

<b>Report To:</b>	<b>LICENSING COMMITTEE</b>
<b>Date:</b>	<b>27<sup>th</sup> July 2022</b>
<b>Heading:</b>	<b>CONSIDERATION OF VARIATION TO HACKNEY CARRIAGE TARIFFS</b>
<b>Executive Lead Member:</b>	<b>DEPUTY LEADER – OUTWARD FOCUS</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>YES</b>
<b>Subject to Call-In:</b>	<b>NO</b>

## **Purpose of Report**

To agree to a proposal submitted by the local Hackney Carriage Trade to vary the current Hackney Carriage Tariffs.

## **Recommendation(s)**

**The Licensing Committee is recommended to:**

- a) Consider the proposal to vary the current Hackney Carriage Tariffs as put forward by the local Hackney Carriage Trade;**
- b) Consider any responses received during the consultation carried out by the Licensing Team with the licensed Trade, and (if necessary) amend the proposal accordingly;**
- c) Subject to the Committee agreeing to the proposal (with any amendments felt necessary in light of any Trade responses), request that the Licensing Manager carry out the statutory requirement of advertising the proposed variation to the Hackney Carriage Tariffs for 14 days by way of a Public Notice; and**
- d) Subject to any valid consultation responses received (to be considered by the Chair of the Licensing Committee), recommend that Council adopts the new set of Hackney Carriage Tariffs.**

## **Reasons for Recommendation(s)**

Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority is responsible for the setting of fares for Hackney Carriages within its district. From time to time, the Hackney Carriage Trade may seek variations to existing Tariffs, in order to ensure such Tariffs provide the Trade with a sustainable livelihood.

## **Alternative Options Considered**

**Do nothing:** not recommended for the reasons below.

The last Tariff variation was in November 2014. Since then the costs to the Trade to provide Hackney Carriage services to the public have increased significantly.

Furthermore, the cost of living, cost of fuel, diesel, heating, groceries, goods, etc have all increased, and current expectations are that these rises will continue.

It is therefore prudent to reconsider the current Hackney Carriage Tariffs, in order to ensure a) the livelihoods of the local Hackney Carriage Trade, and b) that there are sufficient Hackney Carriages available for hire to those customers seeking such fare-paying journeys.

The proposal put forward by the Hackney Carriage Trade has taken into consideration the impact of fares on passengers, and the proposal is one that has taken into account that the rises in the cost of living show no immediate sign of abating, and as such this proposal has attempted to future-proof against any need to revisit the Hackney Carriage Tariffs in the near future.

## **Detailed Information**

### **Introduction**

The Council has the authority to set Hackney Carriage Tariffs, to be used by drivers of Hackney Carriages that pick up passengers waiting at local Taxi Ranks, or passengers who are hailing Hackney Carriages in the street.

The Committee is advised that it only has authority to set the Tariffs for Hackney Carriages. Private Hire vehicles (and the drivers of such vehicles) are only permitted bookings made through a Private Hire Operator. Private Hire Operators set their own Tariffs that do not require consideration by the Council. Private Hire vehicles are not permitted to be hailed in the street, nor are they permitted to wait on or near Taxi Ranks.

The charging of Hackney Carriage fares and payment are governed by a number of different legislations:

- **Local Government (Miscellaneous Provisions) Act 1976 Section 65 to set the fare and 65(5) within the district to charge more than the fare shown on the meter.**
- **Town Police Clauses Act 1847 Section 54 allows agreement to be made in advance of the hiring that a sum less than that shown on the meter at the end of the hiring will be paid.**
- **Local Government (Miscellaneous Provisions) Act 1976 Section 66 prohibits any demand of a fare greater than that shown on the meter for hiring's which end outside the district, unless an agreement to pay more than the metered fare has been made in advance of the journey commencing.**

### **Background**

It has been nearly 8 years since the last variation of the Hackney Carriage Tariff, and considerable work has been undertaken by the Licensing Team with the local Hackney Carriage Trade, in order to present to the Committee a transparent, fair, and considered proposed variation to the current Tariffs.

The local Hackney Carriage Trade has provided reasons as to why a variation to the current Tariffs is required. A copy of this Business Case is attached at **Appendix One**, and has been endorsed by a number of Taxi Company owners, Hackney Carriage vehicle proprietors, and drivers.

In order to enable Members to understand how the proposed variation would impact on the fares paid by passengers, a Table is provided at **Appendix Two**, detailing the current and future costs of journeys of 1, 2, 3, 5 and 10 miles across the Tariffs.

Journeys undertaken by Multi-Passenger Vehicles when 5 or more passengers need to be transported, would, under the proposal, be subject to a 25% surcharge, owing to the extra diesel costs associated with these vehicles. However, this 25% surcharge, does in reality offer a saving to potential customers who may currently have been provided with 2 x 4-seater vehicles. Furthermore, by enabling such a surcharge, it may help promote more Multi-Passenger Vehicles within the local Hackney Carriage Trade, which in turn helps to boost the number of potential Wheelchair Accessible Vehicles.

The current Hackney Carriage Tariff Chart is attached at **Appendix Three**, and the revised Hackney Carriage Tariff Chart (should the Trades proposal be approved) is attached at **Appendix Four**. The Hackney Carriage Tariff Chart must be displayed prominently in all licensed Hackney Carriage Vehicles.

In order for Members to further consider this proposal, attached at **Appendix Five** is the current “chart” listing the cost of a 2 mile journey made on Tariff 1, in all Districts nationally. Ashfield is currently one of the lowest tariff costs (341 out of 355 Councils). Should the Trade’s proposal be approved, Ashfield would only be placed the 278<sup>th</sup> most expensive Tariff for such a journey. Also highlighted on this “chart” are neighbouring and nearby Councils, for Members to further evaluate this proposal.

### **Consultation on the Proposed Variation of Hackney Carriage Tariffs**

The Licensing Team wrote to all drivers and Hackney Carriage owners, providing an overview of the proposed variation put forward by the local Hackney Carriage Trade, seeking whether there were any objections to the proposed variations, or whether any alternative proposals may be forthcoming.

The consultation letter informed the Trade that should no response be received from each recipient of the letter, that this would be interpreted as that person having no objection to the proposed Tariff increases. A total of 761 consultation letters were sent out. The consultation ran for a period of 4 weeks ending on 30<sup>th</sup> June 2022. A copy of the letter sent to the Trade is attached at **Appendix Six**.

### **Responses to the Consultation**

No valid responses were received during the consultation period. The consultation letter states upon it that should the Council not receive any response from those to whom the letter was sent, that this would be interpreted as the Trade member being in support of the proposal of the Hackney Carriage Trade. As such, the Licensing Committee is directed to consider that the proposal has the full support of the Taxi Trade.

### **Publication of Tariffs**

Should the Committee approve the proposal, then the Licensing Manager will be required to place a Public Notice in a local newspaper and on the front of the Council Offices for a period of 14 days, detailing the proposed Tariffs in order to seek any valid public comments.

It is proposed to forward any valid consultation responses to the Chair of the Licensing Committee for consideration, and then to recommend to Council that the new Tariffs be adopted.

The cost of recalibrating taximeters to the new Tariff rates is to be met by the Hackney Carriage Trade.

## **Implications**

### **Corporate Plan:**

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the district, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

### **Legal:**

Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority is responsible for the setting of fares for Hackney Carriages within its district.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

### **Human Resources:**

There are no direct HR implications contained within this report

### **Environmental/Sustainability**

By approving this proposal, the Council is able to set and regulate the fares for Hackney Carriage journeys within the district, ensuring the promotion, protection and sustainability of the local environment.

**Equalities:**

There are no diversity or equality implications contained within this report.

**Other Implications:**

None

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

**Appendix One:** Hackney Carriage Trade Business Case

**Appendix Two:** Table of Fares Comparisons

**Appendix Three:** Current Hackney Carriage Tariff Chart

**Appendix Four:** Proposed Hackney Carriage Tariff Chart

**Appendix Five:** Chart of National Costs for 2 Mile Journey

**Appendix Six:** Consultation Letter

**Report Author and Contact Officer**

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