

Licensing Sub-Committee Miscellaneous

2nd January 2019

Member Questions

1.	Question from Councillor Max Wilkinson to Councillor David Willingham as Chair of the Licensing Sub-Committee
	Can the committee confirm that Hackney carriage drivers are not permitted to apply a surcharge for use of card machines as fare payment? If so, will the licensing department undertake to remind all Hackney carriage drivers that they should not be doing so?
	Response from Councillor David Willingham
	<p>I would like to thank Cllr Wilkinson for his question highlighting this matter of concern to the travelling public in Cheltenham, and for his constructive request to issue a reminder that these are not permitted surcharges.</p> <p>Following the incorporation of European Union Directive 2015/2366, commonly known as Payment Services Directive 2 (PSD 2), into UK law as the Payment Services Regulations 2017, which came into effect on 13th January 2018, credit card surcharges for retail transactions are generally banned. These rules augment other legislation and regulations; and Cheltenham Borough Council's Taxi Licensing Policy also limits the charges that can be made in a taxi to the fare displayed on the meter, subject to any approved additions as shown the fare card.</p> <p>Further details about these can be found via the following links: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718812/payment-surcharges-guidance-update.pdf https://ec.europa.eu/info/law/payment-services-psd-2-directive-eu-2015-2366_en https://www.cheltenham.gov.uk/downloads/file/1980/licensing_policy_guidance_and_conditions_for_private_hire_and_taxis</p> <p>Cheltenham Borough Council expects and requires its licensed drivers to comply with these regulations and with the Council's Taxi Licensing Policy, and will take enforcement action against any drivers who are identified as breaching the Council's Taxi Licensing Policy.</p> <p>To raise awareness of these requirements, the Council's Licensing Officers have been in touch with the Hackney Carriage Drivers Association and have asked them to communicate to their drivers that they may not levy surcharges for credit card payments. Officers are also looking at other ways to remind the Council's licensed drivers about this. I have asked the Council's Licensing Officers whether consideration should be given to adding information about this to the fare card when it is next revised.</p>