

CABINET - 19TH SEPTEMBER 2018

SUBJECT: OUTCOME OF CONSULTATION IN RESPECT OF PROPOSALS TO

INCREASE HACKNEY CARRIAGE FARE TARIFFS

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

1.1 To consider any objections received from the statutory consultation on the proposed tariff of fares and approve the fare tariff with or without modification and the date it comes into effect.

2. SUMMARY

2.1 The Tariff of fares for Hackney Carriages has been reviewed in response to requests received from the licensed trade. Reports were considered previously by the Taxi and General Licensing Committee and Cabinet. On the 25th of July Cabinet approved a draft tariff for publication and statutory consultation. The result of the consultation exercise is detailed below.

3. LINKS TO STRATEGY

- 3.1 The review of the Hackney Carriage Fare Tariff contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
 - A prosperous Wales
 - A resilient Wales
 - A more equal Wales

4. THE REPORT

4.1 In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, a local authority may fix and vary the rates or fares within their district and all other charges in connection with the hire of a hackney carriage. Prior to bringing into force any changes, the authority must publicise its proposals in the local press for a period of fourteen days to allow for any objections.

A report on amendments to the Tariff of Fares was considered by Cabinet on the 25th July 2018 and approval given for the statutory publication of the proposed new tariff as set out in Appendix A for a 14 day consultation period. Cabinet were also informed that following the consultation if no objections were received, the fare tariff would come into effect immediately. If any objections were received that Cabinet would receive a further report to consider these and to approve the fare tariff with or without modification and the date upon this should come into effect.

- 4.2 An advertisement detailing the public consultation was placed in the Western Mail newspaper on the 4th August 2018 and a notice displayed at the council offices at Ty Penallta, Ystrad Mynach. A letter was sent to all licensed drivers in the borough and a press release issued and information posted on the council's corporate website. In line with the Equality Impact Assessment officers also e-mailed groups representing those with protected characteristics namely Caerphilly County Borough Access Group, Disability Can Do and the 50plus forum notifying them of the consultation.
- 4.3 Prior to the expiry of the consultation period on the 17th August 2018, one formal objection was received to the proposed increase. A copy of the objection is reproduced as Appendix B. Members will note that the respondee primarily objected to the times of operation of the tariffs i.e 7am-7pm for tariff 1 and 7pm-7am for tariff 2. The respondee suggested that the tariff times should be applicable between 6am to 10pm (tariff1) and 10pm to 6am (tariff2) but did not expand on the reasons for his suggestion. An additional comment on Tariff 2 and 7pm 7am time period was also received via Social Media, this individual was directed to the formal mechanism to register any objection; however no further contact was received.
- 4.4 The Equalities Impact Assessment (EIA) has been updated following the consultation undertaken. A copy of the EIA is reproduced as Appendix C.
- 4.5 Cabinet are requested to consider the wide scale consultation undertaken, the low levels of representations received and approve a tariff with or without modification and the date it comes into force.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 The review of the Tariff of Fares contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention and public protection as the tariff setting process establishes a maximum standard charge applicable to all hackney carriages. There is also involvement particularly through the consultation process for the trade and general public to submit proposed amendments to the tariff.

6. EQUALITIES IMPLICATIONS

- An EIA screening was completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and some potential negative impacts were identified affecting one or more of the target groups. A full EIA was carried out and has been updated to reflect the statutory consultation and objections received. The amended EIA is attached as Appendix C.
- Increasing the tariff of fares will impact on the travelling public and in particular on those groups that use Hackney carriages more often as detailed in the EIA. The increase is believed to be moderate and if implemented Tariff 2 will not apply until 7pm thus not impacting on day time travel. The taxi trade also have to earn a living and the current tariff is below the regional and national average and has not increased since 2010. Running costs have increased since that time and so in summary the conclusion is that the tariff should be amended and that an increase is overdue.

7. FINANCIAL IMPLICATIONS

7.1 None.

8. PERSONNEL IMPLICATIONS

8.1 None.

9. CONSULTATION

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.
- 9.2 Details of the statutory consultation and responses, objections received are detailed in 4.2 and 4.3 above.

10. RECOMMENDATIONS

10.1 That Cabinet approve the implementation of the tariff as detailed in Appendix A with an effective date of the 25th September 2018.

11. REASONS FOR RECOMMENDATION

11.1 To bring into force amendments to the hackney carriage vehicle fare tariff following statutory consultation. This is an Executive function.

12. STATUTORY POWER

12.1 Local Government (Miscellaneous Provisions) Act 1976.

Author: Lee Morgan, Licensing Manager.

Consultees: Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection

Mark S. Williams, Interim Corporate Director Communities

Rob Hartshorn, Head of Public Protection, Community & Leisure Services.

Robert Tranter, Head of Legal Services and Monitoring Officer

Jacqui Morgan, Trading Standards, Licensing & Registrars Manager

Lisa Lane, Corporate Solicitor James Williams, Senior Solicitor

Anwen Cullinance, Senior Policy Officer (Equalities and Welsh Language)

Shaun Watkins, HR Manager Mike Eedy, Finance Manager

Background Papers:

Cabinet Report Proposal to increase Hackney Carriage Fare Tariffs 25th July 2018 Taxi and General Licensing Sub Committee Report 21st June 2018

Appendices:

Appendix A - Proposed New Tariff

Appendix B – A copy of the objection received

Appendix C – Amended EIA

CAERPHILLY COUNTY BOROUGH COUNCIL		
CYNGOR BWRDEISTREF SIROL CAERFFILI FARES FOR HACKNEY CARRIAGES		
TARIFF 1 (1-4 passengers for hiring begun between 7.00 am & 7.00pm) For the first mile or part thereof	£3.40	
For each subsequent 1/20 th of a mile or part thereof	10p	
TARIFF 2 (1-4 passengers for hiring begun between 7.00pm & 7.00 am)		
For the first mile or part thereof For each subsequent 1/22 th of a mile or part thereof	£3.90 10p	
TARIFF 3 (1-4 passengers for hiring on Bank & Public Holidays and 5-8 passengers for hiring at all times) For the first mile or part thereof.	C4 00	
For each subsequent 1/22 nd of a mile or part thereof	£4.90 15p	
TARIFF 4 (1-4 passengers for hiring between 7.00 pm Christmas Eve and 7.00 am on 27th December and between 7.00 pm New Years Eve and 7.00 am on 2nd January only) For the first mile or part thereof For each subsequent 1/20 th of a mile or part thereof	£6.40 20p	
TARIFF 5 (5-8 passengers for hiring between 7.00 pm Christmas Eve and 7.00 am on 27 th December and between 7.00 pm New Years Eve and 7.00 am on 2 nd January only)	£9.40	
For the first mile or part thereof For each subsequent 1/20 th of a mile or part thereof	29.40 30p	
WAITING TIME (Incorporated in each of the above Tariffs) For each period of 30 seconds or uncompleted part thereof	10p	
EXTRA CHARGES		
N/A incorporated in Tariffs 3 & 5 Animals carried at the driver's discretion (except guide, hearing & other	50p each	
assistance dogs which will be carried free of charge) Contamination fee for fouling of the vehicle	£150.00	
JOURNEYS OUTSIDE CAERPHILLY COUNTY BOROUGH Fares for journeys ending outside the area of the Caerphilly County Borough and in respect of which no fare or rate of fare was agreed before the hiring was effected, must not exceed the authorised fare scale as shown above		
Dated this ⁿ day of 2018 MR. R. HARTSHORN Head of Public Protection		

Extract of email communications detailing objection received on 8th of August from a licensed driver.

Initial objection

To Mr Lee Morgan. I contact you with reference to your letter dated 31st July 2018.

I object to the time changes proposed. Tariff 1 should be 6.00am to 10.00pm not 7.00am to 7.00pm

Tariff 2 should be 10.00pm to 06.00am

Tariff 3 Please clarify start and end times for bank holidays.

Tariff 4 should be 7.00pm Christmas eve through to 06.00am 27th December with the same times applied to new year's.

Tariff 5 the times to match as tariff 4 for festive period.

I see no tariff for hiring 5 – 8 passengers for Bank and public holidays.

I look forward to your reply.

Regards

Clarification Response

I acknowledge receipt of your objection and note your comments following your email below.

To clarify - Tariff 3 would take effect from midnight (0.00hrs – until 23.59 hrs) on a bank holiday. This rate is also applicable to 5-8 seater vehicles at all times. (This reflects the current position)

The Consultation period will end on the 17th August 2018. Should you maintain your comments, then Cabinet will consider them and any others received at a meeting likely to be held in September.

Regards

Lee Morgan Licensing Manager

Further email from objector

Dear Mr Morgan I thank you for your reply. Perhaps you may consider highlighting the bank holiday times on the tariff card and also give some consideration to a 5-8 passenger tariff for a bank holiday. I look forward to you presenting all that I have mentioned to the cabinet in September.

EQUALITY IMPACT ASSESSMENT FORM

April 2016

THE COUNCIL'S EQUALITIES STATEMENT

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

NAME OF NEW OR REVISED PROPOSAL*	Review of Hackney Carriage Tariff of Fares
DIRECTORATE	Communities
SERVICE AREA	Public Protection
CONTACT OFFICER	Jacqui Morgan
DATE FOR NEXT REVIEW OR REVISION	At next tariff review

*Throughout this Equalities Impact Assessment Form, 'proposal' is used to refer to what is being assessed, and therefore includes policies, strategies, functions, procedures, practices, initiatives, projects and savings proposals.



INTRODUCTION

The aim of an Equality Impact Assessment (EIA) is to ensure that Equalities and Welsh Language issues have been proactively considered throughout the decision making processes governing work undertaken by every service area in the Council as well as work done at a corporate level.

The form should be used if you have identified a need for a full EIA following the screening process covered in the **Equalities Implications in Committee Reports** guidance document (available on the **Equalities and Welsh Language Portal** on the Council's intranet).

The EIA should highlight any areas of risk and maximise the benefits of proposals in terms of Equalities. It therefore helps to ensure that the Council has considered everyone who might be affected by the proposal.

It also helps the Council to meet its legal responsibilities under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, the Welsh Language (Wales) Measure 2011 and supports the wider aims of the Well-being of Future Generations (Wales) Act 2015. There is also a requirement under Human Rights legislation for Local Authorities to consider Human Rights in developing proposals.

Specifically, Section 147 of the Equality Act 2010 is the provision that requires decision-makers to have 'due regard' to the equality implications of their decisions and Welsh Language Standards 88-97 require specific consideration of Welsh speakers under the Welsh Language Standards (No.1) Regulations 2015.

The Older People's Commissioner for Wales has also published 'Good Practice Guidance for Equality and Human Rights Impact Assessments and Scrutinising Changes to Community Services in Wales' to ensure that Local Authorities, and other service providers, carry out thorough and robust impact assessments and scrutiny when changes to community services are proposed, and that every consideration is given to mitigate the impact on older people and propose alternative approaches to service delivery.

The Council's work across Equalities, Welsh Language and Human Rights is covered in more detail through the **Equalities and Welsh Language Objectives and Action Plan 2016-2020**.

This approach strengthens work to promote Equalities by helping to identify and address any potential discriminatory effects before introducing something new or changing working practices, and reduces the risk of potential legal challenges.

When carrying out an EIA you should consider both the positive and negative consequences of your proposals. If a project is designed for a specific group e.g. disabled people, you also need to think about what potential effects it could have on other areas e.g. young people with a disability, BME people with a disability.

There are a number of supporting guidance documents available on the **Equalities and Welsh Language Portal** and the Council's Equalities and Welsh Language team can offer support as the EIA is being developed. Please note that the team does not write EIAs on behalf of service areas, the support offered is in the form of advice, suggestions and in effect, quality control.

Contact equalities@caerphilly.gov.uk for assistance.

PURPOSE OF THE PROPOSAL

1 What is the proposal intended to achieve?

(Please give a brief description of the purpose of the new or updated proposal by way of introduction.)

The aim of the proposal is to set a tariff of fares that is reasonable to the travelling public and to the taxi trade who earn a living by owning or driving hackney carriages. The current tariff of fares has not increased since 2010. A number of factors influencing taxi journey costs have increased since that time e.g. 3.2 % increase in fuel costs and significant increases in vehicle insurance prices. The latest figures for CPI Consumer Price Index is 2.3%.

2 Who are the service users affected by the proposal?

(Who will be affected by the delivery of this proposal? e.g. staff members, the public generally, or specific sections of the public i.e. youth groups, carers, road users, people using country parks, people on benefits etc.)

Members of the public who use Hackney Carriages and Hackney carriage drivers and proprietors who earn their living from this trade.

IMPACT ON THE PUBLIC AND STAFF

Does the proposal ensure that everyone has an equal access to all the services available or proposed, or benefits equally from the proposed changes, or does not lose out in greater or more severe ways due to the proposals?

(What has been done to examine whether or not these groups have equal access to the service, or whether they need to receive the service in a different way from other people?)

Tariff of fares applies to all passengers who use Hackney carriage vehicles with a set tariff of fares. An increase may impact on those that use taxis regularly, the elderly, the young, those who live in rural areas with limited public transport, do not have access to their own transport, have mobility issues. Passengers may however also contact private hire companies and book vehicles in advance with prior knowledge of the cost of the journey. These fees are set by the private hire companies themselves and are not subject to this assessment.

Actions required:

4 What are the consequences of the above for specific groups?

(Has the service delivery been examined to assess if there is any indirect affect on any groups? Could the consequences of the policy or savings proposal differ dependent upon people's disability, race, gender, sexuality, age, language, religion/belief?)

Passengers

The increase in fares applies to all passengers regardless of race, ethnicity, sexual orientation or religion/belief. An increase may impact more on those that use taxis regularly, live in rural areas with limited public transport, do not have access to their own transport, have mobility issues.

There is no specific data available on impacts of tariff increases on users in Wales. Statistics from the Department of Transport in England in 2016 provide information on categories of users generally of Hackney carriage and Private hire vehicles by age, gender, mobility difficulties, household income and car access. The data includes average number of journeys for people in various groups. This has been used to assess impact in conjunction with statistical information for the borough from the 2011 census.

Taxi Trade

The taxi trade would benefit from a Tariff increase as the current tariff has not been increased since 2010. It was reviewed in 2014 but there was no appetite from the trade for an increase at that time. Members of the trade have approached the authority requesting an increase due to increased costs .

One proposal put forward by the trade equated to a 25% increase. Option 4 proposes an increase of 13% for a 2 mile journey. National average fare for a 2 mile journey is £5.82, regional average £5.04, CCBC current tariff is £ 4.80.

Insure survey of 1000 drivers in 2016

Fuel costs have increased by 3.2 % since 2010, average spend on fuel by drivers in Wales is £80 per week . General consumer insurance costs have risen by 15% since 2010. Average cost of taxi insurance is between £1000 and £4000 per annum. Maintenance costs between £50 and £100 per month. Average taxi driver earnings in Wales before tax = £310 per week. 40 % of responders sited the cost of being a taxi driver as the biggest threat to their profession.

CCBC consultation exercise.

482 consulted, 20% response rate. 94 % of responders were in favour of an increase, 47.4 % in favour of option 4. 8.2 % were against an increase. The Tariff is the recommended fare , drivers may charge less but cannot charge more. There will be a cost to proprietors for recalibration of meters if the tariff is amended.

Actions required:

Consideration of proposed amendments at Licensing Committee and Cabinet. Formal consultation exercise and consideration of responses. If objections are received a further report will be submitted to Cabinet to set the tariff.

In line with the requirements of the Welsh Language Standards. (No.1)
Regulations 2015, please note below what effects, if any (whether positive or adverse), the proposal would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.

(The specific Policy Making Standards requirements are Standard numbers 88, 89, 90, 91, 92 and 93. The full detail of each Standard is available on the Equalities and Welsh Language Portal)

The tariff of fares required to be displayed in hackney carriages is bilingual and applies across the board so there would be no impact on the Welsh language. The consultation advertisement in newspapers and on the CCBC website will be bilingual. The language requirements of taxi drivers, proprietors is recorded and complied with when corresponding with them.

Actions required:

Produce new bilingual tariffs and issue to trade once tariff is set.

INFORMATION COLLECTION

6 Is full information and analysis of users of the service available?

(Is this service effectively engaging with all its potential users or is there higher or lower participation of uptake by one or more groups? If so, what has been done to address any difference in take up of the service? Does any savings proposals include an analysis of those affected?)

See section 4.

We are not aware of any information specifically for Wales so have used the data in survey detailed in section 4 above and the CCBC profile from the last census.

NB where "taxi" is used below this includes private hire vehicles as well as taxis. Percentages in brackets are figures for CCBC from the 2011 census. Caerphilly has a divergent demographic profile with a higher proportion of children and people of retirement age than Welsh averages. It has the second lowest employment rate in Wales with comparatively higher levels of deprivation.

Proposal 4 has been used to consider financial impact.

Passengers

General impact

Average person takes 11 trips per annum, 49% trips for leisure purposes, 51% shopping, personal business& commuting. 24% of trips are less than 2 miles, 50% are between 2 and 5 miles.

Annual increase of £6.60 for 2 mile journeys and £ 13.20 for 5 mile journeys.

Largest use group by age is 16 to 29 year olds (12.7% 33,437)

Women take more trips than men, averaging 12 per year (50.5 % CCBC population)

Passengers with mobility issues take on average 16 journeys per year (14% or approximately 25,000)

Annual increase of £9.60 for 2 mile journeys and £ 19.20 for 5 mile journeys.

Household income

Average person in the lowest real income quintile take 14 journeys per year averaging 4.6 miles. **Annual increase =£16.80 for 5 mile journeys.**

No car access

Persons with no access to a vehicle take on average 29 journeys per annum. Annual increase of £17.40 for 2 mile journeys, £34.80 for 5 mile journeys.

A person using a taxi once a week for a journey to a supermarket etc. Annual increase 2 mile journey £31.20, 5 mile journey £62.40.

Actions required:

As information on this issue is limited we will endeavour to strengthen our understanding by engaging with organisations representing those with protected characteristics for example, 50+ Forum, Caerphilly County Borough Access group, Disability Can Do, Deafblind.org etc.

CONSULTATION

7 What consultation has taken place?

(What steps have been taken to ensure that people from various groups have been consulted during the development of this proposal? Have the Council's Equalities staff been consulted? Have you referred to the Equalities Consultation and Monitoring Guidance?)

Members of the taxi trade have been consulted on suggestions for amending the tariff and stakeholders within the authority. Members of the Taxi and General Licensing Committee considered a number of proposals for amending the tariff and the taxi trade consultation responses at a meeting on 21/6/18. The Committee recommended a proposed new tariff to Cabinet at a meeting on the 25th of July 2018. The latter approved option 4 for formal consultation and an advertisement was published in the local press on the 4th of August . This is a statutory requirement.

The proposed tariff was also published on the CCBC website and displayed at Ty Penallta . The authority issued a press release making the public aware of the 14 day consultation and how to give feedback on the amended tariff, a letter was also sent to the taxi trade informing of the formal consultation and deadline for responses. Representatives of groups likely to be more effected by the increase were emailed making them aware of the consultation and how to submit any comments. The groups consulted were as follows:-

The consultation ended on the 17th of August. One comment was made to CCBC via social media and was advised to respond formally but did not do so. The person queried the reasons for changing Tariff 2 (midnight till 6am) to 7pm till 7am. He pointed out that many people work evenings and may be caught by this change.

Only one formal objection was received which was from a licensed driver. The driver wanted Tariff 2 to start at 10pm not 7pm but did not give any reasons in support of the objection.

No objections or comments were received from the groups detailed above.

A further meeting of Cabinet has been arranged for the 19th of September to consider objections and to determine the tariff that will apply in the borough.

Actions required:

Further report to Cabinet.

MONITORING AND REVIEW

8 How will the proposal be monitored?

(What monitoring process has been set up to assess the extent that the service is being used by all sections of the community, or that the savings proposals are achieving the intended outcomes with no adverse impact? Are comments or complaints systems set up to record issues by Equalities category to be able analyse responses from particular groups?)

Monitor complaints received about tariffs, feedback from trade and public on any impacts of the increase. Review if any objections are received to the formal consultation. Additionally at the next tariff review and or when any new data is available on taxi usage in Wales/ the borough.

Actions required:

Monitor as detailed above.

9	How will	the monitoring	be evaluated?
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(What methods will be used to ensure that the needs of all sections of the community are being met?)

Monitor any complaints, data received for impacts on specific groups.

Actions required:

Have any support / guidance / training requirements been identified?

(Has the EIA or consultation process shown a need for awareness raising amongst staff, or identified the need for Equalities or Welsh Language training of some sort?)

Officers involved in the Tariff review process, consultation and preparation of reports for the Licensing Committee and Cabinet have recently attended training on Equality Impact Assessments. Training materials from the course are also available for dissemination to other officers in the team.

Actions required:

Managers will consider the need for staff members to attend general Equalities training.

11 Where you have identified mitigating factors in previous answers that lessen the impact on any particular group in the community, or have identified any elsewhere, please summarise them here.

Increasing the tariff will impact on Hackney Carriage users, higher users for whatever reason (age, mobility, no access to vehicles etc) will obviously be more affected. The taxi trade also have to earn a living. The tariff has not increased since 2010 and costs associated with providing that service have increased significantly since then. The increase is modest and if implemented Tariff 2 will not have effect until 7pm so will not impact on day time users. Only one formal objection was received in relation to the times for Tariff 2 and one informal comment. Many people do work later than 7pm of any evening but it is believed that the proposed times are a balance in terms of not disadvantaging daytime travellers/commuters but also providing the trade with the opportunity for increased income from persons who would be predominantly travelling to enjoy the night time economy.

What wider use will you make of this Equality Impact Assessment?

(What use will you make of this document i.e. as a consultation response, appendix to approval reports, publicity etc. in addition to the mandatory action shown below?)

All CCBC EIA's are published on our website. This EIA will be included as an appendix to the report for Cabinet.

Actions required:

 EIA, when completed, to be returned to equalities@caerphilly.gov.uk for publishing on the Council's website.

Completed by:	Jacqui Morgan
Date:	20.8.18
Position:	Group Manager
Name of Head of Service:	Rob Hartshorn