



# Walsall Council

---

---

## **LICENSING AND SAFETY COMMITTEE**

**19 JANUARY 2011**

### **REPORT OF THE HEAD OF PUBLIC SAFETY**

#### **HACKNEY CARRIAGE FARES – DEPOSIT PRIOR TO HIRE**

##### **1.0 PURPOSE OF REPORT**

- 1.1 On the 21<sup>st</sup> July 2010 the committee resolved (in respect of a request made by the Taxi/ Private Hire Liaison group for hackney carriage drivers to request a deposit prior to hire if they suspected that a hirer may abscond from the vehicle without making payment) that no action was to be taken to endorse the policy.
- 1.2 Through the Taxi/Private Hire Liaison group the hackney carriage trade has now requested that they be allowed to display a notice within the vehicle, which permits the driver to ask for a monetary deposit prior to hiring.

##### **2.0 RECOMMENDATION**

- 2.1 The committee is asked to consider the contents of the report and to determine whether an approved licensing notice may be displayed within the vehicle permitting a monetary deposit to be paid prior to hiring.

##### **3.0 BACKGROUND**

- 3.1 At a meeting of the Taxi/Private Hire Liaison group on the 17<sup>th</sup> March 2010 a request was made by the group as to whether it was lawful for hackney carriage drivers to take a deposit for a fare if they suspected that the person(s) may not pay when they reach their destination.
- 3.2 Section 54 of the Town Police Clauses Act 1847 (T.C.P.A 1847) allows agreement to be made in advance of the hiring of a hackney carriage

that a sum less than that shown at the end of the hiring will be paid, and once such an agreement has been made it is an offence for the proprietor or driver to demand more than was agreed in advance..

- 3.3 Under Section 58 of the T.C.P.A 1847 it is an offence to charge more than the fare shown on the meter, plus any legitimate extras.
- 3.4 As a result of the information contained in 3.2 and 3.3 there appears to be no reason why a deposit cannot be asked for in advance of a hiring providing, it does not exceed the metered fare and that the balance is returned where the final fare does not exceed the deposit.
- 3.5 On the 21<sup>st</sup> July 2010 a report was presented to committee in respect of this matter, the resolution was as given in 1.1.
- 3.6 The hackney carriage trade has again through the Taxi/Private Hire Liaison Group requested that such vehicles be permitted to display a notice within the vehicle that the driver is entitled to ask for a deposit prior to hiring.
- 3.7 Such a sign has been drafted by the Licensing Unit and is given as **Appendix 1**

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 None to the Council. Although the Licensing Unit will produce these stickers, the hackney carriage trade has stated that they will pay a fee for cost recovery of this service. The cost will be around £1/sticker

#### **5.0 POLICY IMPLICATIONS**

- 5.1 None

#### **6.0 LEGAL IMPLICATIONS**

- 6.1 Legal Services Consulted: Yes

#### **7.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 7.1 None.

#### **8.0 ENVIRONMENTAL IMPACT**

- 8.1 None.

#### **9.0 WARD(S) AFFECTED**

- 9.1 None.

**10.0 CONSULTEES**

10.1 Legal Services, Walsall MBC.

**11.0 CONTACT OFFICER**

11.1. Steven Knapper– Principal Licensing Officer. Ext. 2221