

Wiltshire Council

Environment Select Committee

8 January 2019

Final Report of the Late-night Taxi Fares Task Group

Purpose

1. To present the findings and recommendations of the Late-night Taxi Fares Task Group for endorsement and referral to the Cabinet Member for Adult Social Care, Public Health and Public Protection.

Background

2. The Task Group was established by Environment Select Committee on 26 June 2018. This followed a request from the Cabinet Member for Adult Social Care, Public Health and Public Protection for a scrutiny review of the current schedule of late-night tariffs for Hackney Carriages as adopted by the Licensing Committee in 2014.
3. The current tariff schedule has been adopted across the current four hackney carriage zones. These zones are North, South, East and West and are based on the previous district council areas. The tariff schedule was approved by the Licensing Committee in 2014 having considered the findings of a consultation on the introduction of a single charging zone and one table of fares to apply throughout all four zones. This was implemented as part of the council's plan at the time to harmonise hackney carriage and private hire licence guidelines and hackney carriage tariffs across the county.
4. In requesting the scrutiny review, the Cabinet Member reported that:
 - A number of complaints had been received regarding the charging of high late-night fares (tariffs 4 and 5) in the Salisbury area and the alleged detrimental effect this might be having on Salisbury's night time economy (NTE).
 - Anecdotally, these incidences often related to military personnel returning from Salisbury to their bases.
 - Concerns had also been raised regarding whether Wiltshire's late-night tariffs were competitive with those in nearby night-time centres such as Andover, Swindon, Southampton and Bournemouth.
 - In the context of the ongoing recovery effort in Salisbury following the events of 4 March 2018, it was appropriate to undertake a review of this issue at this time.

Methodology

5. The task group comprised the following membership:

Cllr Derek Brown OBE
Cllr Brian Dalton
Cllr Matthew Dean
Cllr Peter Evans
Cllr Ian McLennan
Cllr Graham Payne (Chairman)

NB. It should be noted as a written declaration of interest that Cllr Dean is a publican in Salisbury.

6. The Task Group's terms of reference were:

"In the context of the Salisbury recovery effort and reports of high late-night fares being charged in the Salisbury area,

1. To investigate whether the current schedule of late-night tariffs for Hackney Carriages, as adopted by the Licensing Committee in 2014,
 - a) Is supportive of Wiltshire's night time economy (NTE)
 - b) Is comparable to, and competitive with, night time centres in adjoining counties
 - c) Provides a fair system across all parts of the county.
2. To make any evidenced recommendations for improvement as appropriate."

7. The task group met on 5 occasions and is grateful to the following witnesses for contributing to its review:

Amanda Newbery	Chairperson of Pubwatch Salisbury, and owner of Chapel Nightclub in Salisbury
Steve Godwin	Operations Manager of Salisbury Business Improvement District (BID)
Tim Deacon	Managing Director of Value Cars and Vice-president of Salisbury and District Chamber of Commerce
Ceri Hurford-Jones	Managing Director of Spire FM and Director of Salisbury and District Chamber of Commerce
Alex Oram	Salisbury and District Chamber of Commerce
Jo Hulbert	Compliance Officer, Fleet Compliance Team, Wiltshire Council
Dan Farr	Compliance Officer, Fleet Compliance Team, Wiltshire Council
Julie Anderson-Hill	Head of Service, Culture and Operational Change, Wiltshire Council

Tom Ince	Amenity Partnership Team Leader, Wiltshire Council
Cllr Jerry Wickham	Cabinet Member for Adult social care, public health and public protection, Wiltshire Council
Cllr Peter Hutton	Chairman, Licensing Committee, Wiltshire Council
	5 x representatives of the taxi trade in Wiltshire (East x 1, South x 2, West x 3)

Evidence

Background to the current tariffs and system

8. The current Hackney Carriage vehicle tariffs (set out at Appendix 1) were introduced by the Licensing Committee in 2014 in order to harmonise the different tariffs of the four former district councils. It represents a single set of **maximum** tariffs that applies to Hackney Carriages (often referred to as 'taxis') across the whole county.
9. To be clear, a Hackney Carriage,
 - Can be flagged down by passengers in the street and can use designated taxi ranks
 - Must be fitted with a roof sign and a meter, the meter must be calibrated to the maximum fare, which is set by the council. The driver must always use the meter and must not charge more than the maximum fare for the journey, although can charge less.
10. A private hire vehicle (sometimes referred to as a minicab), however,
 - Must be booked in advance of the journey
 - Must not have a roof sign and does not have to have a meter fitted
 - The council has no control of the fare
 - Bookings must be taken through a private hire operator.
11. While the Licensing Committee resolved to introduce a single table of Hackney Carriage tariffs, it resolved not to remove the four district-based 'zones'. This means that drivers may still only pick up customers (off the street or rank) from within their designated zone – though drivers' adherence to this is not proactively policed by the council. Drivers can, however, take customers beyond their designated zone. Private hire vehicles are not zoned and so can be pre-booked to pick up anywhere in the county.
12. The Licensing Committee's decision not to remove taxi zones was against the preference of the Department of Transport, whose guidance advises in favour of harmonisation.
13. The taxi tariff options put before Licensing Committee in 2014 were developed following a survey of the taxi trade, with each license holder and operator written to by the council and invited to consultation meetings. The overall response to the survey was low, but was considered fairly typical for this service. The taxi

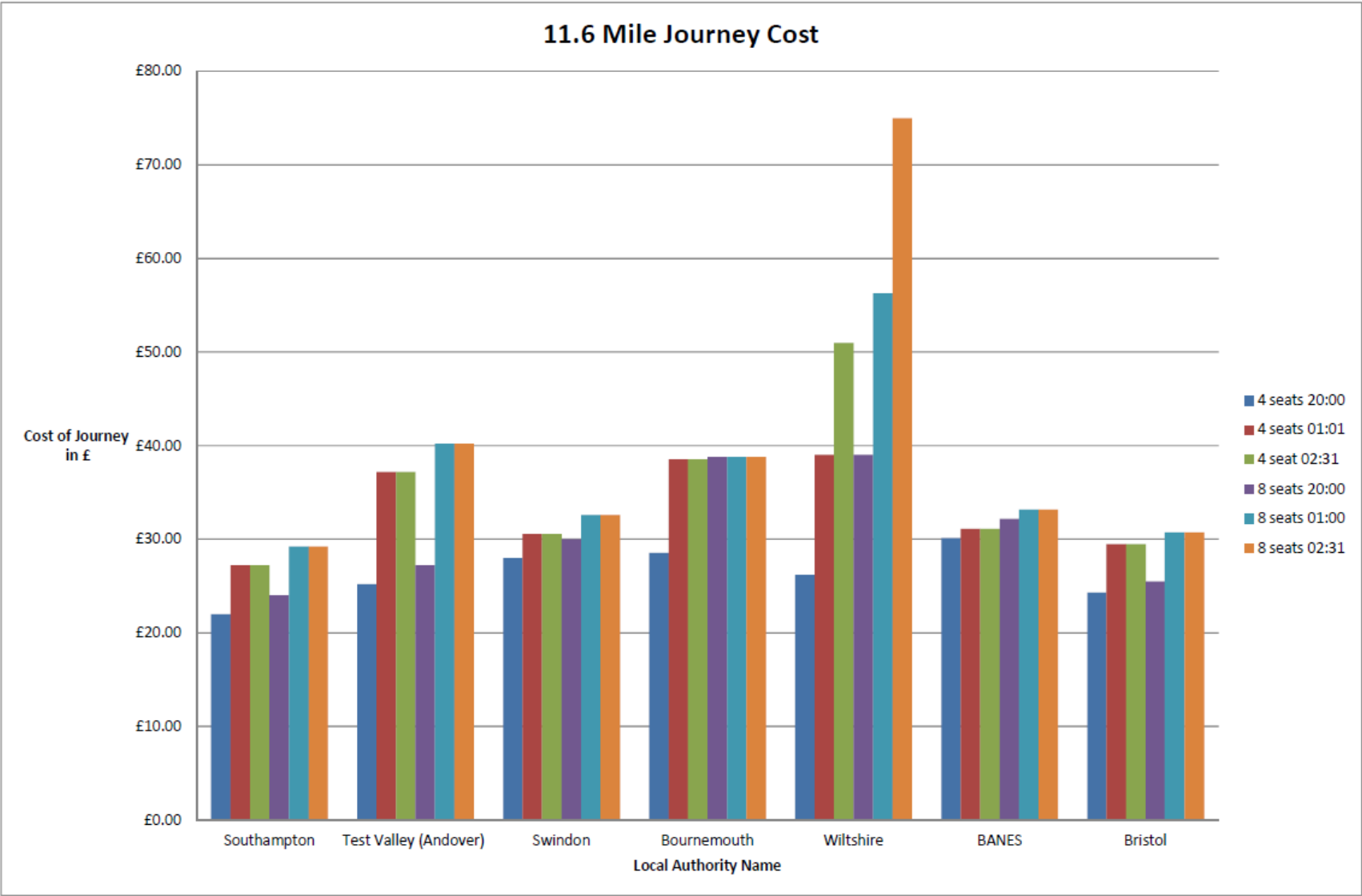
trade had also, since 2009, been regularly updated regarding the need to review the zoning and table of fares. Therefore, the low response rate could have been due to a degree of trade acceptance of a harmonised single zone and tariff for the county.

14. Following the Licensing Committee's decision, a public notice was published in the local newspapers, but no comments or objections were received.

Tariff comparisons with other local authority areas

15. A comparison of fares charged for an 11.6 mile journey under the jurisdiction of seven local authorities in the South West is shown in Graph 1 below (and is further detailed under Appendix 2). 11.6 miles is the distance between the Bulford army base and the largest nightclub in Salisbury. This was considered an appropriate exemplar journey given the Task Group's terms of reference.
16. Graph 1 shows the fares charged for both 5-seater and 8-seater taxis, the latter of which carry a higher fare in some local authority areas (including Wiltshire).
17. The data shows that, in comparison with the other areas, Wiltshire's maximum tariffs for 5-seater taxis are,
 - a) Approximately average for a journey starting at 8:00pm
 - b) High for a journey starting at 1:01am (marginally the highest)
 - c) Very high for a journey starting at 2:31am (significantly the highest).
18. The data also shows that, in comparison with other areas, Wiltshire's maximum tariffs for 8-seater taxis are,
 - a) High for a journey starting at 8:00pm (approximately joint highest)
 - b) Very high for a journey starting at 1:01am (significantly the highest)
 - c) Very high for a journey starting at 2:31am (significantly the highest).

Graph 1 – Comparison of maximum Hackney Carriage fares



Views on Wiltshire's late-night maximum tariffs (3 and 5)

19. The Task Group met with six witnesses from the Salisbury area, including a member and a representative of the late-night economy, the managing director of a Salisbury-based taxi company and a representative of the taxi trade in the Salisbury area (see paragraph 7 for details). The following points were put forward on a number of occasions:

Witness comments:

- a) The introduction of revised tariffs in 2014 caused problems for businesses and the taxi trade. It has been on the Purple Flag and Pubwatch agenda as an issue of concern since then.
- b) Some Salisbury taxi companies have never applied Tariff 3 (which can be charged 2.30-5.59am). However, some companies and independent drivers do charge Tariff 3. There are some stories of drivers potentially capitalising on public confusion about the late-night tariffs by charging unreasonable amounts.
- c) The inconsistent use of Tariff 3 (and consequent confusion) may cause delays in getting people who have been drinking off the streets and home, increasing the risk of antisocial behaviour. It also increases the likelihood of customers being surprised by the amounts charged, which can lead to arguments and non-payment. Some customers reject drivers at the front of the queue if they charge Tariff 3 (when permitted to), causing discord at the rank.
- d) Two night-time venues in Salisbury now shut at 2:00am so people wanting to go home can be on the threshold of the 2.30am change to Tariff 3, causing confusion.
- e) The current tariff system makes Salisbury less competitive with neighbouring areas and discourages people from coming to the city for evenings out. Customers in the Salisbury area – including military personnel at the Bulford and Larkhill bases – are increasingly choosing alternative night-time attractions like Andover, Bournemouth, Gillingham and Southampton.
- f) With the Salisbury area's population set to grow significantly in the coming years due to military rebasing and large housing developments, it is important that newcomers are encouraged to choose Salisbury as their evening destination. Without action, they may get used to visiting other areas for nights out rather than Salisbury.
- g) Three of the Salisbury witnesses spoken to specifically suggested the following alternative tariff system:
 - Tariff 1 at all times except,
 - Tariff 2 from 11.00pm or 12.00am Saturday night and throughout Sunday

- Tariff 3 on Bank Holidays only

20. However, the Task Group also met with taxi trade representatives from **other parts of the county** who, in general, reported that:

Witness comments:

- a) Tariffs 3 and 5 are essential to enable drivers and companies to make a profit, as late-night is the highest earning period of the day.
- b) If Tariffs 3 and 5 were removed then many drivers would not work late hours, making it difficult for people to get home, *potentially* increasing incidences of antisocial behaviour and causing problems for the police (this has not been checked with the police by the Task Group).
- c) In recent years drivers need to work significantly more hours than historically due to the reduction in people going for nights out (with more people drinking and socialising at home). The tariffs, introduced in 2014, have also never been adjusted to reflect increases in fuel and maintenance costs and higher licensing fees, which also make it harder for drivers and companies to make a profit. Removing Tariffs 3 and 5 would therefore exacerbate this issue.

21. It should be noted that changes to maximum tariffs carry a cost of approximately £20 per taxi, payable by the operator.

Maximum tariffs for 8-seater vehicles

22. Some witnesses suggested that 8-seater taxis should either follow the same maximum tariffs as 5-seater taxis or be able to charge a slightly higher upfront fee, but not the markedly higher fares currently permitted.
23. Some commented that the higher tariffs were essential for making a profit from larger taxis and that higher tariffs made up for fewer trips and the higher running costs of larger vehicles.

Customer service and protection of the public

24. Some witnesses commented that greater measures should be put in place to protect standards of customer service and the welfare of passengers. Taxis are used regularly by vulnerable groups, and drivers have significant power over passengers who place themselves in drivers' hands.
25. The Task Group received some reports (**unsubstantiated by the Task Group**) of passengers being,
 - Overcharged, sometimes through the driver illegally selecting an 8-seater tariff when driving a 5-seater taxi (stated several times)
 - Being escorted to cashpoints and left at isolated spots when unable to pay excessive fares (stated several times)

- Inappropriate comments being made to female passengers, or drivers making inappropriate contact with them following the journey (stated once).
26. The council's website includes a [page](#) where complaints about taxis, private hire vehicles and their drivers and operators can be made. These are then investigated by the licensing team.
27. The Department of Transport 'Taxi and Private Hire Licensing – Best Practice Guide' states,
“The aim of local authority licensing of the Taxi and Private Hire Vehicles (PHV) trades is to protect the public.”
28. There are no statutory criteria for awarding vehicle licences and therefore local authorities have discretion in this regard. The council currently has two 'fit and proper person' policies for new and existing hackney carriage/private hire **operators** and **drivers**. It is now also developing a 'fit and proper person' policy to include all hackney carriage and private hire **licences**, which will be presented to the Licensing Committee soon. The current policies set out a number of conditions that must be met, and these include,
- Driving experience in the UK
 - Disclosure and Barring Service (DBS) enhanced criminal records check
 - DVLA live driving licence check
 - Medical form completed by GP and driver medical fitness declaration
 - Completion of online safeguarding training
 - Hackney Carriage and private hire knowledge test
 - Hackney Carriage geographical knowledge test (if applicable)
 - National Anti-Fraud Network database on refusals and revocations of licences check (when available).
29. A number of other local authorities require taxi drivers to have completed a 'BTEC in Taxi and Private Hire vehicles' certificate. These include Bristol, Southampton, Oxford, Reading, Woking and Cardiff. The Certificate is designed to develop the knowledge of prospective or existing drivers and covers things like,
- Health and safety
 - Customer service
 - Car maintenance
 - Regulatory framework
 - Services for passengers who need assistance
 - Routes and fares
 - Transporting luggage and other items
 - Transporting children and young people
30. Another way of protecting passengers and drivers is through having CCTV inside taxis. This has been made mandatory by a number of local authorities, but is still the subject of considerable national debate. CCTV in taxis carries potential benefits such as,

- Deterring and preventing crime
 - Assisting the Police by providing evidence
 - Assisting insurers following incidents
 - Protecting both drivers and passengers.
31. However, it also carries risks and challenges such as,
- Real or perceived infringement of passenger and driver privacy
 - Cost of installation
 - Risks regarding the loss or misuse of data and consequent sanctions.
32. Regarding this final bullet, who is considered the “data controller” for the CCTV footage determines who would any fine from the Information Commissioner’s Office (ICO) for the loss or misuse of the data. The ICO [website](#) states that, “In most circumstances a council which instructs systems to be installed [in taxis] should be responsible for the data. It’s the council which is the data controller, not an individual taxi driver. Councils need to make sure they understand this part of the law.”

Accessible taxis and private hire vehicles

33. Currently the council requires taxi and private hire companies to have at least one vehicle suitable for disabled passengers for every 10 vehicles in their fleet. This requirement was introduced by the Licensing Committee in 2010. The initial proposal was for one in five vehicles to be adapted, but concerns were raised by the taxi industry regarding the financial cost of implementing that ratio.
34. Some companies operate with licenses for only nine taxis, but in addition use self-employed drivers as franchisees who license their own vehicle. The requirement outlined above consequently does not apply to these companies.
35. The council currently has licensed 940 vehicles, with 109 being wheelchair accessible. However, it needs to be established how many of the accessible vehicles are deployed on Wiltshire Council contracts (e.g. for school transport) and are therefore generally not available for public use.

Findings

Late-night tariffs (Tariffs 3 and 5)

36. While Wiltshire’s daytime maximum tariff (1) appears to be average, the evening tariffs (2 and 4 – 10.30pm-2.29am*) and late-night tariffs (3 and 5 – 2.30am-5.59am*) make evening and late-night taxi journeys in Wiltshire significantly more expensive than in the other areas reviewed (when drivers opt to use these tariffs).
37. Different maximum tariffs appear to be desired by the various witnesses interviewed by the Task Group.

38. There was a request from three of the witnesses from **Salisbury** interviewed by the Task Group for the removal of Tariffs 3 and 5 in order to,
 - a) Remove the confusion and discord caused by some taxi drivers and companies charging these tariffs and others not;
 - b) Support the night time economy by encouraging more visitors to the area, particularly in light of the alleged reduction in evening visitors in recent years, projected population growth and the 2018 Novachok incidents in Salisbury and Amesbury;
 - c) Be more comparable with the maximum tariffs in neighbouring local authority areas.
39. Although it would be very difficult to quantify the impact, the Task Group conclude that the significant differences between the late-night tariffs in Wiltshire and those in nearby, competing destinations could discourage some people from visiting Salisbury and have a negative impact on the city's night-time economy.
40. However, there was a clear request from the taxi trade reps **in other parts of the county** interviewed by the Task Group for Tariffs 3 and 5 to remain, stating that their removal or reduction would have an adverse effect on taxi companies' and drivers' income, exacerbating an already challenging financial situation.
41. It should be noted that the Task Group did not interview representatives of Wiltshire's night-time economies outside of Salisbury. Consultations on any proposed changes to the tariffs should include these (as well as in Salisbury) rather than only the taxi trade. The council may want to consider broadening the consultation even further, to ensure the views of the general public – the actual users of taxi and private hire services – are considered.
42. Given this disparity between Salisbury and the other areas, the Task Group considered the option of having different tariffs in different areas of the county (as was the case prior to tariff harmonisation in 2014). However, it is mindful that,
 - a) Since 2009, the council's ambition has been to achieve uniformity across the county to ensure clarity and consistency for the customer. Harmonisation was also intended to reduce the administration costs to the council. Any financial impact of returning to a fully zoned scheme would need to be considered.
 - b) Under the current legislation, changing the tariffs for just one of the current zones would open the possibility of requests for different regulations to match local circumstances in all of the zones, not just on tariffs, but also on regulations and fees etc. Changes would all need to be consulted on individually in each of the zones.
43. Given the complexity of this issue the Task Group cannot make a firm recommendation regarding the appropriateness (or otherwise) of Wiltshire's current late-night tariffs across the whole county without further analysis and consultation. It therefore recommends that the Cabinet Member and officers note the evidence presented here, but also undertake further work to either determine a schedule of tariffs that is acceptable across all parts of the county, or fully

assess the potential for having different tariffs in different parts of the county to suit local circumstances. (**Recommendation 1**)

Tariffs for 8-seater vehicles

44. The maximum **daytime** tariffs for 8-seater taxis in Wiltshire are relatively high, but not significantly so when compared with the other areas reviewed. However, the maximum 8-seater tariffs for **evenings** and **night-time** journeys are both
 - a) significantly higher than other areas, and
 - b) unusually 'inflated' in comparison with Wiltshire's tariffs for 5-seater taxis.
45. Wiltshire's late-night tariffs for 8-seater taxis should undergo the same further assessment as recommended for 5-seaters under Recommendation 1. As part of this work, the council should assess the true additional expense of running a large taxi to ensure this is reflected as appropriate. (**Recommendation 2**)

Customer service and protection of the public

46. The Task Group supports the expansion of the council's existing 'Fit and Proper Person' requirements in order to provide reassurance and protection for passengers, as well as the reputation of the trade. As already stated, taxis are often used by members of vulnerable groups and recent cases of child sexual exploitation in [Rotherham](#) and [Northumberland](#) (weblinks to BBC News) involving victims being transported by taxi have highlighted the need for local authorities to put appropriate safeguarding protections in place.
47. A requirement on drivers to undergo relevant training would further reassure passengers, and would also help ensure good overall standards of service, with the BTEC Certificate described under paragraph 29 appearing to cover all aspects of the profession. Given the limited resources available to proactively enforce taxi licensing rules, a preventative approach in which drivers' suitability is assessed before gaining a license is required. (**Recommendation 3**)
48. The council needs to consider whether the introduction of CCTV in all taxis carries enough advantages in terms of protecting passengers and drivers to balance out the risks and challenges – including the financial impact on taxi drivers and companies. (**Recommendation 4**)

Accessible taxis and private hire vehicles

49. It is a concern that the current policy allows taxi companies with ten or fewer vehicles to have no accessible vehicles in their fleet; particularly given the reliance of some older people and people with health issues on taxis. An assessment of the total number of adapted taxis (that are not consistently in use under council contracts) is required and, if appropriate, the revision of the relevant policy. (**Recommendation 5**)

Recommendations

That the Cabinet Member for Adult Social Care, Public Health and Public Protection,

1. Taking into account the evidence presented, considers and consults on whether the current maximum late-night taxi tariffs are appropriate across the county – including in Salisbury – and to consider,
 - a) removing tariffs 3 and 5 altogether (currently 2.30-5.59am), and
 - b) operating tariff 2 between 12.00-5.59am rather than between 10.30pm-2.29am.
 2. Reviews the significant difference between the current maximum tariffs for 5- and 8-seater taxis (particularly when compared with equivalent differences in other areas) and considers if these are justified by any additional costs associated with operating larger vehicles.
 3. In addition to expanding the council's existing 'Fit and Proper Person' requirements regarding taxis, which the task group supports, considers introducing a requirement that all drivers pass a BTEC qualification in the Role of the Professional Taxi and Private Hire Driver in order to ensure the highest standards of service and protection for the public.
 4. Considers whether the introduction of CCTV in taxis as a way of safeguarding passengers and drivers is appropriate, having assessed the opportunities and risks, and the experiences of other local authorities.
 5. Calculates the total number of taxis in Wiltshire that are suitable and available for disabled passengers (other than those generally being used under council contracts) and takes action to increase this if necessary, including, if appropriate, by amending the requirement on taxi companies within the relevant policy.
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Cllr Graham Payne, Chairman, Late-night Taxi Fares Task Group

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Appendices

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| Appendix 1 | Wiltshire Council Hackney Carriage maximum table of fares (May 2015) |
| Appendix 2 | Tariff comparisons with other local authority areas |