

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer - Regulatory and Regeneration

Licensing Committee – 17 April 2024

**Subject: Civic Government (Scotland) Act 1982
Review of Taxi Fares and Charges
Clydebank Taxi Licensing Zone**

1. Purpose

- 1.1** To report to the Committee on the review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

2. Recommendations

- 2.1** It is recommended that the Committee:-

- a) consider the representation submitted by Mr MacLeod along with the scales for taxi fares and related charges agreed at its meeting of 16 January 2024 and published in the 24 January 2024 edition of the Clydebank Post; and
- b) fixes the scales for taxi fares and related charges and authorise Officers to conclude the review by notifying each taxi operator of the new scales, their right to appeal to the Traffic Commissioner and, if there is no subsequent appeal against the scales, by giving public notice that the new scales are to come into effect.

3. Background

- 3.1** In terms of the Civic Government (Scotland) Act 1982, licensing authorities must fix scales for taxi fares and related charges within 18 months from the date on which the scales came into effect.
- 3.2** The fares and charges which are applicable to taxis operating within the Clydebank Taxi Licensing Zone have been in effect since 8 September 2022 and these are detailed in Appendix 1.
- 3.3** The Committee, at its meeting on 30 March 2022, agreed to dispense with the requirement to consult with all Taxi Licence holders and instead consult with the newly formed Clydebank taxi trade association, the Clydebank Taxi Operators Group.
- 3.4** At the meeting held on 16 January 2024, the proposal submitted by the Clydebank Taxi Operators Group on 30 November 2023 was subsequently considered and it was agreed to advertise the proposal without modification. The proposal was as follows:-

increase the flagfall on Tariff One by 50p;
increase the flagfall on Tariff Two by 50p;
increase the flagfall on Tariff Three by 70p;

increase the running mile by 10p on Tariff One;
increase the running mile by 20p on Tariff Two;
increase the running mile by 30p on Tariff Three;

increase the period for waiting time from 10p for each 30 seconds (£12.00 per hour) to 10p for each 20 seconds (£18.00 per hour);

change the period of time when Tariff 2 is applicable from 6.00 pm until Midnight on 24 December and 31 January to 6.00 am until Noon on 24 December and 31 January;

change the period of time when Tariff 3 is applicable from Midnight on 24 December and 31 January to Noon on 24 December and 31 January;

increase the amount where extra charges will apply for a taxi called by telephone or via App and not cancelled before arrival from £3.30 to £3.80;

change the wording from

'Taxi drivers may add on any charge incurred at Glasgow Airport when either dropping off or picking up passengers'

to

'Taxi drivers may add on any charge incurred at any Airport or car park when either dropping off or picking up passengers'.

- 3.5** The fare chart advertised in the 24 January 2024 edition of the Clydebank Post is detailed within Appendix 2.

4. Main Issues

Consultation

- 4.1** In terms of the relevant legislation and considering the contents of the Taxi and Private Hire Car Licensing Guidance 3rd edition, before fixing any scales or carrying out any review, in addition to consulting with persons or organisations appearing to be representative of operators of Taxis within the area, the Licensing Authority is required:

- (a) to publish the proposed scales in a newspaper circulating in the area

setting out the proposed scales, explaining the effect of the proposed scales and proposing a date on which the proposed scales are to come into effect;

- (b) to invite representations from any persons with respect to the proposals within a period of one month from the date of publication of the notice; and
- (c) to consider any such representations which have been duly lodged before a decision is taken on the matter.

4.2 Notice of the proposed scales appeared in the Clydebank Post on 24 January 2024 inviting representations from any persons with respect to the proposals to be received by 29 February 2024. Letters were issued by the Licensing Section to all Taxi Licence Operators alerting them to the advertisement.

Representation

4.3 An email was received on 29 February 2024 from Mr Allan MacLeod, a Taxi operator within the Clydebank taxi zone, making a representation in relation to the proposals. Mr MacLeod claims that his representation is on behalf of other operators but fails to provide any details. A copy of Mr MacLeod's representation is detailed within Appendix 3.

4.4 Mr MacLeod, by way of his representation, submits that Taxi drivers should have been consulted. When reviewing taxi fares, the licensing authority must consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area. During a previous appeal to the Traffic Commissioner, at the preliminary hearing held on 10 October 2019, the Traffic Commissioner stated "*I should consider taxi operators being persons who hold taxi licences under S.10 of the Act, as opposed to taxi drivers who hold a licence under S.13 of the Act.*" In any event, the Act provides for public notice and allows for any person to make representations.

4.5 Mr MacLeod's representation narrates that, in his opinion, the proposal fails to cover driver's costs and maintain earnings which has an impact on the public in terms of availability of taxis at specific times during the week.

4.6 For the purposes of Mr MacLeod's representation, the current tariff card for the Dumbarton and Vale of Leven zone is detailed within Appendix 4.

4.7 Mr MacLeod, throughout his representation, draws comparisons with the fare structure applicable to the Dumbarton and Vale of Leven zone. Although both zones are within the West Dunbartonshire area they are treated as two distinctive areas and have always had separate fare reviews since the inception of West Dunbartonshire Council in 1996.

4.8 In terms of Mr MacLeod's alternative proposals they are included in the attached table at Appendix 5 alongside the existing fares and the advertised proposal. Proposed changes to the existing fare chart are highlighted in bold type.

- 4.9** Mr MacLeod suggests that the distance covered by the initial flagfall should be changed from 5/11ths of a mile to 1/2 a mile on all tariffs. Other than this change there is no suggested change to the proposal relating to Tariff 1.
- 4.10** Mr MacLeod also suggests that the fares applicable during the Tariff 2 period are inadequate and contribute to the lack of availability of taxis during these periods. In his submission he proposes that the flagfall be increased to £5.00 with the running mile set at 1/24th of a mile.
- 4.11** In relation to Tariff 3, Mr. MacLeod proposes that the flagfall should be increased to £6.00 with the running mile set at 1/28th of a mile.
- 4.12** Mr. MacLeod's representation also requests that the proposed charge with regards to Fares for Waiting of £18.00 per hour be set at the same rate as the Dumbarton and Vale of Leven zone which is set at £36.00 per hour.
- 4.13** The proposed period in which Tariff 3 is applicable is noon on 24 December to midnight on 26 December and noon on 31 December to midnight on 2 January. Mr MacLeod proposes that the period when Tariff 3 ends should be 6.00am on 27 December and 3 January respectively rather than midnight.
- 4.14** The current charge for carrying additional passengers beyond 2 allows the addition of 10p per passenger. Mr MacLeod suggests that, for hires where 5 or more passengers are carried, an additional £7.50 charge is applied.

Next steps

- 4.15** Members must now, having regard to Mr MacLeod's representation, fix the scales for taxi fares. Once fixed and notice is given of same, any holder of a Clydebank Taxi Licence will have 14 days to appeal the decision to the Traffic Commissioner.

5. People Implications

- 5.1** There are no personnel issues for the Council arising from this report.

6. Financial Implications

- 6.1** There are no financial implications for the Council arising from this report.

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** An advert was placed in the 24 January 2024 edition of the Clydebank Post inviting representations from any person to the proposed fare chart.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory and Regeneration

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Appendices:

1. Current Fare Chart for Clydebank Taxi Licensing zone.
2. Proposed Fare Chart for Clydebank Taxi Licensing zone.
3. Representation submitted by Mr. Allan MacLeod.
4. Current Fare Chart for Dumbarton and Vale of Leven zone.
5. Comparison table of taxi fare proposals.

Background Papers:

1. Letter to Mr. Kenneth McSheaffrey dated 24 March 2024.
2. Letter to Mr. Allan MacLeod dated 24 March 2024.
3. Licensing Committee Report on Clydebank Taxi Fare Review dated 16 January 2024.