
NORTH AYRSHIRE COUNCIL

10th April 2024

Licensing Committee

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

Purpose: To advise Committee of the procedure in respect of the review and consultation process for the taxi fare review.

Recommendation: That the Committee agree

- a) To approve the proposed timetable for the Review and Fixing Process, as set out in the Appendix to this Report: and
- b) To approve the suggested process of Trade Consultation with Taxi Operators.

1. Executive Summary

- 1.1 The Licensing Committee exercise 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. The fares charged by Private Hire Cars are not regulated.
- 1.3 The Licensing Authority must periodically review the Scales and fix new Scales. Each review must conclude with a decision to fix new Scales within 18 months of the current Scales coming into effect. The current Scales came into force on 4 May 2023 so, accordingly the Licensing Authority would have had to fix the new Scales by 3 November 2024. The current Scales remain in effect whether or not they are reviewed by that date.
- 1.4 The Appendix to this Report sets out a possible timetable for the review process. There is a statutory obligation to consult with Taxi Operators.

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))

Before fixing Scales, 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 legislation specifies that consultation must happen, but does not prescribe the form that that consultation must take. Although later stages of the review process involve consultation with the general public, Stage (a) only involves the Trade. Consultation proceeded by Taxi Operators meeting Committee Members in one of the meeting rooms at Cunninghame House. The Council would send emails to the principal trade associations and to individual holders of Taxi Licences inviting them to attend, inform them of the date and time of the meeting with Committee Members, and invite them to respond if they wish to participate in that meeting. In addition, a Notice would be posted on the Council's Facebook page explaining the procedure and telling operators how they can participate. Whether or not operators wished to participate directly, they would be told that they could make representations by sending emails to the Licensing office.

(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; (at this stage all that the Council are doing is proposing new Scales; the decision to fix them does not happen until later, after public consultation);

(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 any 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 Scales have been fixed and will shortly come into effect.

3. Proposals

3.1 It is proposed that the Committee agree 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/Socio-economic Duty

Financial

4.1 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.

Human Resources

4.2 None

Legal

4.3 Possible appeal to the Traffic Commissioner.

Equality/Socio-economic

4.4 None. An "Equality Impact Assessment" is not considered necessary. There are no socio-economic implications of the proposals.

Climate Change and Carbon

4.5 None

Key Priorities

4.6 North Ayrshire Council has priorities for Aspiring Communities in the Council Plan 2019-2024. 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 Outcome: "North Ayrshire's residents and communities are safe".

Community Wealth Building

4.7 There are no Community Wealth Building Issues.

5. Consultation

- 5.1 No consultations are necessary or appropriate at this stage of the statutory process, which will later involve consultation with the Trade and the general public.

Aileen Craig
Head of Democratic Services

For further information please contact **Raymond Lynch, Senior Manager, Legal Services,** on **licensing@north-ayrshire.gov.uk**.

Background Papers

Possible proposed timetable

Possible timetable – Taxi Fare Review 2024

Stage	Event
-	FIRST COMMITTEE MEETING on 10 April 2024 The initial timetabling meeting - Members set date for the Trade Meeting.
Stage (a)	Trade Meeting (usually within one month after the FIRST COMMITTEE MEETING)
Stage (b)	SECOND COMMITTEE MEETING on 5 June 2024 The Committee: 1. adopts <u>draft</u> proposals, and 2. authorises that these be advertised for public comment
Stage (c)	public consultation period (one month or more)
Stage (d)	THIRD COMMITTEE MEETING on 14 August 2024. Committee: 1. considers the Trade views and the consultation responses. 2. Fixes the Scales, setting a date for them to be effective - that date re-starts the 18-month 'review clock'.
Stage (e)	<u>Notification to Trade</u> The Licensing Authority informs both individual operators and trade organisations within 7 days of the Scales being 'fixed'.
Stage (f)	Publication of new Scales