Traffic Commissioner, which may affect future Licence fees.
<b>Human Resources:</b>	None

<b>Legal:</b>	Possible appeal to the Traffic Commissioner.
<b>Equality:</b>	Any equalities issues, whether raised through the review process or otherwise will be addressed as part of the consideration of proposed scales.
<b>Children and Young People:</b>	Similarly any impacts on children and young persons will be addressed as part of the consideration of proposed scales.
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active")
<b>Community Benefits:</b>	There are no community benefits payable.

## 5. Consultation

- 5.1 Full consultation with the Trade and general public will be carried out in terms of the proposals detailed in this report.



Andrew Fraser  
Head of Democratic Services

For further information please contact **William O'Brien, Solicitor (Licensing)** on **01294 324305**.

## Background Papers

Possible timetable – Taxi Fare Review 2019

## Possible timetable - Taxi Fare Review 2019

(Stages as described in Report)

Stage	Action	Date
(a)	Meeting with taxi trade representatives/taxi operators to discuss proposals, consider revisions and finalise draft tariff	To be arranged
(b)	Licensing Committee meeting to approve finalised draft tariff and to authorise advertisement of the proposed tariff in local press	Wednesday 6 <sup>th</sup> March 2019
(c)	Newspaper advertisement for Public Consultation	as soon as possible after meeting on 6 <sup>th</sup> March 2019
(d)	<p>Licensing Committee meeting to consider representations, to fix new Scales, and set Effective Date (subject to appeal).</p> <p>This meeting is to be:</p> <ul style="list-style-type: none"> <li>- at least one month after the first publication by the authority of the proposed scales, and</li> <li>- within 18 months of the current Scales coming into effect.</li> </ul> <p>The current Scales came into force on 17th December 2017, so the Stage (d) meeting must be by 17th June 2019.</p>	Wednesday 8 <sup>th</sup> May 2019
(e)	Notification to Trade that new Scales have been fixed - within 7 days of the Stage (d) Meeting	Wednesday 15 <sup>th</sup> May 2019
(f)	Advertise new Scales (if no appeal to the Traffic Commissioner)	Not less than 14 days after the Notification in Stage (e)
(g)	Advertise new Scales (if there is an appeal)	as soon as practicable after the determination of the appeal.