

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE REVIEW 2023-2024

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To update the Council Executive on the review of the council's table of taxi fares and associated charges and to ask the Council Executive to consider the representations received following the recent public consultation and to approve a fare table for use for metered hires between 22 May 2024 and 21 November 2025.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes that a review of the fare table is required under section 17 of the Civic Government (Scotland) Act 1982 ("the 1982 Act");
2. Notes that consultation has taken place with the relevant trade organisations and taxi operators, as required under section 17(4A)(a) of the 1982 Act;
3. Notes that following the consultation in January 2024 with taxi operators the council proposed and published an unchanged fare table for public consultation;
4. Notes the representations received following the public consultation as detailed in Appendices 6 and 7; and
5. Approves a fare table for use for metered hires between 22 May 2024 and 21 November 2025.

C. SUMMARY OF IMPLICATIONS

I Council Values

- caring and compassionate
- open, honest and accountable
- collaborative, inclusive and adaptive

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Section 17 of the Civic Government (Scotland) Act 1982

III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Will be met from within existing resource and budget
VII	Consideration at PDSP	Public & Community Safety PDSP 17 October 2023
VIII	Other consultations	West Lothian Taxi Owners Association (TOA) West Lothian Taxi and Private Hire Car Owners and Drivers Association The Fellowship West Lothian taxi operators Public consultation via notice published in West Lothian Courier on 29 February 2024

D TERMS OF REPORT

D1 Background

Under section 17 of the 1982 Act the council as licensing authority is required to fix fares for the hire of taxis in its area, and all other charges in connection with the hire of a taxi or with the arrangements for its hire, and to review its fare table, detailing these fares and charges, every 18 months.

The council's current fare table came into force on 22 November 2022 and a new fare table requires to be approved in April 2024 in order that the council can publish a new fare table to come into effect on 22 May 2024, for a period of 18 months. Private hire cars which are fitted with meters are also required to use the same fare table. A copy of the current fare table is attached as Appendix 1. Information regarding the changes made to the fare table at the last five statutory reviews is contained in Appendix 2.

D2 Statutory process for reviewing the fare table

Section 17(4) of the 1982 Act states that before the licensing authority fixes any scales it must carry out a review in accordance with the following steps:

- a) Consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
- b) Following such consultation: (i) review the existing scales, and (ii) propose new scales (whether at altered rates or the same rates),

- c) Publish notice of those proposed scales in a newspaper circulating in its area:
- (i) setting out the proposed scales,
 - (ii) explaining the effect of the proposed scales,
 - (iii) proposing a date on which the proposed scales are to come into effect, and
 - (iv) stating that any person may make representations in writing until the relevant date, being at least one month after the date of the first publication of the notice, and
- d) consider such representations

D3 Representations from the relevant trade organisations

In West Lothian there are currently three trade organisations recognised with respect to the hire car trade:

- West Lothian Taxi Owners Association (TOA);
- West Lothian Taxi and Private Hire Car Owners and Drivers Association; and
- The Fellowship

In compliance with the legislation, all taxi operators (i.e. the owners of taxis, not taxi drivers) and the three organisations in so far as they represent taxi operators were consulted and were asked to put forward any changes that they wished to see made to the fare table. The responses are contained in Appendix 3.

A briefing note setting out what factors should be considered when reviewing the fare table, together with relevant inflation figures, is attached as Appendix 4. In summary the council should have primary regard to the costs incurred by taxi operators such as costs of vehicles, fuel and drivers, and the public interest in ensuring the maintenance of an adequate taxi service by giving the taxi operators a fair return.

A comparison of the current tariffs compared with the effect of the changes proposed by The Fellowship is attached as Appendix 5. As detailed in that appendix the effect of the Fellowship's proposed changes would result in increases to the metered fares, of between 3.8% and 7.8%. The Fellowship have confirmed that they agree with the calculations contained in Appendix 5.

D4 Consideration at Public and Community Safety PDSP

A report regarding the taxi fare review was considered at the Public and Community Safety PDSP on 17 October 2023. The Panel noted the terms of the report and agreed that it should be presented to the Council Executive for a decision to be made on the proposed new fare table to be advertised for public comment.

Subsequent to the PDSP meeting on 17 October 2023, in accordance with precedent and government guidance, the Chief Solicitor directed that consultation about the fare proposals should take place with taxi operators in West Lothian, prior to the preparation of a report for the Council Executive (see D5 below), and to support

Council Executive decision making relative to the table of fares.

D5 Consultation with taxi operators

On 6 December 2023 an email was sent out by the Licensing Team to all 49 current taxi operators inviting them to express their views on what changes, if any, should be made to the fare table. There are 61 licences in effect and some operators hold more than one licence. Details of the proposed changes from The Fellowship were included with the email. They were also informed that the two other trade organisations had sought no change to the current fare table.

All taxi operators and representatives of the trade organisations were invited to attend a meeting on 5 January 2024 at the Civic Centre in order to discuss the proposals and to allow taxi operators an opportunity to vote on the proposals. Taxi operators were also given the opportunity to register their vote in writing if they did not wish to attend the meeting.

At the meeting on 5 January 2024 representatives attended for The Fellowship and the TOA and 6 individual taxi operators who are members of the TOA.

The Fellowship representative stated that they had consulted its members and the view was that a rise was necessary to keep pace with inflation and to help with the cost of living crisis. He referred to the National Hackney Fares Table and that failure to keep applying rises to the fares would mean that West Lothian's position in that table would not be maintained. He stated that overall since 2012 the fares have only been subject to a modest increase.

The TOA representatives stated that the consensus at the ranks was for no change and that a rise at this time would be detrimental to business due to competition to taxis from discounting schemes and fixed rates offered by private hire cars with lower running costs. They felt that the fare rise in November 2022 was significant, it was too soon for a further increase, and they would seek a rise at the next statutory review in 18 months time.

A discussion took place thereafter regarding the proposals by the parties present before voting. The Fellowship representatives on behalf of 6 taxi operators confirmed votes for their proposed increase to the fare table. The TOA representatives on behalf of 25 taxi operators confirmed votes against the Fellowship proposal and for no change the current fare table.

One taxi operator who was not in attendance at the meeting and was not represented by either of the trade organisations submitted an email prior to the meeting confirming a vote for the proposal from The Fellowship.

Therefore, the result of the consultation with taxi operators was that 32 operators voted on the proposals, of whom:-

- 7 votes in favour of the proposed increased fares from The Fellowship
- 25 votes against the proposed increased fares and in favour of no changes being proposed to the fare table

No other taxi operators responded to the Licensing Team to express a view on the matter. Currently there are 61 taxi licences in effect.

Neither the West Lothian Taxi and Private Hire Car Owners and Drivers Association, nor any of its members responded to correspondence regarding the meeting and no representatives from that association attended the meeting.

D6 Public Consultation

Having considered the above information regarding the consultation which took place in January, the Council Executive decided on 20 February 2024 to publish an unchanged fare table for public consultation by means of a notice published in the West Lothian Courier on 29 February 2024. The public were asked to submit representations regarding the fare table to the Chief Solicitor by 31 March 2024.

All taxi operators and the trade organisations were notified of the consultation and it was publicised by the council through various social media channels.

Six representations were received and all but one have been summarised in Appendix 6 which includes the comments of the Licensing Team on the representations. The remaining representation has been included in full at their request in Appendix 7 along with the comments of the Licensing Team on the issues raised by that resposdee. In accordance with data protection requirements, their personal details have been redacted.

The Council Executive is invited to consider the representations and all responses to the consultations undertaken, when considering and determining the new fare table.

The legislation allows taxi operators and any person or organisation appearing to the Traffic Commissioner to be representative of taxi operators to appeal the council's decision to the Traffic Commissioner within 14 days of notice of the council's decision being given. Should an appeal be lodged this would have the effect of suspending the council's decision on the new fare table and the current fare table would remain in place until the appeal is decided.

E. CONCLUSION

The council as licensing authority is required to comply with section 17 of the 1982 Act, by reviewing its taxi fare table every 18 months, in consultation with local taxi operators. Thereafter it requires to publish notice of any proposed changes to its fare table, and to consider any representations made in writing regarding the proposed changes before agreeing a new fare table to take effect in May 2024.

After considering the information in this report the Council Executive is required to approve a new fare table to be used between 22 May 2024 and 21 November 2025.

BACKGROUND REFERENCES

Civic Government (Scotland) Act 1982
Report to the Council Executive on 20 February 2024

[West Lothian Council Committee Information - View Committee Document](#)

Appendices/Attachments:

Appendix 1: Copy of current Fare Table for Taxi and Metered Private Hire Cars operative from 22 November 2022

Appendix 2: Information on changes made to the fare table at the last five statutory reviews
Appendix 3: Copy proposals for changes to the fare table from The Fellowship
Appendix 4: Briefing Note – Factors to consider and inflation figures
Appendix 5: Effect of proposed changes on tariffs – Comparison tables
Appendix 6: Summary of responses received to the draft fare table which was advertised
Appendix 7: Representation from DL

Contact Person: Audrey Watson, Managing Solicitor – Licensing, Legal Services
Audrey.watson@westlothian.gov.uk

Lesley Henderson, Interim Head of Corporate Services

Date: 16 April 2024

FARE TABLE FOR TAXI AND METERED PRIVATE HIRE CARS OPERATIVE FROM 22 NOVEMBER 2022

<p>Tariff 1 - Monday - Friday 6am - 6pm for up to 2 passengers</p> <p>For</p> <ul style="list-style-type: none"> • the initial hire not exceeding 176 yards; • the initial period of waiting time of 40 seconds; or • a combination of time and distance as above <p>£3.00</p> <p>For</p> <ul style="list-style-type: none"> • each additional 176 yards or part thereof; • each additional period of waiting time of 40 seconds or part thereof; or • a combination of additional time and distance <p>20p</p>	<p>Tariff 2 - Monday - Thursday 6pm - 6am and at weekends from 6pm on Friday - Monday 6am for up to 2 passengers</p> <p>For</p> <ul style="list-style-type: none"> • the initial hire not exceeding 176 yards; • the initial period of waiting time of 40 seconds; or • a combination of time and distance as above <p>£3.40</p> <p>For</p> <ul style="list-style-type: none"> • each additional 176 yards or part thereof; • each additional period of waiting time of 40 seconds or part thereof; or • a combination of additional time and distance <p>20p</p>
<p>Tariff 3 - Christmas and New Year for up to 2 passengers</p> <p>Hires commencing at 6pm on 24 December until 4am on 27 December and between 6pm on 31 December and 4am on 2 January in any year</p> <p>For</p> <ul style="list-style-type: none"> • the initial hire not exceeding 176 yards; • the initial period of waiting time of 40 seconds; or • a combination of time and distance as above <p>£5.10</p> <p>For</p> <ul style="list-style-type: none"> • each additional 176 yards or part thereof; • each additional period of waiting time of 40 seconds or part thereof; or • a combination of additional time and distance <p>30p</p>	<p>Additional Charges</p> <p>Where more than 2 passengers: Per extra adult passenger (over 12 years): 60p Per extra child passenger (over 5 years and under 12 years): 20p Per extra infant passenger (0 - 5 years): no extra charge Note: each passenger must be properly seated (including children and infants)</p> <p>Luggage For every piece of luggage carried (subject to a maximum charge of 40p per hire): 20p For each piece of luggage or additional item carried requiring the assistance of the driver, or which cannot reasonably be lifted by one person: a charge of £6 (amount to be agreed before journey commences)</p> <p>Soiling Charge: £40.00 Cancellation Fee i.e. taxi or metered private hire car booked but not used: £3.00 Engagement Fee i.e. where taxi or metered private hire car booked by telephone or booked in advance: £1.00 per hire</p>

1. The above fares are the maximum metered fares which can be charged for hires wholly within the West Lothian District.

2. Any hire which starts or terminates outwith the West Lothian District — fares must be agreed before the journey commences. It can be agreed that this fare table will be used.

A copy of the conditions attached to a taxi or private hire car licence issued by West Lothian Council may be inspected at West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston or viewed on the taxi licensing pages of the council's website www.westlothian.gov.uk

Approved by West Lothian Council on 4 October 2022

Appendix 2

Information on changes made to the fare table at the last five statutory reviews

2013-14 (fare table effective from 5 September 2014):

No changes.

2015-16 (fare table effective from 5 April 2016)

Yardage referred to in the tariffs reduced from 240 yards to 225 yards.
Time period in tariff 3 reduced from midnight on 2 January to 6am on 2 January.
Engagement fee increased from 40p to 60p.

2016-17 (fare table effective from 5 October 2017)

Soiling fee increased from £25 to £40.
Added additional charge of maximum of £5 to be agreed with passenger for each piece of luggage or additional item carried requiring the assistance of the driver, or which cannot reasonably be lifted by one person.

2018-19 (fare table effective from 5 April 2019)

No changes.

2022 (fare table effective from 22 November 2022)*

1. initial hire yardages referred to in Tariffs 1, 2 and 3 reduced from 190 to 176 yards;
2. additional yardages referred to in Tariffs 1, 2 and 3 reduced from 225 to 176 yards;
3. waiting times referred to in Tariffs 1, 2 and 3 reduced from 43 to 40 seconds;
4. Tariff 1 - rate increase from £2.60 to £3.00, Tariff 2 – rate increase from £3.00 to £3.40, Tariff 3 rate increase from £3.90 to £5.10;
5. time period in tariff 3 changing from 10pm on 24 December until 5am on 27 December and 10pm on 31 December until 6am on 2 January to 6pm on 24 December until 4am on 27 December and 6pm on 31 December until 4am on 2 January;
6. additional charge per extra adult passenger (where more than 2 passengers) increased from 40p to 60p;
7. additional charge for each piece of luggage or additional item requiring the assistance of the driver or which cannot reasonably be lifted by one person increased from £5.00 to £6.00;
8. cancellation fee increased from £2.60 to £3.00;
9. engagement fee increased from £0.60 to £1.00.

* The previous fare review process was interrupted by the Coronavirus pandemic and therefore delayed from 2020 until it was resumed and completed in 2022. The changes detailed above effective from 22 November 2022 were the changes requested by all three trade bodies in common in May 2022 and resulted in an increase in the maximum metered fares under Tariffs 1, 2 and 3 of the fare table.

RESPONSE FROM THE FELLOWSHIP

From: [REDACTED]
To: [REDACTED]
Subject: Taxi Tariff Fare Review 2023/24
Date: 28 September 2023 09:58:18
Attachments: [Tariff review 2023.docx](#)
[PHTM Tariff Guide.png](#)

Good Morning Gary,

As per email sent out on the 7th September 2023 and the criteria below we as an association The Fellowship have a response and an example of the Tariff fare table we have voted on and would be requesting.

I would be grateful if your response directly deals with the following points:-

1. Have your members voted in favour of changes to the taxi fare table?
2. Does your association therefore seek changes to be made?
3. What are the proposed changes?
4. Why do you seek changes to the current fare table ?
5. If no changes are sought by your association, why?

On our voting criteria we asked if a tariff increase would be required with the following outcoming.

* Members 16.

* Votes for an increase- 12

* Votes for no change - 02

* Abstained- 02

The 12 votes for an increase all agreed to an inflation matching increase of 8.4%. We feel as long as we try to match the inflation rate all the additional costs that are coming from the inflation in the UK will at least be kept to a minimum.

These would include but not limited to.....

* Diesel price rising again.

* (For Electric Vehicles) Fast Charge points and household electric massive increases.

* Vehicle servicing costs went up 25% in the last year.

* Vehicle parts costs have increased (Tyres, Mats, Cleaning Products, Wheel trims Etc).

* Lunch and Dinner are costing more with the increased costs on food and drink.

We can't keep absorbing all these additional costs, so we feel an increase that keeps in line with inflation is the right thing to do.

The changes we are looking for are as follows.....

(We have attached a fare table with the amendments showing in red) On tariff 1, 2 and 3 are currently set at .020 pence per 176 yards we are looking at reducing the yards down to 162 yards per .020 pence. This would equate to the standard 2 mile price going from £6.80 to £7.15. If you review the UK fare table (We have attached a copy of this for you) across all counties you will see this rise will lift us from 198th to 137th on par with Argyll & Bute.

Please see attached tables.

Thanks The Fellowship.

████████

████████

W.L.A.O.T.O (The Fellowship) Tariff Review 2023
Test Duplicate Test Duplicate Test Duplicate Test Duplicate

WEST LoTHIAN COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 FARE TABLE FOR EXCLUSIVE HIRES: NOTICE IS HEREBY GIVEN in terms of section 17(4A)(c) of the Civic Government (Scotland) Act 1982 that West Lothian Council proposes, with effect from 22 November 2022, to fix fares and other charges for the hire of taxis in West Lothian at the rates detailed below:	
<p>Tariff 1 - Monday - Friday 6am - 6pm for up to 2 passengers</p> <p>For</p> <ul style="list-style-type: none"> • the initial hire not exceeding 176 yards; 162 Yards • the initial period of waiting time of 40 seconds; or • a combination of time and distance as above £3.00 <p>For</p> <ul style="list-style-type: none"> • each additional 176 yards; 162 Yards or part thereof; • each additional period of waiting time of 40 seconds or part thereof; or • a combination of additional time and distance 20p 	<p>Tariff 2 - Monday - Thursday 6pm - 6am and at weekends from 6pm on Friday - Monday 6am for up to 2 passengers</p> <p>For</p> <ul style="list-style-type: none"> • the initial hire not exceeding 176 yards; 162 Yards • the initial period of waiting time of 40 seconds; or • a combination of time and distance as above £3.40 <p>For</p> <ul style="list-style-type: none"> • each additional 176 yards 162 Yards or part thereof; • each additional period of waiting time of 40 seconds or part thereof; or • a combination of additional time and distance 20p
<p>Tariff 3 - Christmas and New Year for up to 2 passengers</p> <p>Hires commencing at 6pm on 24 December until 4am on 27 December and between 6pm on 31 December and 4am on 2 January in any year</p> <p>For</p> <ul style="list-style-type: none"> • the initial hire not exceeding 176 yards; 162 Yards • the initial period of waiting time of 40 seconds; or • a combination of time and distance as above £5.10 <p>For</p> <ul style="list-style-type: none"> • each additional 176 yards 162 Yards or part thereof; • each additional period of waiting time of 40 seconds or part thereof; or • a combination of additional time and distance 30p 	<p>Additional Charges</p> <p>Where more than 2 passengers: Per extra adult passenger (over 12 years): 60p Per extra child passenger (over 5 years and under 12 years): 20p Per extra infant passenger (0-5 years): no extra charge</p> <p>Note: each passenger must be properly seated (including children and infants)</p> <p>Luggage For every piece of luggage carried (subject to a maximum charge of 40p per hire): 20p For each piece of luggage or additional item carried requiring the assistance of the driver, or which cannot reasonably be lifted by one person: a charge of £6 (amount to be agreed before journey commences)</p> <p>Soiling Charge: £40.00 Cancellation Fee i.e. taxi or metered private hire car booked but not used: £3.00 Engagement Fee i.e. where taxi or metered private hire car booked by telephone or booked in advance: £1.00 per hire</p>
<p>With reference to the current fare table, the effect of the proposed rates and charges is that: (1) initial hire yardages referred to in Tariffs 1, 2 and 3 reduced from 176 to 162 yards; (2) additional yardages referred to in Tariffs 1, 2 and 3 reduced from 176 to 162 yards; No other changes.</p>	

THE NATIONAL HACKNEY FARES TABLE

SEPTEMBER 2023

NATIONAL AVERAGE 2 MILE HACKNEY FARE TARIFF ONE IS NOW £7.16

RISE IN 2023	
RISE IN 2022	
RISE IN 2021	RISE IN 2014
RISE IN 2020	RISE IN 2013
RISE IN 2019	RISE IN 2012
RISE IN 2018	RISE IN 2011
RISE IN 2017	RISE IN 2010
RISE IN 2016	RISE IN 2008
RISE IN 2015	NO SET FARE

UPDATED DAILY
www.phtm.co.uk

POSITION	TARIFF ONE 2 MILE FARE COUNCIL	FARE
1	LONDON (HEATHROW)	£14.20
2	TFL	£10.40
3	EPSOM & EWELL	£10.40
4	GUILDFORD	£10.00
5	LUTON AIRPORT	£9.70
6	CARADON	£9.60
7	NORTH CORNWALL	£9.60
8	ELMBRIDGE	£9.50
9	JERSEY	£9.26
10	ST ALBANS	£9.15
11	MIDLOTHIAN	£8.80
12	SEVENOAKS	£8.70
13	WOKING	£8.70
14	READING	£8.60
15	WEST BERKSHIRE	£8.60
16	GREAT YARMOUTH	£8.50
17	STROUD	£8.50
18	CLACKMANNAN	£8.50
19	CHELTENHAM	£8.40

POSITION	TARIFF ONE 2 MILE FARE COUNCIL	FARE
20	EAST SUFFOLK (NORTH)	£8.40
21	EDINBURGH	£8.40
22	LEEDS	£8.40
23	MID SUSSEX	£8.40
24	TONBRIDGE & MALLING	£8.40
25	WATFORD	£8.40
26	HUNTINGDONSHIRE	£8.30
27	LINCOLN	£8.30
28	LITTLEFORD	£8.30
29	BCP	£8.20
30	BROXBORNE	£8.20
31	CARRICK	£8.20
32	EAST HERTS	£8.20
33	GLASGOW	£8.20
34	HART	£8.20
35	RESTORMEL	£8.20
36	WOKINGHAM	£8.20
37	WORTHING	£8.20
38	FOREST OF DEAN	£8.13
39	BRENTWOOD	£8.10
40	BRIGHTON & HOVE	£8.10
41	GUERNSEY	£8.10
42	SOUTH OXFORDSHIRE	£8.10
43	VALE OF WHITE HORSE	£8.10
44	MOLE VALLEY	£8.08
45	CENTRAL BEDFORDSHIRE	£8.05
46	ARUN	£8.00
47	BRECKLAND	£8.00
48	COVENTRY	£8.00
49	MAIDSTONE	£8.00
50	NOTTINGHAM	£8.00
51	RIBBLE VALLEY	£8.00
52	RUSHCLIFFE	£8.00
53	TORRIDGE	£8.00
54	TUNBRIDGE WELLS	£8.00
55	YORK	£8.00
56	ISLE OF MAN	£7.90
57	ROTHER	£7.90
58	SWALE	£7.90
59	ADUR	£7.80
60	BRACKNELL FOREST	£7.80
61	EASTBOURNE	£7.80
62	HASTINGS	£7.80
63	NORTH YORKSHIRE	£7.80
64	SOUTH GLOUCESTER	£7.80
65	SOUTH HAMS	£7.80
66	SURREY HEATH	£7.80
67	WAVERLEY	£7.80
68	CHELMSFORD	£7.70
69	DACORUM	£7.70
70	HIGH PEAK	£7.70
71	SWINDON	£7.70
72	WEALDON	£7.70
73	EAST DEVON	£7.68
74	WILTSHIRE	£7.68
75	SHETLAND ISLES	£7.62
76	BASINGSTOKE & DEANE	£7.60
77	EAST AYRSHIRE	£7.60
78	FIFE	£7.60
79	KERRIER	£7.60
80	MONMOUTHSHIRE	£7.60
81	RUSHMOOR	£7.60
82	SOUTHAMPTON	£7.60
83	SOUTH SOMERSET	£7.60
84	STEVENAGE	£7.40

POSITION	TARIFF ONE 2 MILE FARE COUNCIL	FARE
85	TEST VALLEY	£7.60
86	WEYMOUTH & PORTLAND	£7.60
87	WINCHESTER	£7.60
88	TORBAY	£7.51
89	BATH & N. E. SOMERSET	£7.50
90	CARDIFF	£7.50
91	CHESTER	£7.50
92	EXETER	£7.50
93	IPSWICH	£7.50
94	MILTON KEYNES	£7.50
95	NORTH HERTS	£7.50
96	OXFORD CITY	£7.50
97	PLYMOUTH	£7.50
98	SOUTH NORFOLK	£7.50
99	TAMESIDE	£7.50
100	BIRMINGHAM	£7.40
101	CANTERBURY	£7.40
102	EAST HAMPSHIRE	£7.40
103	EASTLEIGH	£7.40
104	GLOUCESTER	£7.40
105	LEICESTER	£7.40
106	LEWES	£7.40
107	NORTH TYNESIDE	£7.40
108	PORTSMOUTH UA	£7.40
109	SOUTHULL	£7.40
110	SOUTH AYRSHIRE	£7.40
111	TEWKESBURY	£7.40
112	WEST OXFORD	£7.40
113	NEWARK & SHERWOOD	£7.37
114	NEW FOREST	£7.35
115	ASHFORD	£7.30
116	CAMBRIDGE CITY	£7.30
117	DARTFORD	£7.30
118	NORTH DEVON	£7.30
119	NORWICH	£7.30
120	SHROPSHIRE	£7.30
121	SOUTH CAMBRIDGE	£7.30
122	MORAY	£7.26
123	TEIGNBRIDGE	£7.26
124	NUNEATON & BEDWORTH	£7.25
125	DERBY	£7.20
126	DORSET	£7.20
127	GOSPORT	£7.20
128	HARLOW	£7.20
129	NORTH EAST LINCOLNSHIRE	£7.20
130	REIGATE & BANSTEAD	£7.20
131	SLOUGH	£7.20
132	STOCKPORT	£7.20
133	TANDRIDGE	£7.20
134	WEST NORTHANTS	£7.20
135	WEST SUFFOLK	£7.20
136	CHESTERFIELD	£7.16
137	TAMWORTH	£7.14
138	ARGYLL & BUTE	£7.13
139	COTSWOLD	£7.10
140	CRAWLEY	£7.10
141	DOVER	£7.10
142	HIGHLAND	£7.10
143	ISLE OF WIGHT	£7.10
144	MENDIP	£7.10
145	OLDHAM	£7.10
146	PENWITH	£7.10
147	RUGBY	£7.10
148	WINDSOR & MAIDENHEAD	£7.10
149	RUNNYMEDE	£7.10

POSITION	TARIFF ONE 2 MILE FARE COUNCIL	FARE
150	HARBOROUGH	£7.09
151	BABERGH	£7.00
152	BRISTOL	£7.00
153	BROMSGROVE	£7.00
154	CARLISLE	£7.00
155	CARMARTHENSHIRE	£7.00
156	CHICHESTER	£7.00
157	EAST LOTHIAN	£7.00
158	GRAVESHAM	£7.00
159	HERTSMERE	£7.00
160	HORSHAM	£7.00
161	KINGS LYNN & WEST NORFOLK	£7.00
162	MACCLESFIELD	£7.00
163	MANCHESTER	£7.00
164	MEDWAY	£7.00
165	NEWPORT	£7.00
166	PEMBROKESHIRE	£7.00
167	SWANSEA	£7.00
168	WELTON HAYFIELD	£7.00
169	WESTERN ISLES	£7.00
170	SANDWELL	£6.92
171	BRAINTREE	£6.90
172	BURY	£6.90
173	COLCHESTER	£6.90
174	WORCESTER CITY	£6.90
175	AMBER VALLEY	£6.80
176	BEDFORD	£6.80
177	BLACKBURN	£6.80
178	BOSTON	£6.80
179	BRIDGEND	£6.80
180	BROXTOWE	£6.80
181	CEREDIGION	£6.80
182	EAST CAMBRIDGESHIRE	£6.80
183	EAST LINDSEY	£6.80
184	KINGSTON-UPON-HULL	£6.80
185	LIVERPOOL	£6.80
186	MANSFIELD	£6.80
187	MID DEVON	£6.80
188	NORTH KESTEVEN	£6.80
189	NORTH NORTHANTS	£6.80
190	NORTH WARWICK	£6.80
191	SEDGEMOOR	£6.80
192	SOMERSET WEST & TAUNTON	£6.80
193	S. LANARKSHIRE (CAMUS/R Glen)	£6.80
194	SOUTHEND ON SEA	£6.80
195	TENDRING	£6.80
196	TRAFFORD	£6.80
197	VALE OF GLAMORGAN	£6.80
198	WEST LOTHIAN	£6.80
199	WIGAN	£6.80
200	WIRRAL	£6.80
201	WOLVERHAMPTON	£6.80
202	DUNDEE CITY	£6.79
203	CHARNWOOD	£6.75
204	ABERDEENSHIRE	£6.74
205	MALVERN HILLS	£6.72
206	ANGUS	£6.70
207	BLABY	£6.70
208	CONGLETON	£6.70
209	EAST DUNBARTONSHIRE	£6.70
210	FYLDE	£6.70
211	NORTH SOMERSET	£6.70
212	SHEFFIELD	£6.70
213	SOUTH LAKELAND	£6.70
214	THREE RIVERS	£6.70

POSITION	TARIFF ONE 2 MILE FARE COUNCIL	FARE
215	ABERDEEN CITY	£6.60
216	CANNOCK CHASE	£6.60
217	CONWY	£6.60
218	DUDLEY	£6.60
219	EDEN	£6.60
220	FAREHAM	£6.60
221	FOLKESTONE & HYTHE	£6.60
222	HAVANT	£6.60
223	LANCASTER	£6.60
224	NORTH LINCOLNSHIRE	£6.60
225	ROCHFORD	£6.60
226	S. LANARKSHIRE (E. Knappe)	£6.60
227	SOUTH TYNESIDE	£6.60
228	STRATFORD ON AVON	£6.60
229	SUNDERLAND	£6.60
230	WAKEFIELD	£6.60
231	BARROW IN FURNESS	£6.50
232	BASSETLAW	£6.50
233	CALDERDALE	£6.50
234	DUMFRIES & GALLOWAY	£6.50
235	DURHAM COUNTY COUNCIL	£6.50
236	EREWASH	£6.50
237	BURY	£6.50
238	HALTON	£6.50
239	LUTON	£6.50
240	ORKNEY	£6.50
241	STAFFORD	£6.50
242	TORFAEN	£6.50
243	DONCASTER	£6.48
244	HYNDURN	£6.42
245	BASILDON	£6.40
246	BLAENAU GWENT	£6.40
247	CASTLE POINT	£6.40
248	COUNTY OF HEREFORD	£6.40
249	CREWE & NANTWICH	£6.40
250	DERBYSHIRE DALES	£6.40
251	EAST RENFREW	£6.40
252	ELLESMERE PORT	£6.40
253	HINCKLEY & BOSWORTH	£6.40
254	MELTON	£6.40
255	MID SUFFOLK	£6.40
256	NORTH AYRSHIRE	£6.40
257	NORTHUMBERLAND	£6.40
258	WEST LINDSEY	£6.40
259	WYRE	£6.38
260	WARRINGTON	£6.35
261	PERTH & KINROSS	£6.33
262	ANGLESEY	£6.30
263	BARNSELY	£6.30
264	CLYDEBANK	£6.30
265	DARLINGTON	£6.30
266	SOUTH HOLLAND	£6.30
267	SOUTH RIBBLE	£6.30
268	ST HELENS	£6.30
269	REDDITCH	£6.25
270	THANET	£6.21
271	CHORLEY	£6.20
272	COPELAND	£6.20
273	EAST SUFFOLK (SOUTH)	£6.20
274	FALKIRK	£6.20
275	FENLAND	£6.20
276	NEWCASTLE-UPON-TYNE	£6.20
277	SPELTHORNE	£6.20
278	WYCHAVON	£6.20
279	RENFREWSHIRE	£6.15

POSITION	TARIFF ONE 2 MILE FARE COUNCIL	FARE
280	WYRE FOREST	£6.14
281	BRADFORD	£6.10
282	S. LANARKSHIRE (CORNWALL)	£6.10
283	SCOTTISH BORDERS	£6.05
284	ALLERDALE	£6.00
285	BLACKPOOL	£6.00
286	BOLTON	£6.00
287	BUCKINGHAMSHIRE	£6.00
288	DENBIGHSHIRE	£6.00
289	DUMBARTON & VALE OF LEVEN	£6.00
290	EAST STAFFORDSHIRE	£6.00
291	GATESHEAD	£6.00
292	GWYNEDD	£6.00
293	KIRKLEES	£6.00
294	KNOWSLEY	£6.00
295	NORTH WEST LEICESTER	£6.00
296	PETERBOROUGH	£6.00
297	POWYS	£6.00
298	PRESTON	£6.00
299	ROTHERHAM	£6.00
300	SALFORD	£6.00
301	TELFORD & WREKIN	£6.00
302	THURROCK	£6.00
303	WARWICK	£6.00
304	STOKE-ON-TRENT UA	£5.90
305	VALE ROYAL	£5.90
306	WALSAL	£5.90
307	EAST RIDING	£5.85
308	FLINTSHIRE	£5.80
309	LICHFIELD	£5.80
310	MERTHYR TYDFIL	£5.80
311	NEATH PORT TALBOT	£5.80
312	NORTHERN IRELAND	£5.80
313	NORTH NORFOLK	£5.80
314	RHONDDA CYNON TAFF	£5.80
315	SEFTON	£5.80
316	NORTH EAST DERBYSHIRE	£5.75
317	CAERPHILLY	£5.70
318	STIRLING	£5.70
319	ASHFIELD	£5.60
320	NORTH LANARKSHIRE	£5.60
321	S. LANARKSHIRE (HAMPTON)	£5.60
322	WREXHAM	£5.60
323	NEWCASTLE-UNDER-LYME	£5.55
324	INVERCLYDE	£5.54
325	SPRING FOREST	£5.50
326	REDCAR & CLEVELAND	£5.50
327	ROCHDALE	£5.50
328	HARTLEPOOL	£5.40
329	SOUTH KESTEVEN	£5.30
330	STAFFS MOORLANDS	£5.20
331	WEST LANCASHIRE	£5.20
332	SOUTH STAFFORDSHIRE	£5.10
333	STOCKTON ON TEES	£5.10
334	CHERWELL	£5.08
335	BURNLEY	£5.00
336	ROSSENDALE	£5.00
337	MIDDLESBROUGH	£4.90
338	BOLSOVER	£4.60
339	DADBY & WIGSTON	£4.40
340	PENDLE	£4.40
341	MALDON	£
342	RUTLAND	£
343	SOUTH DERBYSHIRE	£
344	WEST DEVON	£

**RESPONSE FROM WEST LOTHIAN TAXI AND
PRIVATE HIRE CAR OWNERS AND DRIVERS
ASSOCIATION**

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: FW: Taxi Fare review 2023/24 - [OFFICIAL]
Date: 03 October 2023 11:09:55

Hi Gary

We waited until the TOA had their meeting and their vote.

I believe it was for no rise.

Our own Association is of the same opinion.

We had a reasonably good "catch up rise" last time.

The trade continues to be affected/distorted by discounting so the general opinion is it would not be a wise idea to raise fares at this time.

Regards

[REDACTED]

RESPONSE FROM WEST LOTHIAN TAXI OWNERS ASSOCIATION

From: [REDACTED]
To: [REDACTED]
Subject: Fare Review 2023.
Date: 03 October 2023 21:22:14

Good Evening Gary,

It was decided at last nights meeting of the WLTOA that we would not be seeking a fare increase at this time. We feel that following on the back of last years increase as this would be detrimental to the trade as well as the more vulnerable members of our community that depend on Taxis to get them to doctors/ hospital appointments etc as they are unable to use public transport.

Regards,

[REDACTED]

Appendix 4

Briefing Note

West Lothian Council Taxi fare scales review 2023-24

In terms of the Civic Government (Scotland) Act 1982, the Council as Licensing Authority is required to review the maximum fares that taxis operating within West Lothian may charge and to set scales. The 1982 Act requires that this should be within 18 months beginning with the date on which the scales came into effect.

The fares approved by the Council are maximum fares which may be charged. Taxi operators are able to discount these rates if they wish. Whilst it is obligatory to review fare levels periodically, there is no obligation to alter the existing fares.

The Scottish Government's Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities 3rd ed published in May 2023 states that authorities are advised as best practice to pay regard to advice contained in paragraphs 2.34-2.37 of Scottish Department Circular 25/1986. This states that:

“in fixing fares, authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to a standard of the licensing authority, of employing drivers and the prevalent level of wages and costs in related road transport industries. The public interest is best served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return rather than depressing fares for social reasons, however understandable.”

In light of this guidance, we have provided inflation figures supplied by the Government's Office of National Statistics (ONS). The main index for inflation is the Consumer Price Index which is a measure of consumer price inflation produced to international standards. The indexes used below are CPIH indexes which are measures of price inflation that includes owner occupiers' housing costs and therefore considered to be the most comprehensive measure of inflation.

The main index detailed below is the CPIH - all items. However, we have also included other statistics which may be relevant to the fare table review, namely 'purchase of vehicles', 'maintenance and repairs', 'petrol' and 'diesel'.

The ONS publishes regular updates on these statistics. To allow comparison between relevant times, the ONS gives figures as indices, meaning that the figures are stated relative to a stated base year or month. The base year or month always has a value of 100 so other times have values which are greater or less than 100 to show how they compare.

Figures have been included below from the time of the onset of the Coronavirus pandemic i.e. March 2020 and then from May 2022 when the trade bodies submitted a common proposal to increase fares at the previous taxi fare review that was implemented in November 2022.

Comparative figures have also been provided for cost of fuel based on the AA fuel reports.

Members should note that it is open to anyone participating in the review process to suggest other factors that the Council should consider in reviewing the fare.

Inflation Figures (Consumer Price Index)

	Index name	2015	March 2020	May 2022	Aug 2023	Feb 2024	Change from % Change from May 2022
1	ALL ITEMS CPIH Index 00(2015=100) Series: L522	100	108.6	119.7	129.4	130.8	+11.1
2	PURCHASE OF VEHICLES (all) CPIH Index 07.1(2015=100) Series: L543	100	106.3	124.0	125.9	121.6	-2.4
	PURCHASE OF NEW CARS CPIH Index 07.1.1A (2015=100) Series: L544	100	113.6	126.6	133.3	134.8	+8.2
	PURCHASE OF SECOND-HAND CARS CPIH Index 07.1.1B (2015=100) Series: L545	100	95.3	120.4	118.9	110.8	-9.6
3	MAINTENANCE AND REPAIRS CPIH Index 07.2.3 (2015=100) Series: L54A	100	113.2	122.2	132.7	139.3	+17.1
4	PETROL CPIH Index 07.2.2.2 (2015=100) Series: J2T5	100	107.6	149.5	133.9	128.1	-21.4
5	DIESEL CPIH Index 07.2.2.1 (2015=100) Series: J2SU	100	107.7	156.3	131.4	131.6	-24.7

Source – Office for National Statistics (www.ons.gov.uk)

Indicators are published monthly

AA fuel price reports

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

March 2020

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	120.3	123.4	132.8	0.0
UK Average	121.3	124	133.7	65.1
Supermarket average	116.7	119	124.1	0.0

May 2022

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	166.7	180.6	177.9	72.7
UK Average	166.9	180.4	178.3	83
Supermarket average	162.9	176.5	170.7	76.3

August 2023

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	148.9	150.7	162.5	83.1
UK Average	149.1	151	164.2	85.7
Supermarket average	145.6	147.5	153.9	79.7

February 2024

	Unleaded (litres)	Diesel (litres)	Super Unleaded (litres)	LPG (litres)
Scotland	143.4	152.5	156.6	99.7
UK Average	143.5	152.5	158.4	99.8
Supermarket average	141.6	150.3	149.9	99.7

Licensing Team

28 March 2024

Appendix 5**Effect of Proposed changes on fares**

The Licensing Team have calculated the effect of the proposed changes from The Fellowship on the metered tariff fares as below-:

Current Fare Table effective from 22 November 2022

Tariff 1	Tariff 2	Tariff 3
1 mile 4.80	1 mile 5.20	1 mile 7.80
2 miles 6.80	2 miles 7.20	2 miles 10.80
5 miles 12.80	5 miles 13.20	5 miles 19.80
10 miles 22.80	10 miles 23.20	10 miles 34.80

Proposed by Fellowship

Tariff 1	Tariff 2	Tariff 3
1 mile 4.97 (+4.2%)	1 mile 5.37 (+3.8%)	1 mile 8.06 (+3.8%)
2 miles 7.15 (+5.9%)	2 miles 7.55 (+5.6%)	2 miles 11.32 (+4.6%)
5 miles 13.66 (+7.0%)	5 miles 14.06 (+6.8%)	5 miles 21.10 (+6.6%)
10 miles 24.53 (+7.5%)	10 miles 24.93 (+7.8%)	10 miles 37.39 (+7.5%)

*Fares based on either a 1, 2, 5 or 10 mile journey for a hire commencing there and then and does not include engagement fee.

**Please note that the fares shown would be required to be rounded up/down to the nearest 10 pence to accord with the taxi meters

*** Percentages in brackets are the increase of the relevant fare from the current tariff fare. These are based on the fare being rounded up/down to the nearest 10 pence and 0.5 being rounded up.

Licensing Team
October 2023

Appendix 6

SUMMARY OF RESPONSES RECEIVED TO THE DRAFT FARE TABLE WHICH WAS ADVERTISED

	Date received	Summary of comments	Further action	Response by Licensing Team to representation
1.	01/03/24	<p>DM said he was objecting to the proposed fare table stating that it would leave drivers working enhanced hours for less than minimum wage.</p> <p>It was stated that the increase in licence fees in 2024 and 2025 would have a further negative impact on driver's wages.</p> <p>He also questioned why drivers were not consulted.</p>	<p>Email sent on 1/3/24 acknowledging the representation and asking if he wanted to make a specific proposal and enclosing a link to the Council Executive report explaining the consultation process.</p> <p>No further response received.</p>	<p>No alternative proposal for taxi fares has been made.</p> <p>The council is required by law to set licence fees to recover the costs of the licence scheme.</p> <p>The legislation makes it clear that it is vehicle operators i.e. owners who should be involved in the consultation rather than drivers.</p>
2.	15/03/24	<p>PG said he was objecting to the lack of increase in wages for taxi drivers when councillors were getting a pay increase.</p>	<p>Email sent acknowledging the representation and asking if he wanted to make a specific proposal and enclosing a link to the Council Executive report explaining the consultation process.</p> <p>No further response received</p>	<p>No alternative proposal for taxi fares has been made.</p> <p>The legislation makes it clear that it is vehicle operators i.e. owners who should be involved in the consultation rather than drivers.</p>
3.	15/03/24	<p>YN enclosed comments she had seen on social media regarding the taxi fare review. She drew attention to a statement from a driver that read "to earn the equivalent of minimum wage I'd need to take an average of £25 an hour".</p>	<p>Email sent acknowledging the representation and asking if she wanted to make a specific proposal and enclosing a link to the Council</p>	<p>No alternative proposal for taxi fares has been made.</p> <p>The legislation makes it clear that it is vehicle operators</p>

		She stated that she felt that the taxi industry is very important for senior citizens of West Lothian and urged the council to give taxi drivers a cost of living increase.	Executive report explaining the consultation process. No further response received	i.e. owners who should be involved in the consultation rather than drivers.
4.	15/03/24	MH drew attention to the difficulties senior residents face in trying to use public transport to get to important appointments. She stated that due to the reduced bus services taxis are often the only option left however due to the cost of living crisis the prices are too high for seniors. She suggests reduced fares for senior citizens.	Email sent acknowledging the representation and asking if she wanted to make a specific proposal and enclosing a link to the Council Executive report explaining the consultation process. No further response received	No alternative proposal for taxi fares has been made. The legislation makes it clear that it is vehicle operators i.e. owners who should be involved in the consultation rather than drivers.
5.	15/03/24	Ms F suggested a reintroduction of taxi cards to help elderly people in West Lothian access transport due to the lack of public transport and the cost of living crisis.	Email sent acknowledging the representation and asking if she wanted to make a specific proposal and enclosing a link to the Council Executive report explaining the consultation process. No further response received	No alternative proposal for taxi fares has been made. The legislation makes it clear that it is vehicle operators i.e. owners who should be involved in the consultation rather than drivers.



Carol Johnston
Chief Solicitor
Legal Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Carol.Johnston@westlothian.gov.uk

1 March 2024

Dear Sirs

TAXI FARES REVIEW – PUBLIC CONSULTATION

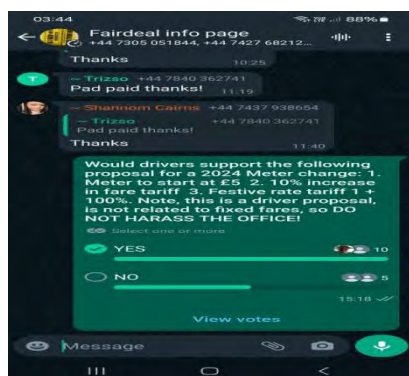
FORMAL OBJECTION TO COUNCIL PROPOSAL

I wish to formally object to the published Taxi Fare Tariff which was published in the Courier on the 29th February 2024.

The published rates represent no change in tariff and I find this utterly abhorrent.

The report which was submitted to the Council Executive for consideration at their meeting on the 20th of February 2024, stated in section C-! "Council Values", that the submission to the Executive had been conducted in line with the following values, "collaborative, inclusive, and adaptive". I would suggest that this is a load of nonsense, and the exact opposite took place.

As a Licensed Taxi Driver, and Private Hire Car Operator, I submitted a proposal to the Council on the 17th of January 2024. This proposal was for 1. A 10% increase in overall fares, 2. Meter Rate to start at £5.00, and 3. Festive rate to be set at Double Time, in line with Falkirk Council. This proposal had support from a good number of drivers on the system I work for, with 10 drivers in support as opposed to 5 against.



My proposal for a 10% increase was not too dissimilar to the proposal which was submitted by The Fellowship, apart from the Festive Rate. Roughly, from the beginning of December each year, Customers repeatedly ask us when the Double Time will be starting. We currently do not receive Double Time on Tariff Three but there is an expectation from the Public that Drivers will be suitably compensated for working at this special time. I'm also aware that most retail staff receive Double Time for working at this time, and it is a bit down heartening when you pick up customers who are earning Double, and at times, Triple Time, when we are left with a derogatory Time and a Half.

I note that the Fellowship provided a very detailed proposal with a breakdown of 12 drivers in favour, 2 against and 2 abstaining. 12 out of 16 drivers supporting a fare increase is along the lines of the 10 out of 15 drivers supporting my proposal. A letter from the Fellowship was submitted in the report to the Council detailing the split on votes and this totally contradicts the remarks in section D5 Consultation with Taxi licence holders which stated "7 votes in favour of the proposed increased fares from The Fellowship". I also note that the TOA submission failed to provide a breakdown of votes in favour to votes against.

Comment is also made in section D5 "The TOA representatives stated that the consensus at the ranks was for no change and that a rise at this time would be detrimental to business due to competition to taxis from discounting schemes and fixed rates offered by private hire cars." The meter rate plays a significant role in how Fixed Rates are calculated. The Higher the meter rate the higher fixed rates become, and the higher rates become for journeys outside West Lothian. The TOA's adversity to competition should not prevent the overall trade from benefiting from a meter rate increase.

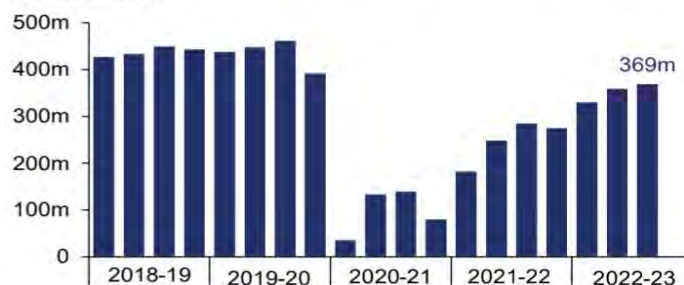
The TOA view that "a rise at this time would be detrimental to business" does not add up. Over the last few decades I have never experienced an adjustment in Taxi Fares adversely affecting business. No evidence has been provided by the TOA to back up their statement, yet their word appears to be taken as Gospel.

A comparison can be drawn with other forms of Transport. Transport Scotland reported that rail fares in Scotland would increase from July 2023 by 4.8% and by a further 8.7% from 1st April 2024. The graph below shows that despite large, and increasing, rises in rail fares, passenger numbers are steadily increasing after Covid. This is also despite an increase in people working from home. If rail

isn't affected by price increases then why should the Taxi Trade? I would suggest that the TOA, who have provided no evidence to back up their assumption, are hawering.

Figure 1 Passenger journeys have increased in six of the last seven quarters

Passenger journeys, Great Britain, quarterly data, 1 April 2018 to 31 December 2022



As previously mentioned, my proposal was submitted in the 17th of January, yet this proposal was deliberately withheld from the Council Executive. In his email to me on the 1st of February 2024, Gary McMullan, Senior Solicitor, stated “statutory process under Section 17 referred to above requires that the Council must consult with persons or organisations who are representative of taxi operators prior to publishing a proposed new fare table for consultation more widely. There is no requirement in the legislation for the Council to consult with private hire car operators.” There may be “no requirement” to “consult with private hire car operators”, but **there is nothing to suggest that consultation with private hire operators cannot take place**, nor does it say that where private hire operators have shown an interest that they should be excluded.

As someone who started in the Taxi trade as far back as 1992, originally with Eastwood District Council who merged into East Renfrewshire Council following Local Government reorganisation, I recall that consulting with both Public and Private Hire Operators and Drivers was never an issue with those councils, as they were aware that with both parts of the trade running meters, everyone was affected by tariff changes. It is not legislation that is the stumbling block to effective consultation, rather it is the will of West Lothian Council staff.

West Lothian Councils LICENSING CONDITIONS FOR TAXIS, PRIVATE HIRE CARS, TAXI DRIVERS AND PRIVATE HIRE CAR DRIVERS, part 3, Private Hire Car Licence Conditions, section 17 Fares states “Unless the cost of the journey is regulated by the Fare Table and calculated by taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential Hirer of the Licensed Vehicle is informed whether by the Driver or otherwise that (a) the fare is not to be calculated by the meter and (b) the cost, or method of calculating the cost, of the proposed journey.” Section 19 goes on to say “Any Licence Holder, who wishes his Licensed Vehicle to use a taximeter, shall have affixed to and used on his Licensed Vehicle, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Cab Inspector as to distance and time in accordance with the approved taxi fares and charges, and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.” In simple terms, where a meter is fitted it needs to be used and the meter must have the West Lothian Council fare on the meter. As most Private Hire Operators have a meter fitted they are subject to the terms of the licence and are affected by any change in tariff. It is immoral to exclude submission from the

wider trade, and the failure to make the Council Executive aware of my proposal was a deliberate attempt to influence the Council Executive vote. Definitely not demonstrating “collaborative, inclusive, and adaptive” values.

Of great concern, by not providing Drivers with a fare and reasonable Fare Increase, West Lothian Council are leaving many drivers to operate below the National Minimum Wage. The MailOnline reported on Sunday 25 February 2024 that the Nous Group, an International Management Consultancy, “said with household inflation running at approximately 4.2 per cent, workers need to increase their wages by at least 4.6 per cent to keep pace with the cost of living crisis”. Unlike other industries, Taxi Drivers do not receive yearly wage increases and at points since the last Fare Increase was approved inflation has been over 11 per cent. On consulting with my booking office I established that in mid February, drivers had worked an average of 37.5 hours in the week. If a driver declares taxable profit to HMRC (total takings minus total expenses) of £20,000, then averaging 37.5 hours, based on a 48 week working year, it provides a hourly rate of £11.11. From April 2024 the National Minimum Wage will be increased to £11.44 per hour.

I would suggest that many drivers are actually reporting Taxable Profit below £20,000. During the period of Covid, West Lothian Council declined to provide financial assistance to the Taxi Trade. However, support that was provided, in terms of grants, from the Scottish Government, were administered and issued by West Lothian Council. From the data collected at that period then West Lothian Council should be fully aware of how much Taxable Profit that Drivers make on average. Yet, none of this information was made available to the Council Executive.

From my own personal experience I am aware that many drivers are working more than 50 – 60 hours per week to eke out a living. That is surely preposterous and Dickensian. If we return to the average figure worked of 37.5 hours per week, and the top and bottom 15% of hours worked were removed, then we would see that the real average hours worked is significantly higher than 37.5 hours. None of this information was assessed by the Council executive. No attempt was made to establish this information, and most importantly no assessment has ever been made on the Health and Safety of Drivers in relation to how many hours they need to work to secure a reasonable living. Failure to provide a fare increase exacerbates this problem, and it certainly isn’t adhering to the Council value of being “caring and compassionate”.

West Lothian Council, as the Licensing Authority, has a duty of care to ensure that Drivers can make a fare and reasonable wage within the guidelines of the Working Time Directive.

Within section D3 of the report to the Council Executive, “Representations from the relevant trade organisations” it was mentioned that “part The Scottish Government’s Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities 3rd ed published in May 2023 states that authorities are advised as best practice to pay regard to advice contained in paragraphs 2.34-2.37 of Scottish Department Circular 25/1986. This states that:” “The public interest is best served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return rather than depressing fares for social reasons”. I do not believe that the Council executive fully took this on board.

Anyone seeking a Taxi at the public Rank outside Asda, Livingston, will see an aging Taxi fleet which is long past what many would consider an appropriate shelf life. The majority of Taxis in West Lothian are no longer fit for purpose. Glasgow has already introduced their Low Emission Zone and Edinburgh Councils Low Emission Zone will be enforced from 1 June 2024. The majority of Taxis in West Lothian will not be able to enter either of our two major cities without incurring charges/penalties.

Edinburgh Council ULEX penalties are listed below:

Non-compliant cars (M1), vans (N1) and special purpose vehicles

We will

- issue an initial PCN set at £60, per vehicle
- issue a second PCN set at £120, if the same vehicle is driven a second time within 90 days of the first breach
- issue a third PCN set at £240, if the same vehicle is driven a third time within 90 days of the first breach
- issue a fourth PCN set at £480, if the same vehicle is driven a fourth time within 90 days of the first breach

Currently, if a Customer looks to pre-book a Taxi/Private Hire Car for a Journey into Edinburgh it will cost around £37-£40. Where the journey is not pre-booked and the Taxi is approached on a rank the typical fare charged is around £50.

From June, if a Wheelchair User approaches a Taxi at the Asda Rank and wishes to go to Edinburgh, the Driver will have to decide if he/she is willing to accept a first strike on the penalty scale. If the answer is yes, as the fine is known in advance, the customer will be the person liable for this and it will be added to the fare. Thus a person with a disability, and in a wheelchair, who has restricted options with regards public transport, could find their fare into Edinburgh being charged at £110. Should the driver be approaching his fourth low emission violation, the fare would be £530. Surely this is Disability Discrimination? The same discrimination will also apply to elderly people needing to get to Edinburgh Hospitals.

The choice are: 1. Pay the increased fare, 2. The hire is refused, 3. The Council provides a fare structure which is appropriate to enable Drivers to update their vehicles.

Sadly, the inflationary figures provided to the Council Executive of New Cars aren't exactly correct. I'm not suggesting there was an attempt to mislead, rather the prices of new cars are not reflective of the cost of New Taxis.

In 2021, it was possible to buy a new Mercedes Vito taxi from Cab Direct for £34,995.

Mercedes-Benz Vito Taxi is Back

June 24, 2021 | Cab Direct News



Sadly, Cab Direct no longer appears to be stocking the Vito Taxi, and a search for new Vitos is drawing a blank, suggesting the vehicle may have been withdrawn due to emission issues.

The Taxi currently being promoted by Cab Direct is a version of the Ford Transit, the Ford Maxi Cab.



With prices starting at £59,995 it is a significant difference from the £34,995 required in 2021. The price quoted is for the Diesel variant. This of course brings a major risk. If the LEZ requirements change the Diesel vehicles risk becoming obsolete very quickly. This also needs to be taken into consideration if purchasing a second hand taxi. A lot of investment is being placed at risk. An alternative would be the environmentally friendly Petrol Hybrid model which comes in at £62,995. Unfortunately, due to the rather bizarre requirements which have been set by West Lothian Council in terms of tinted windows (note: this isn't a problem for other councils), this vehicle would not be allowed to operate as a Taxi in West Lothian.

Effectively, this leaves the only new Taxi choice for a driver in West Lothian as the LEVC TX (London style Black Cab).

In September 2023, Autocar listed this vehicle at £66,433



Realistically the 2024 price of this vehicle will be nearly £70,000, quite a jump from the 2021 outlay of £34,995.

Even at £66,433, this would equate to monthly repayments over 60 months of £1107 BEFORE INTEREST is added. Does anyone in the Council actually think that Taxi Drivers In West Lothian make this sort of money? Does anyone in the Council think it will be easier to afford one of these vehicles by not providing a Fare Increase? Is “The public interest” “best served by ensuring the maintenance of an” inadequate “taxi service” where Taxis are restricted from where they can travel to? Is “The public interest” best serviced by an inability of Drivers to modernise their vehicles due to a low Fare Tariff?

Alternatively some of this could be avoided if West Lothian Council changed their rules on accessible wheelchair vehicles for use as Taxis. The Peugeot Premier, a key taxi in the much larger City of Dundee and extremely popular at Glasgow Airport, is sold by Cab Direct from £30,829.

Peugeot Premier™



Max Passengers **7**
 Power (PS) **100/130**
 Consumption (mpg)* **57.4**

From £30,829 OTR

More Details



There is something dishonest about a Council who denies Taxi Drivers a Fare Increase yet at the same time continually increase the Licence Fees for the Drivers and Operators. In 2014 the Vehicle Licence was £322.27 and in 2024 the Licence will be £463.42, an increase of just over 43.5%. Fares haven't risen by 43.5% in the same period.

Hire Car Licensing	2022/23	2023/24 Proposed	2024/25 Proposed	2025/26 Proposed	Basis of charge	Discretionary/ Non-discretionary
Taxi - initial grant	£468.11	£489.17	£511.19	£534.19	Per application	Discretionary
Taxi - renewal fee	£424.37	£443.47	£463.42	£484.28	Per year	Discretionary
Private hire car - initial grant	£444.78	£464.80	£485.71	£507.57	Per application	Discretionary
Private hire car - renewal fee	£424.37	£443.47	£463.42	£484.28	Per year	Discretionary
Taxi driver - initial grant	£217.29	£227.07	£237.29	£247.96	Per application	Discretionary
Taxi driver - renewal fee	£183.75	£192.02	£200.66	£209.69	Per year	Discretionary
Taxi driver (within first year of PHC driver)	£40.84	£42.68	£44.60	£46.61	Per year	Discretionary
Private hire car driver - initial grant	£217.29	£227.07	£237.29	£247.96	Per application	Discretionary
Private hire car driver - renewal fee	£183.75	£192.02	£200.66	£209.69	Per year	Discretionary
Duplicate licence	£8.75	£9.14	£9.56	£9.99	Per replacement	Discretionary
Replacement ID card	£8.75	£9.14	£9.56	£9.99	Per replacement	Discretionary
Replacement vehicle	£72.92	£76.20	£79.63	£83.21	Per amendment	Discretionary
Amendment to licence (apart from address)	£40.84	£42.68	£44.60	£46.61	Per amendment	Discretionary
Application for change of address	Free	Free	Free	Free	Per amendment	Discretionary
Missed medical fee	£71.69	£74.92	£78.29	£81.81	Per appointment	Discretionary

The last fare increase was in 2022 when the Licence Fee was £424.37. The increase in April to £463.42, represents an increase since the last Fare Increase of over 9%. This is completely unjustifiable. £463.42 in no way is reflective of the cost to provide the Licence in terms of the test cost and administration. West Lothian Council are profiteering at the expense of the Taxi Trade, which makes a zero fare increase even more reprehensible.

In summary:

- The Councils Consultation was lacking
- There was a failure to make the Council executive aware of the proposal that I had submitted and the support it had
- The TOA's justification for promoting no increase lacks substance
- The current proposal fails to take into account the realistic cost of new vehicles
- Current vehicles are not up to Low Emission Zone Standards
- The inability to access Low Emission Zones can potentially lead to Disability Discrimination
- The current proposal will leave many drivers working for less than the National Minimum Wage
- No consideration has been taken into account of the Health and Safety of Drivers Hours because of low pay.

On that basis I ask that the Council properly consider the proposal that I previously submitted. Whereas I do not think it is appropriate that any person should be getting into a Taxi for less than £5.00, I would find it acceptable if the Council adopted the Tariff One proposal from The Fellowship, as long as Tariff Three is adopted at Double Time in line with Falkirk Council. I would say that I was impressed at the thought, and work, that was put in by The Fellowship to justify their proposal, which is in sharp contrast to the nonsense from the TOA.

I would also ask that my comments are submitted to the Council in full and not just recorded as one of a number of objections.

Yours sincerely

██████████

RESPONSE FROM THE LICENSING TEAM TO THE ISSUES RAISED IN DL'S REPRESENTATION

1. **Suggestion that the consultation was lacking**

It is accepted that the initial consultation which took place in September 2023 required to be extended to include the holders of taxi vehicle licences. This became clear following research carried out by the Licensing Team into recent caselaw and statutory guidance in order to assist the Council Executive in making a decision regarding which fare table to advertise for public comment in view of the opposing views. The legislation directs that certain consultation is required to take place as outlined in this report. That consultation has taken place.

2. **Complaint that there was a failure to make the Council Executive aware of DL's proposal and the potential support it had**

The legislation directs that certain consultation to take place, it does not suggest that other consultation is possible and the caselaw supports this. As Mr L is not the holder of a taxi licence it would therefore not have been appropriate for his proposal received in January to have been included in the February Council Executive report. As a private hire car (PHC) licence holder Mr L and all other private hire car owners have a choice whether to install a meter in their vehicles unlike taxi licence holders who in terms of the legislation must have a meter fitted. If no meter is fitted PHC drivers are free to agree fares in advance with passengers. This is why the legislation does not include PHC licence holders in the consultation process.

As the legislation allows any person to make a representation at this stage Mr L's proposal can now be considered. However, the Executive should not treat this proposal as having the support of additional persons as online polls have little credibility and no other representations have been received in support of Mr L's proposal.

3. **The suggestion that the TOA's justification for promoting no increase lacks substance**

This is a matter for the Executive to consider and reach a conclusion on in deciding what fare table should be approved.

4. **The suggestion that the current proposal fails to take into account the realistic cost of new vehicles**

Again this is a matter for the Executive to consider and reach a conclusion on. However, it should be noted that the outcome of the consultation undertaken with all taxi operators in January was that the majority did not wish a fare increase at this stage.

5. **The suggestion that current vehicles are not up to Low Emission Zone Standards and the implications of that**

This is an issue which taxi licence operators are best placed to consider when responding to the consultation.

6. **The suggestion that inability to access Low Emission Zones can potentially lead to disability discrimination**

This is an issue which taxi licence operators are best placed to consider when responding to the consultation.

7. **The suggestion that the current proposal will leave many drivers working for less than the National Minimum Wage and that no consideration has been taken into account of the Health and Safety of Drivers Hours because of low pay.**

This is an issue which the statutory guidance highlighted and taxi licence operators are best placed to have considered when responding to the consultation. If drivers are employed this is a matter for

operators who employ them. It is understood that most drivers are self employed and the minimum wage provisions do not apply.

8. The comments about hire car licence fees

The setting of hire car licence fees is a completely different exercise from setting maximum taxi fares and different legislative provisions apply. In setting hire car licence fees the council is required by law to ensure that the total amount of fees received is sufficient to meet the expenses of operating the licensing scheme including the costs of administration of the scheme, testing of vehicles and medical fees. The council is not able to make a profit.

Licensing Team
28/03/24