

**CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING: 28 SEPTEMBER 2022

**APPLICATION FOR A HACKNEY CARRIAGE FARE
INCREASE (TO CONSIDER REPRESENTATIONS
RECEIVED)**

**TRANSPORT AND STRATEGIC PLANNING
(COUNCILLOR DAN DE'ATH)**

AGENDA ITEM: 12

Reason for this Report

1. On [23 June 2022](#), Cabinet approved a proposal to vary the current rate of hackney carriage fares in Cardiff, subject to a statutory public notice period inviting representations to the proposal.
2. During the public notice period, The Licensing Authority received 1 objection (that included a counter proposal) and 226 individually signed identical letters of support. Cabinet is requested to consider the representations and to determine whether to approve the original decision to vary the table of fares or authorise an alternative variation.

Background

3. On 23 June 2022 Cabinet considered an application put forward by the Cardiff Hackney Carriage Alliance and Unite the Union to vary the current rate of hackney carriage fares in Cardiff. A copy of this report and appendices are contained in Appendix A.
4. Cabinet resolved to approve the application, subject to a statutory 14-day public notice period, which invited objections to the proposed variation. A Public Notice was placed in the South Wales Echo on 11 July 2022, a copy of this notice is contained in Appendix B.
5. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council has the power to fix the rates or fares within the district for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table of fares, made or varied.

6. When setting hackney carriage fares there is no requirement under the Act to consider external factors, and there is no limit on the amount of increase or variation.

Responses to the Public Notice

7. In response to the public notice, 1 objection was received from Dragon Taxis Cardiff, and 226 individually signed identical letters of support were received from licensed Cardiff drivers.

8. The objection from Dragon Taxis Cardiff included a counter proposal for Cabinet to consider. A copy of the objection and counter proposal from Dragon Taxis Cardiff is contained in Appendix C.

9. A copy of the letters of support received from 226 Cardiff licence holders is contained in Appendix D. The letters received to the department were individually signed and included their licence number and home address. The letter states:

“I am a member of the public and a taxi driver who would like to support the hackney increase proposal as the trade is in a critical situation at present due to Inflationary pressures that have hit the trade harder than other industries which has resulted in many drivers leaving the trade, with the cost of living and as you're probably aware price of fuel For example, diesel has risen by 61% since the last time the hackney carriage fares were increased (£1.22 per litre in March 2018 to £1.97 in July 2022) and the average price of used cars rose to 32% in the months between April 2021 and April 2022.

Many Hackney drivers have their plates on hold because they cannot make enough money to live on after expenses, because of the increase in running costs. If this increase is not implemented, our trade is on a downward spiral and there will be fewer and fewer Hackneys taxis available public. For these reasons, I am fully in supporting of the proposed meter increase in this open public consultation”

10. Cabinet may approve the original decision on 23 June, or approve the alternative proposal put forward by Dragon Taxis Cardiff or may choose an alternative variation to the table of fares.

11. In summary, Dragon Taxis Cardiff supports an increase in principle, but objects to the proposed increase on the grounds that it is excessive and will significantly reduce passenger demand, negatively impacting passengers and drivers.

They state that the full impact of the waiting time element of the proposal has been overlooked and has the potential to significantly increase overall fares. The focus appears to have been on the distance charges which they feel is misleading.

12. A copy of Dragon's objection/counter proposal was shared with the Hackney Carriage Alliance/Unite the Union. They provided further

comments in response to Dragon for Cabinet to consider. Their comments are contained in Appendix E.

Officer Comments

13. The proposed increase will apply to all hackney carriage drivers. Drivers are self-employed and may choose to contract with an operator to receive jobs, alternatively they may choose to work independently from designated ranks or pick up fares from the roadside.
14. The hackney carriage table of fares specifies the maximum amount that a hackney carriage may charge for journeys that start and end within Cardiff. Drivers and businesses are permitted to charge less than the legal fare if they believe that it will give them a commercial advantage.
15. The payment a driver receives from an operator or fees a driver pays to use the operator's platform is a private contractual matter. This should not be a consideration for the purposes of determining whether to vary the table of fares.
16. Consideration should be given to obtaining a balance between increasing the fare to compensate in the increase of costs of running a hackney carriage and ensuring that the increase does not deter the public from using hackney carriages.
17. The Public Notice invited comments from any person. No comments or objections were received from members of the public who were not connected to the trade.
18. The hackney carriage trade has requested that any amendment to the Table of Fares be introduced at the earliest opportunity. If Cabinet are minded to agree a variation, this can be implemented as soon as the call-in period has ended.

Reason for Recommendations

19. The report seeks determination of the application to vary Cardiff Council's Hackney Carriage table of fares. It is a legal requirement that the approved table of fares applies to all hackney carriage journeys that start and end within the Cardiff boundary.

Financial Implications

20. This report does not directly result in any additional financial implications.
21. The financial advice for the earlier report to Cabinet on 23rd June set out that any decision reached with regard to variation of hackney carriage fees should be taken with regard to evidence of rising costs, fairness in the supplier market and consideration of the customer.

22. It should also be reiterated that the Council is a major customer of the taxi industry and any additional financial impact on related budgets in the short and medium term will need to be considered.

Legal Implications

23. The proposed variation to the Table of Fares has been published and relevant representations have been received. Cabinet must now consider these representations and decide whether to ratify the original decision or vary the Table of Fares. If Cabinet approves a variation, it must set a new date for the variation to come into force, which must not be later than 31 October 2022.

24. In considering this report, regard should be had to:

- (a) Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, when making decisions, Councils must have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief; and

- (b) the Well Being of Future Generations (Wales) Act 2015. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') is about improving the social, economic, environmental and cultural well-being of Wales. The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible. In discharging their respective duties under the Act, each public body listed in the Act must set and published wellbeing objectives. These objectives will show how each public body will work to achieve the vision for Wales set out in the national wellbeing goals. When exercising its functions, Cabinet should consider how the proposed decision will contribute towards meeting the wellbeing objectives set by the Council and in so doing achieve the national wellbeing goals. The wellbeing duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Cabinet must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, Cabinet must:

- look to the long term.
- focus on prevention by understanding the root causes of problems.

- deliver an integrated approach to achieving the 7 national well-being goals.
- work in collaboration with others to find shared sustainable solutions.
- involve people from all sections of the community in the decisions which affect them.

HR Implications

25. There are no HR implications as a result of this report.

Property Implications

26. There are no property implications as a result of this report

RECOMMENDATIONS

Cabinet is recommended to:

1. Note the contents of this report and consider the representations received to the Public Notice in Appendix C and D.
2. Consider the comments from the Hackney Carriage Alliance/Unite (the original applicant to vary the Table of Fares) in Appendix E in response to Dragon Taxis' counter proposal.
3. Decide whether to ratify the original decision made on 23 June 2022 or adopt an alternative variation to the Table of Fares.
4. Set an implementation date of 8 October 2022 for the changes to the Table of Fares to take effect.

SENIOR RESPONSIBLE OFFICER	Neil Hanratty Director of Economic Development
	22 September 2022

The following appendices are attached:

- Appendix A: Cabinet Report of 23 June 2022 - Application for a Hackney Carriage fare Increase
- Appendix B: Public Notice of Table of Fares 11.07.22
- Appendix C: Dragon Taxis Cardiff - HCA Proposal Objection & Counter Proposal
- Appendix D: Copy of Letter of Support Received by 226 Drivers
- Appendix E: HCA Comments in Response to Dragon Objection