



Regulatory Committee

Wednesday, 13 March 2024 at 7.30 pm

Council Chamber - Civic Centre

Members of the Committee

Councillors: J Wilson (Chair), M Harnden (Vice-Chair), D Clarke and R Davies

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Clare Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: Democratic.Services@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please contact democratic.services@runnymede.gov.uk. Tel: 01932 425622. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings

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the front of the Agenda prior to the start of the meeting so that the Chair is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chair will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

List of matters for consideration
Part I

Page

Matters in respect of which reports have been made available for public inspection

1. **Notification of Changes to Committee Membership**
2. **Minutes** 4 - 5

To confirm and sign as a correct record the Minutes of the meeting held on 3 January 2024 (Appendix 'A').
3. **Apologies for Absence**
4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.
5. **Taxi fare tariff increase** 6 - 19
6. **Private Hire Operator contractual obligations** 20 - 23
7. **Exclusion of Press and Public**

OFFICERS' RECOMMENDATION that –

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in paragraph 3 of Part 1 of Schedule 12A of the Act.

(To Resolve)

Part II

8. **Hackney Carriage rank provision at railway stations** 24 - 28

This report is confidential as it contains commercially sensitive financial information.

Runnymede Borough Council

Regulatory Committee

Wednesday, 3 January 2024 at 7.30 pm

Members of the Committee present: Councillors J Wilson (Chair), M Harnden (Vice-Chair) and D Clarke.

Members of the Committee absent: Councillor R Davies.

In attendance: Councillor C Howorth.

17 **Minutes**

The Minutes of the meeting of the Committee held on 7 November 2023, were confirmed and signed as a correct record.

18 **Apologies for Absence**

Apologies for absence were received from Councillor R Davies.

19 **Declarations of Interest**

There were no declarations of interest other than those already declared and available on the Council's website.

20 **Caravan Site Licensing Fees and Charges for Financial Year 2024/25**

The Committee was asked to approve the fees and charges associated with the licensing of caravan sites in the borough to be effective from 1 April 2024.

This item was deferred from the last meeting of the Committee to allow Officers to clarify a discrepancy appearing in the budget book with regard to the charge for a new application for a site licence for a single unit site.

Officers confirmed that the correct charge was being levied, but the budget book had not been updated to reflect it following a recent review, so it appeared that the increase in charge for 2024 was a greater percentage than in reality.

The Resources, Legal and Equality implications were noted.

Accordingly, the Committee was content to approve the suite of fees and charges as set out in the report.

Resolved that –

The licence fees as set out in the report, be approved, to be included in the relevant fee policies to apply from 1 April 2024.

21 **Exclusion of Press and Public**

There were no exempt or confidential items on the agenda.

(The meeting ended at 7.36 pm.)

Chairman

Report title	Taxi fare tariff increase
Report author	Robert Smith Senior Licensing Officer
Department	Environmental Services
Exempt?	No
Exemption type	not applicable
Reasons for exemption	not applicable

Purpose of report:

To resolve

Synopsis of report:

This report relates to a review of Hackney Carriage Vehicle fare tariffs.

Recommendation(s):

That fare tariffs are increased in line with this report (Appendix 'D'), to be effective from 8 April 2024, subject to there being no objections to the proposed increases.

1. Context and background of report

- 1.1 It was agreed by this Committee in June 2014 that Runnymede carries out an internal review of fare tariffs (fares) or a trade survey on an annual basis. This was in order to prevent future uncertainty surrounding fares and to afford consistency to the Council's approach to fares. Should there be indications from a drivers' survey that fares should change a report would be made to this Committee and statutory consultation would then take place followed by any proposed change to fares.
- 1.2 The Council sets fares with a view to allowing hackney carriage drivers to have an income from their business which allows them to run their vehicles and supply the public with a service at a fair price.
- 1.3 The last increase in Hackney Carriage fares in the Borough took place in June 2022 when there was an increase of 7.8% for the pull off rate, 11.1% for the second mile and 13.6% for subsequent miles. There was no increase in waiting time.
- 1.4 It is important to note that the fares which are set by the Council are the maximum that can be charged; drivers cannot charge more but they can charge less should they wish.
- 1.5 The current table of Hackney Carriage fares is attached at Appendix 'A'.

- 1.6 Since the fare increase in 2022 there have been no requests for changes to the fares from the public.

2. Report and, where applicable, options considered and recommended.

- 2.1 The last full fares survey was in early 2023 following representations from the hackney drivers at a meeting of the Taxi Forum. Unfortunately, only two drivers responded to that survey which gave little indication of any great desire for an increase.
- 2.2 Officers considered it timely to survey the hackney driver trade later in 2023 for their latest opinion and a further survey was conducted between 20 October 2023 and 20 November 2023.
- 2.3 The survey (Appendix 'B'), demonstrated the effect of a 10, 20 and 30p increase on rates. This was circulated to all hackney drivers for consideration.

Survey response

- 2.4 Out of a total of 61 hackney carriage drivers, we had 27 responses. The responses and comments are shown at Appendix 'C'.
- 2.5 All respondents wanted an increase and the survey showed a clear preference for £5 for the first mile, £3.30 for the second mile and £2.80 for subsequent miles. This represents increases of 22%, 10%, and 12% respectively.
- 2.6 Based on the survey results and the information contained in this report a proposed fare chart using the fares above is attached at Appendix 'D'.
- 2.7 Since the last fare increase in 2022, licensing fees for hackney drivers and vehicles have increased. The table below shows the fees for the last 2 years and for next year:

	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>
Hackney carriage driver 1 year licence	£170	£178	£186
Hackney carriage driver 3 year licence	£398	£411	£421
Hackney carriage vehicle (always 1 year)	£307	£339	£356

- 2.8 For comparison, Members should be aware of the fares in surrounding Boroughs. Some of these have already had a recent fare increase and others are now considering one. The chart at Appendix 'E' shows the fares in surrounding areas for typical journeys based on Tariff one which is between 6am and 10 pm for most areas, although there are some minor differences.
- 2.9 One of the primary factors in deciding fares is inflation (the consumer price index, CPI). This is a measure which can be used to judge the cost of living. High inflation levels mean drivers incomes fall behind and they have few measures available to them to increase their income. They could work longer hours of course but there are limits and the work life balance may drive some away from the trade.
- 2.10 Year on year, the figures produced by the Office of National Statistics show the following rates for the CPI:

1.4% in the year to Dec 2019.
 0.8% in the year to Dec 2020.
 4.8% in the year to Dec 2021
 9.2% in the year to Dec 2022
 4.2% in the year to Dec 2023

- 2.11 For the specific period from the introduction of the last increase in taxi rates on 2 July 2022 to the present time, the CPI was as follows:

2022 Q3 8.7%
 2022 Q4 9.4%
 2023 Q1 9.0%
 2023 Q2 7.7%
 2023 Q3 6.3%
 2023 Q4 4.4%

- 2.12 One of the main costs for hackney carriage drivers is of course fuel, with the majority running on diesel. The price of fuel can fluctuate substantially, and it is difficult to forecast in an unstable world.
- 2.13 The Automobile Association (AA) has for many years, produced a monthly fuel comparison chart which covers the different regions of the Country. These are the AA average prices for the month of December in each year. For the sake of comparison, the supermarket average in the Southeast is used in the chart below. Although supermarkets have traditionally been cheaper, recently they have been seen to be higher than some other retailers.

Year	Dec 2019	Dec 2020	Dec 2021	Dec 2022	Dec 2023
Petrol	121.0	110.6	143.9	150.7	138.1
Diesel	125.3	113.9	147.0	172.4	146.2

- 2.14 Other factors to consider such as servicing costs are of course going to rise roughly in line with inflation.
- 2.15 Insurance premiums have risen steeply in the last year, at a pace well above that of the CPI. There have been many surveys by the insurance industry and media about this increase and they all point to similar percentage increases. For example, in surveys by Confused.com (a price comparison website) and the Association of British Insurers (ABI) suggest increases of around 59% in the Southeast and 69% in London. Insurance for a taxi is always much more expensive than a family car and is frequently over £1200 per year.
- 2.16 It is worth noting that some hackney carriage drivers also work for private hire operators in Runnymede and operators do use our tariff as a measure for setting their own journey costs; some private hire vehicles work on meters set to the hackney carriage tariff for example. Therefore, although the tariffs legally apply to hackney carriages only there is a relationship between the tariffs and the private hire operators licenced in Runnymede.

3. Policy framework implications

3.1 None identified.

4. Resource implications

4.1 It would cost approximately £800 to place the statutory consultation notice in a local newspaper if there were a fare change. The cost of this notice, the consultation process and any subsequent meetings or hearings, should be recovered by way of licence fees charged by the Council and paid by the hackney carriage trade.

4.2 Any increase in fares would have a financial effect on taxi-users throughout the Borough. At the present time it is apparent that taxi fares are lower than that being quoted by private hire operators and app-based operators who also work in Runnymede.

5. Legal implications

5.1 Section 65 of the Local Government Miscellaneous Provisions Act 1976 part II, permits local authorities to set fares for Hackney Carriages. The legislation also requires that following any adjustment in fares the proposed changes be published in a local newspaper, following which a 14-day statutory consultation period is allowed, should there be any objections the matter would then return to this Committee for further discussion. Any new proposed fares must also be made available for viewing at the offices of the Council and the Councils website.

5.2 If the Council proposes no changes to the current level of fares, there is no specific requirement to publish or advertise the fares as it is neither making, fixing or varying its fares from the current fares. A copy of the last fares to have been fixed by this Council remain deposited at the offices of the Council and shall at all reasonable hours be open to public inspection without payment.

6. Equality implications

6.1 None identified.

7. Environmental/Sustainability/Biodiversity implications

7.1 None identified.

8. Risk Implications

8.1 None identified.

9. Other implications

9.1 None identified.

10. Timetable for Implementation

10.1 Should Members approve an increase in fares and no objections are received, the timeline for introduction would be as follows-

- i) 13 March 2024 - Increase approved.
- ii) 22 March 2024 - advert placed in local newspaper.
- iii) 14-day statutory consultation period to allow for objections, 22 March to 4 April 2024.

- iv) Introduction as soon as possible once meters have been recalibrated. A date will be arranged with the companies who do the calibration, this is estimated to be 8 April 2024.

11. Conclusions

- 11.1 Officers are of the view that the information above concerning the cost running a vehicle and the CPI demonstrate a necessity for an increase in fares now and that Members decide on the appropriate level of increase.

12. Background papers

Office for National Statistics CPI charts

[Inflation and price indices - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/inflation-and-price-indices)

Automobile Association national fuel statistics

<https://www.theaa.com/driving-advice/driving-costs/fuel-prices>

Local Government (Miscellaneous Provisions) Act 1976

[Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1976/10)

13. Appendices

Appendix 'A' – Table of fares 2022

Appendix 'B' – Survey

Appendix 'C' – Survey responses

Appendix 'D' – Proposed table of fares 2024

Appendix 'E' – Fare Comparisons

TABLE OF HACKNEY CARRIAGE FARES (With effect 2 July 2022)

IMPORTANT NOTE : The tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change rate mid-hire.

Rate 1	<u>Daytime Rate</u> - hiring between 6 am & 10 pm (except where rates 2, 3, or 4 apply)
1 st mile set charge £4.10 2 nd mile £3.00 pro rata	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 107m (117yds) or part thereof.
Then £2.50 per mile (20p increments)	If the distance exceeds 3217m (approx. 2 miles) for each subsequent 129m (141yds) or part thereof.
Waiting Time 20p	For each period of 35.3 seconds or part thereof
Rate 2	<u>Sunday & Late Evening</u> - hiring on Sundays or between 10 pm and midnight from Mondays to Saturdays inclusive (except where rates 3 or 4 apply)
1.25 x Rate 1	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 86m (94yds) or part thereof.
Set charge min. £5.12 2 nd mile £3.75 pro rata	If the distance exceeds 3217m (approx. 2 miles) for each subsequent 103m (112yds) or part thereof.
Then £3.12 per mile (20p increments)	
Waiting Time 20p	For each period of 28.2 seconds or part thereof
Rate 3	<u>Night & Holiday</u> - hiring between midnight and 6 am and Bank Holiday. Also between 6 pm and midnight on Christmas Eve and New Years Eve (except where rate 4 applies).
1.5 x Rate 1	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 72m (78yds) or part thereof.
Set charge min. £6.15 2 nd mile £4.50 pro rata	If the distance exceeds 3217m (approx. 2 miles) for each subsequent 86m (94yds) or part thereof.
Then £3.75 per mile (20p increments)	
Waiting Time 20p	For each period of 23.5 seconds or part thereof
Rate 4	<u>Double Time Rate</u> – hiring on Christmas Day, Boxing Day & New Years Day (double rate 1) from:- Midnight on 24 Dec to midnight on 26 Dec and Midnight on 31 Dec to midnight on 1 st Jan.
2 x Rate 1	Any distance not exceeding 1609m (1 mile approx.) If the distance exceeds 1609m but not 3217m, for each subsequent 107m (117yds) or part thereof.
Set charge min. £8.20 2 nd mile £6.00 pro rata	If the distance exceeds 3217m (approx. 2 miles) for each subsequent 129m (141yds) or part thereof.
Then £5.00 per mile (40p increments)	
Waiting Time 40p	For each period of 35.3 seconds or part thereof
Supplementary Charges	
30p	For each person in excess of two
30p	For each package, or article of luggage conveyed outside the passenger compartment.
30p	For each animal
Free of Charge	For each assistance dog (e.g. guide dogs & hearing dogs)
£50.00	Discretionary Soiling Charge

Important : If the journey takes the cab outside the Borough of Runnymede, the driver **MUST** still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started.

Appendix B



20 October 2023

HACKNEY CARRIAGE FARES SURVEY

Due to the recent rise in inflation, the overall cost of living and increased fuel prices, Runnymede Council is considering a review of the current Hackney Carriage fare.

The last fare increase in Runnymede was in July 2022 and although a survey on increases was made earlier this year, we only had 3 responses.

Nationally and locally many Councils have increased fares recently or are considering doing so. Fares for the surrounding Council Boroughs are shown below for comparison.

This comparison demonstrates the recent increases in surrounding areas have left Runnymede fares and the bottom end of the scale.

If you have an opinion on fares **complete and return the attached survey** by 20 November 2023.

The matter will then be discussed at a meeting of the Regulatory Committee on 3 January 2024.

You will also find the survey on the Councils 'taxi and private hire news' web page.

<https://www.runnymede.gov.uk/taxi-licenses/taxi-private-hire-news>

Our current fare table is attached for your information.

The survey cannot give you all fare options but if you have a suggestion, please use the free text box.

One of the main costs for hackney carriage drivers is fuel, with the majority running on diesel. The price of fuel has stabilised since last year's highs but is again on an upward trend.

Information on fuel prices is obtained from the Automobile Association. The figures below are the average branded garage prices for the month of June in each year supermarkets are normally 2 – 5 pence cheaper but have recently been on par or more expensive.

Year	June 2014	June 2015	June 2016	June 2017	June 2018	June 2019	June 2020	June 2021	June 2022	June 2023	Sept 2023
Petrol	126.7	116.5	112.0	116.9	129.5	129.2	109.3	131.6	189.3	145.0	156.8
Diesel	133.7	121.3	112.5	118.1	131.9	133.4	114.0	134.1	197.2	147.4	160.5

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Other overheads such as vehicle replacement, servicing cost, maintenance cost (such as new tyres), depreciation and insurance costs are also significant factors for the trade. All of these will be subject to inflationary pressures as well so the cost of these may increase.

Inflation - the consumer price index, (CPI) is another measure which can be used to judge fare levels. Year on year the figures produced by the Office of National Statistics show the following rates for the CPI:

Fare increase in 2014

2.3% in the year to Aug 2015.

2.4% in the year to Aug 2016.

2.7% in the year to Aug 2017.

2.3% in the year to Aug 2018.

2.0% in the year to Aug 2019.

0.5% in the year to Aug 2020.

3.0% in the year to Aug 2021

9.9% in the year to Aug 2022

Fare increase in 2022

6.7% in the year to Aug 2023

It would appear reasonable to suggest an increase in fares which keeps pace with inflation, although taking into account how much less our fares are compared with surrounding areas there is scope for a larger increase to help you earn similar amounts to your colleagues in other boroughs.

Rate 1 Fare comparison chart

	Runnymede	Woking	Spelthorne	Elmbridge	Surrey Heath	Windsor & Maidenhead	Guildford	Bracknell	Average
Pull Off/ set charge for first mile	£4.10	£5.72	£3.70	£6.10	£4.60	£6.00	£6.36	£5.20	£5.38
Second Mile (Metered)	£3.00	£2.82	£2.50	£3.30	£3.20	£4.50	£3.56	£2.80	£3.24
Subsequent Miles (Metered)	£2.50	£2.82	£2.50	£3.30	£3.20	£4.50	£3.56	£2.80	£3.24
Cost of a Two-Mile Journey	£7.10	£8.54	£6.20	£9.40	£7.80	£10.50	£9.92	£8.00	£8.62
Cost of a Five Mile Journey	£14.60	£17.00	£13.70	£19.30	£17.40	£24.00	£20.60	£16.40	£18.34

Appendix B


As you can see most Councils do not have a different rate for subsequent miles as Runnymede currently do. It would be a sensible move to fall in line here and make the subsequent mile rate the same as the second mile rate.

To demonstrate how any increase would change the fare tables, the information below shows some examples.

	New fare	New fare	New fare	New fare
Pull Off/ set charge for first mile	£4.50	£5.00	£5.20	£5.30
Second Mile (Metered)	£3.20	£3.10	£3.30	£3.20
Subsequent Miles (Metered)	£3.20	£3.10	£3.30	£3.20
Cost of a Two-Mile Journey	£7.70	£8.10	£8.50	£8.50
Cost of a Five Mile Journey	£17.30	£17.40	£18.40	£18.10

Please take the time to give Councillors your views.

Once you have completed the survey you can return by email to licensing@runnymede.gov.uk or by post to Runnymede Borough Council, Licensing section, Runnymede Civic Centre, Station Road, Addlestone. KT15 2AH



Robert Smith
Senior Licensing Officer

Appendix B

RBC 2023 Fare Review Survey

Please note that rates are calculated 'pro rata' so any increase in the mileage rate or waiting rate would also affect rates 2, 3 and 4 proportionately.

To indicate your preference place a cross in the box next to your preference.

- 1** **Our current fares** which were last raised in July 2022, they are as follows for rate 1, 1st mile set charge (pull off) £4.10, 2nd mile (metered) £3.00 pro rata then £2.50 per mile (metered) for subsequent miles.

Do you think hackney carriage fares should be increased? **Yes** **No**

*If you answered **yes**, please complete the below questions.*

- 2** **The current fare for the first mile (pull off) is £4.10.**

Do you think the 'pull off' fare should be increased? **Yes** **No**

9.75% to £4.50 ☐

21% to £5.00 ☐

24% to £5.10 ☐

Other - please enter here - £.....

- 3** **The current fare for the second mile is £3.00.**

Do you think the second mile fare should be increased? **Yes** **No**

3.33% to £3.10 ☐

6.66% to £3.20 ☐

10% to £3.30 ☐

Other - please enter here - £.....

Appendix B

4 The current fare for any subsequent miles is £2.50 per mile.

Do you think the subsequent miles fare should be increased

Yes No

If you answered **Yes** to the above question, please make your preference known below

Subsequent miles should be the same as the second mile.

☐

4% to £2.60

☐

8% to £2.70

☐

12% to £2.80

☐

Other - please enter here - £.....

If you have any other relevant suggestions or comments, please use the space below.

Printed name: - _____ Signature: - _____

Driver number: _____ Date: - _____

Thank you for taking the time to complete this survey. You can return it by email to licensing@runnymede.gov.uk or by post to Runnymede Borough Council, Licensing section, Runnymede Civic Centre, Station Road, Addlestone. KT15 2AH

Appendix C

Q1		Q2				Q3					Q4				
Yes increase	No increase	£4.50	£5	£5.10	other	£3.10	£3.20	£3.30	other	No	as 2nd mile	£2.60	£2.70	£2.80	other
x				x				x						x	
									No increase but change increments to 50p instead of 20p						
x		x								x					
x				x				x						x	
x			x				x						x		
x			x					x						x	
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TABLE OF HACKNEY CARRIAGE FARES (With effect April 2024)

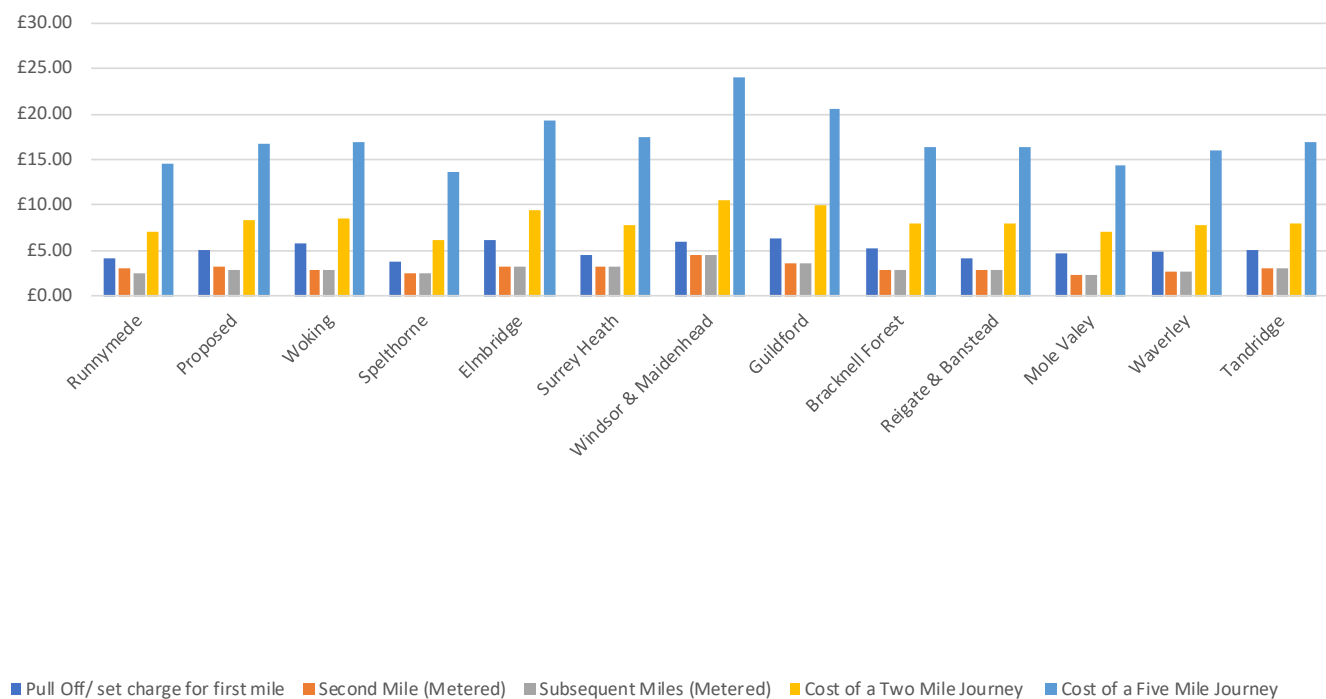
IMPORTANT NOTE : The tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change rate mid-hire.

<p><u>RATE 1</u></p> <p>1st mile set charge £5.00 2nd mile £3.30</p> <p>Then £2.80 per mile</p> <p><i>Waiting Time 20p</i></p>	<p><u>Daytime Rate</u> - between 6 am & 10 pm (unless rates 2, 3, or 4)</p> <p>Any distance not exceeding 1609m (1 mile) For each subsequent 97.5m (106.7yds) or part thereof:</p> <p>If the total distance exceeds 3217m (2 miles) xx for each subsequent 115m (125.7yds) or part thereof. For each period of 35.3 seconds or part thereof</p>
<p><u>RATE 2</u> 1.25 x Rate 1</p> <p>1st mile set charge £6.25 2nd mile £4.12</p> <p>Then £3.50 per mile</p> <p><i>Waiting Time 20p</i></p>	<p><u>Sunday & Late Evening</u> - Sundays or between 10 pm and midnight from Mondays to Saturdays inclusive (unless rate 3 or 4)</p> <p>Any distance not exceeding 1609m (1 mile). If the distance exceeds 1609m but not 3217m, xx for each subsequent 78m (85yds) or part thereof. If the total distance exceeds 3217m (2 miles) xx for each subsequent 92m (100.6yds) or part thereof. For each period of 28.2 seconds or part thereof</p>
<p><u>RATE 3</u> 1.5 x Rate 1</p> <p>1st mile set charge £7.50 2nd mile £4.95</p> <p>Then £4.20 per mile</p> <p><i>Waiting Time 20p</i></p>	<p><u>Night & Holiday</u> - between midnight and 6 am and Bank Holiday. Also between 6 pm and midnight on Christmas Eve and New Years Eve (unless rate 4).</p> <p>Any distance not exceeding 1609m (1 mile) If the distance exceeds 1609m but not 3217m, xx for each subsequent 65m (71yds) or part thereof. If the total distance exceeds 3217m (2 miles) xx for each subsequent 76.6m (83.8yds) or part thereof. For each period of 23.5 seconds or part thereof</p>
<p><u>RATE 4</u> 2 x Rate 1</p> <p>1st mile set charge £10.00 2nd mile £6.60</p> <p>Then £5.60 per mile</p> <p><i>Waiting Time 40p</i></p>	<p><u>Double Time Rate</u> – Christmas Day, Boxing Day & New Years Day (from:- Midnight on 24 Dec to midnight on 26 Dec and Midnight on 31 Dec to midnight on 1st Jan.</p> <p>Any distance not exceeding 1609m (1 mile). If the distance exceeds 1609m but not 3217m, xx for each subsequent 107m (117yds) or part thereof. If the total distance exceeds 3217m (2 miles) xx for each subsequent 129m (141yds) or part thereof. For each period of 35.3 seconds or part thereof</p>
<u>Supplementary Charges</u>	
30p	For each person in excess of two
30p	For each package, or article of luggage conveyed outside the passenger compartment.
30p	For each animal (there are <u>no</u> charges for assistance dogs)
£50.00	Discretionary Soiling Charge

Important : If the journey takes the cab outside the Borough of Runnymede, the driver **MUST** still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started.

Appendix E

	Runnymede	Proposed	Woking	Spelthorne	Elmbridge	Surrey Heath	Windsor & Maidenhead	Guildford	Bracknell Forest	Reigate & Banstead	Mole Valley	Waverley	Tandridge
Pull Off/ set charge for first mile	£4.10	£5.00	£5.72	£3.70	£6.10	£4.60	£6.00	£6.36	£5.20	£4.20	£4.70	£4.96	£5.00
Second Mile (Metered)	£3.00	£3.30	£2.82	£2.50	£3.30	£3.20	£4.50	£3.56	£2.80	£2.80	£2.40	£2.76	£3.00
Subsequent Miles (Metered)	£2.50	£2.80	£2.82	£2.50	£3.30	£3.20	£4.50	£3.56	£2.80	£2.80	£2.40	£2.76	£3.00
Cost of a Two Mile Journey	£7.10	£8.30	£8.54	£6.20	£9.40	£7.80	£10.50	£9.92	£8.00	£8.00	£7.10	£7.72	£8.00
Cost of a Five Mile Journey	£14.60	£16.70	£17.00	£13.70	£19.30	£17.40	£24.00	£20.60	£16.40	£16.40	£14.30	£16.00	£17.00



Appendix E

Report title	Private Hire Operator contractual obligations
Report author	Robert Smith Senior Licensing Officer
Department	Environmental Health Licensing
Exempt?	No
Exemption type	not applicable.
Reasons for exemption	not applicable

Purpose of report:

For information

Synopsis of report:

The purpose of this report is to inform the Committee of a recent piece of case law affecting the Taxi and Private Hire Sector in respect of the contractual relationship for Private Hire Operators.

1. Context and background of report

- 1.1 The purpose of this report is to brief the Committee on a recent piece of case law affecting the Taxi and Private Hire Sector in respect of the contractual relationship which Private Hire Operators must enter into with passengers.

2. Report and, where applicable, options considered and recommended

- 2.1 The private hire industry has experienced considerable changes in the last 10 years with the rise in popularity of mobile app based private hire operators which has resulted in a number of legal cases about operating models and workers' rights.
- 2.2 On 6 December 2021, in the case of Uber London Ltd v Transport for London & others [2021] EWHC 3290 (Admin), the Divisional Court ruled in order to operate lawfully under the Private Hire Vehicles (London) Act 1998 (the legislation governing private hire in London) a licensed operator who accepts a booking from a passenger is required to enter as principal into a contractual obligation with the passenger to provide the journey which is the subject of the booking.
- 2.3 This case required the operator concerned to change its business model to contract directly with passengers rather than classifying itself as an agent. This has helped confirm driver status as workers with statutory protections and has also had VAT implications. This was predominantly a case relating to workers' rights. However, it has had implications for all London based operators in respect of their operating model. It places the operator under an obligation to enter into a contract with the

passenger as principal, where a passenger makes a booking, and affects their responsibilities under that contractual relationship.

- 2.4 Following this case, in order to level the competitive playing field nationally, Uber sought a declaration at the High Court to the one imposed on it for London to cover the rest of England and Wales where Operators are governed by the Local Government (Miscellaneous Provisions) Act 1976.
- 2.5 The most recent case is known as the Uber Britannia Limited v Sefton Metropolitan Borough Council & Others judgement on 28 July 2023. The Court agreed with Uber and declared that this does cover the rest of England and Wales.
- 2.6 The obligation applies to all Private Hire Vehicle Operators in England and Wales, regardless of how many vehicles and drivers are available to them, the employment status of their drivers who carry out bookings accepted by them and whether the operator accepts bookings by telephone, in-person, online or via an app.
- 2.7 All Private Hire Operators following the judgement must satisfy themselves that they are complying with the obligation and fulfilling their responsibilities under private hire legislation in relation to the contractual arrangements they have in place with passengers and drivers. These responsibilities include that:
 - a Licensed Private Hire Operator must itself accept bookings from its passengers, rather than anyone else (for example a driver) doing so;
 - a Licensed Private Hire Operator must itself take responsibility for the journey from point A to point B, rather than anyone else (for example a driver) doing so;
 - the booking must be carried out in a licensed Private Hire Vehicle (licensed by the same Council as where the Operator is licensed) (or taxi) driven by a licensed driver (again licensed by the same authority); known as the 'triple lock'
 - the booking must be carried out for a fare which was either agreed or for which an accurate estimate was provided in advance.
- 2.8 The obligation applies to operators in the same way regardless of how they operate (e.g. if they take bookings via an app or over the telephone) and whether or not they use written contracts with passengers and/or drivers.
- 2.9 An operator can still sub-contract a booking to another licensed operator but the contract with the operator who initially accepted the booking must remain. All operators must comply with the obligation including those without written contracts.
- 2.10 Following the ruling, there is likely to be an expectation that Local Licensing Authorities take steps to ensure that all licensed Private Hire Operators under their jurisdiction are aware and compliant with their obligations. From a licensing perspective, failure to do so could mean an unfair playing field for operators who are not compliant, and result in weakened protection for customers. There are also potential workers' rights and tax implications for operators. However, these are outside of the expertise and remit of the Council.

- 2.11 Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 in respect of Private Hire Operator Licensing allows that:
“a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.
- 2.12 Clearly the judgement of the Senior Courts is one which all Local Authorities and Private Hire Operators must now have regard to in their practices. This can be achieved simply by the addition of a licence condition to be included in all licenses issued under section 55 to ensure all Runnymede Licensed Private Hire Operators are aware of their obligation to enter into a contract with the passenger as principal, where a passenger makes a booking, and their responsibilities under that contractual relationship.
- 2.13 The additional condition would state:

“The operator shall enter into a contractual obligation as principal with the person making the private hire booking to provide the journey, which is the subject of the booking, and any such contractual obligation must be consistent with the Local Government (Miscellaneous Provisions) Act 1976.”
- 2.14 Opinions vary on whether this is something Councils should be imposing as a condition and to date few Councils have. Legal opinion is also divided with questions over this being purely a VAT issue and not something Councils should be regulating at all.
- 2.15 There may be an appeal, (leave to appeal has been given), to this decision and the Government have stated a consultation will be held in early 2024 on the levying of full VAT on private hire operators they have also indicated that guidance for local authorities on this matter will be published in due course.
- 2.16 To avoid the possibility of the introduction of a condition and following an appeal or government guidance then having to remove it or change it, Officers believe it prudent at this point to be aware of the matter and revisit it when the situation becomes clear, as no date for the Appeal has been set and/or if guidance is forthcoming.

3. Policy framework implications

- 3.1 Runnymede’s Policy could be amended in line with the suggested condition.

4 Resource implications/Value for Money

- 4.1 None identified.

5. Legal implications

- 5.1 Section 55(3) of the 1976 Act allows the Council to attach conditions to the grant of a Private Hire Operator Licence which is considered to be reasonably necessary. The Council sets out what is considered necessary via its adopted Licensing Policy.

6. Equality implications

- 6.1 None identified.

7. Environmental/Sustainability/Biodiversity implications

7.1 None identified.

8. Risk Implications

8.1 None identified.

9. Other implications (where applicable)

9.1 None identified.

10. Timetable for Implementation

10.1 None identified.

11. Conclusions

11.1 This report was requested by Members for their information and will be the subject of a further report once the outcome of the aforementioned appeal (if lodged) is made and any potential implications for our policy are known.

12. Background papers

[Statutory Taxi and Private Hire Vehicle Standards \(Department for Transport, 2020\)](#)

[Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for Licensing Authorities in England \(draft\). \(Department for Transport, 2022\)](#)

[Taxi and Private Hire Vehicle Licensing: Councillor Handbook \(Local Government Association, 2021\)](#)

[Uber Britannia Limited v Sefton Metropolitan Borough Council & ORS \[2023\] EWHC 1975](#)

[Guidance for London Private Hire Vehicle Operators: Contracts with Passengers - April 2022 \(tfl.gov.uk\)](#)

[Hackney Carriage and Private Hire Licensing Policy 2020 - 2025 \(June 2023\) \(runnymede.gov.uk\)](#)

13. Appendices

None.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted