

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Regulatory Committee

28 September 2022

<b>Report title</b>	Hackney Carriage Vehicle Licence Condition Update - Contactless Payments	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Greg Bickerdike	Licensing Manager
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<b>Report to be/has been considered by</b>	None.	

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## Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the Hackney Carriage Vehicle Licence Conditions.

## **1.0 Purpose**

- 1.1 To seek approval for the requirement for acceptance of contactless payments in Hackney Carriages to be included as a condition of licence.

## **2.0 Background**

- 2.1 On 19 January 2022, the Regulatory Committee approved the requirement of the facility for contactless card payments within all Hackney Carriage vehicles.
- 2.2 Whilst most proprietors have complied with this requirement, some are yet to provide a machine to allow customers to pay contactless. Licensing Services have received several complaints from customers stating that this service was not offered or that drivers attempted to impose a surcharge for using debit or credit cards.

## **3.0 Proposal**

- 3.1 It is proposed that the Hackney Carriage Vehicle Licence Conditions (Appendix 1) be updated. This will facilitate enforcement against non-compliant proprietors.

## **4.0 Financial implications**

- 4.1 There are no financial implications associated with this report.

[SB/02092022/H]

## **5.0 Legal implications**

- 5.1 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence of a hackney carriage under the Town and Policies Causes Act of 1847 such conditions as the district council may consider reasonably necessary and section 47 (3) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the licence.
- 5.2 Payments are governed by the Consumer Rights (Payment Surcharges) Regulations 2012 (amended by the Payment Services Regulations 2017). The Regulations limit charges to consumers who are buying goods and services. It is unlawful to impose surcharges on customers for using the following methods of payments:
- A. Consumer Credit Cards, debit cards or charge cards
  - B. Electronic payment services ie PayPal
  - C. Similar payment methods that are not card-based i.e. mobile phone based payment methods
- 5.3 Customers should not be charged any more than the amount which is displayed on the meter or the agreed fare. The pre-agreed fare cannot include any additional charge for

using a debit or credit card payment. This does not apply to transactions using a corporate or business credit card.

[DA/13/09/22/4]

## **6.0 Equalities implications**

6.1 As all Hackney Carriages licensed by Wolverhampton are wheelchair accessible, this leads to a higher proportion of disabled people using them. Disabled people are vulnerable to contagious diseases and the requirement for contactless payments was introduced on the recommendation of Public Health.

## **7.0 All other Implications**

7.1 There are no other implications.

## **8.0 Schedule of background papers**

8.1 16 March 2022 - Hackney Carriage Proposed Fare Increase – Regulatory Committee

8.2 19 January 2022 - Hackney Carriage Fare Increase and Contactless Payments – Regulatory Committee

## **9.0 Appendices**

9.1 Appendix 1: Hackney Carriage Vehicle Licence Conditions