



Walsall Council

REPORT OF THE HEAD OF PUBLIC SAFETY

TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 21ST JULY 2010 @ 6.00PM

HACKNEY CARRIAGE FARES – DEPOSIT PRIOR TO HIRE

1.0 PURPOSE OF REPORT

- 1.1 Following a meeting of the Taxi/Private Hire Liaison group on the 17th March 2010 the committee was asked to consider whether hackney carriage drivers should be allowed to ask a passenger for money before the commencement of the journey if they suspect that the individual(s) might try to abscond without payment of fare upon reaching their destination.

2.0 RECOMMENDATION

- 2.1 The committee is asked to note the contents of the report.

3.0 BACKGROUND

- 3.1 At a meeting of the Taxi/Private Hire Liaison group on the 17th 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 10.2 and 10.3 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.

4.0 FINANCIAL IMPLICATIONS

- 4.1 None to the Council.

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