

CHESHIRE EAST COUNCIL

Portfolio Holder for Housing, Planning and Regeneration

Date of Meeting:	6 th November 2017
Report of:	Director of Planning and Sustainable Development
Subject/Title:	Phase two – Harmonisation of Hackney Carriage Table of Fares
Portfolio Holder:	Cllr Ainsley Arnold

1.0 Report Summary

1.1 To consider proposals for the implementation of phase two of the harmonisation of the Table of Fares applicable in each of the Council's Hackney Carriage Zones.

2.0 Recommendation

2.1 It is recommended that:

- 2.1.1 phase two of the proposals be initiated in line with the relevant statutory processes (appendix 1)
- 2.1.2 the Licensing Team Leader is authorised to take all necessary actions to commence the proposals including writing and advertising the Statutory Public Notices.
- 2.1.3 If any objections are received following placement of the notices, a further Portfolio Holder meeting should be arranged to consider those objections.
- 2.1.4 If no objections are received, that the Table of Fares for each zone, advertised in accordance with the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, will automatically come into force on the date specified in the Public Notices.

3.0 Reasons for Recommendations

3.1 In accordance with the Local Government (Functions and Responsibilities) (England) Regulation 2000, any amendment to the Table of Fares is an Executive function. The Council's Constitution makes provision for decisions of this nature to be made by the relevant Portfolio Holder.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 Not applicable

6.0 Policy Implications

6.1 None

7.0 Financial Implications

7.1 If it is resolved that phase two of the proposals should be implemented, there is a requirement to advertise the variation to the fares in at least one local newspaper. As the Borough is also split into 3 sub-districts (known as zones) each fare card will need to be individually advertised. The costs identified will be met within existing budget provision within the Licensing Section's budget.

7.2 The Notices would also be placed on the Council's website and copies placed on the notice boards at the Westfields Council Offices and at the Contact Centres at the Town Hall Macclesfield and Delamere House Crewe.

8.0 Legal Implications

8.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the discretion to set the maximum fares payable in connection with the hire of a Hackney Carriage vehicle. The fares must be set out in a table referred to as the 'Table of Fares'.

8.2 Section 65 also provides that the following is required when varying a table of fares:

- i. publication of a notice setting out the variation to the table of fares (specifying the period within and manner in which objections can be made) in at least one local newspaper circulating in the district; and
- ii. deposit of the notice for the period of fourteen days at the offices of the Council (for public inspection).

8.3 If no objection to the variation is made within the relevant fourteen day period (or if all such objections are withdrawn) the variation comes into operation on

the date of the expiration of the period specified in the notice (or the date of withdrawal of the last objection (if any)).

- 8.4 In the event objections are made and not withdrawn, a further date (not later than 2 months after the first specified date) shall be set on which the table of fares shall come into force with or without modifications as decided after consideration of the objections.
- 8.5 A Hackney Carriage Proprietor is permitted to charge less, but not more than the maximum set by the Licensing Authority. The case of R v Liverpool City Council ex parte Curzon Ltd (1993) has confirmed that if the proprietor is using their own version of the Table of Fares or continues to use a previous Table set by the Local Authority, the taximeter should reflect the fare being charged. There is a requirement for the Table of Fares set by the Council to be displayed in the vehicle.

9.0 Risk Management

- 9.1 Full and thorough consideration of any responses received following the publication of the Notices is necessary to provide a reasonable and appropriate decision. This would also mitigate the risk of challenge to any decision taken.

10.0 Background

- 10.1 The Council's proposals to amend the Hackney Carriage fares has a complex history that has been detailed in several reports previously presented to the relevant Cabinet Member. This history is set out in a timeline of events that have taken place, summarising the consultations and meetings, in relation to this matter (Appendix 2).
- 10.2 In July 2014 proposals were drawn up based on parameters approved the Cabinet Member, which included harmonising fares over a number of steps, that meant that eventually the first mile and flag rates would be the same, and that waiting time be included in any proposals.
- 10.3 A 6 week consultation period was conducted from 13th August 2014 to 24th September 2014. The proposals were also published on the Council's website and two drop-in sessions were organised for anyone who wanted more information on the proposals. The Consultation document is attached at appendix 3 and all consultation responses received are set out at appendix 4.
- 10.4 On the 5th December 2014 the Portfolio Holder considered the consultation responses in relation to the 'Phased Harmonisation' proposals.
- 10.5 On the 13th July 2015 the Portfolio Holder resolved that phase one of the proposals be implemented with effect from 3rd August 2015. The current fares applicable in each zone are set out at appendix 5.

11.0 Summary

- 11.1 Taxis play a vital role in ensuring our night-time economy is safe by making sure patrons to licensed premises leave a town centre quickly and efficiently and arrive home safely. Similarly, in areas where there is reduced public transport provision, taxis can fill this gap ensuring those who need to attend their doctor or do their weekly shop are able to do so.
- 11.2 The table of fares should be set to enable:
- Sustainable income for drivers. It is therefore important that the public and trade recognise that the Council sets the maximum fares payable rather than a fixed rate.
 - Future investment in vehicles to ensure they remain safe and suitable for use as a working vehicle
 - Clear and simple maximum charges that minimise the opportunity for overcharging or confusion
- 11.3 It should also be borne in mind that the Council has no power set the fees in relation to private hire vehicles. This type of hiring should be negotiated when the journey is booked. In respect of these fares, the market finds its own level. Similar, the Table of Fares set by this Authority would not be applicable to any vehicles licensed by other Local Authorities, but working in the Borough. In those instances the driver can charge as much or as little as the customer agrees to.
- 11.4 Following any amendments to the Table of Fares the meters in licensed vehicle may need to be recalibrated. Either to the Council set maximum or to the drivers own Table of Fares. The cost of this process would fall to the proprietor of the vehicle and can vary depending on the type of meter used and the company carrying out the change. However, the cost would be in the region of £25.00 per change.
- 11.5 Consideration should also be given to section 149 of the Equality Act 2010 which sets out characteristics that should be protected. Some protected characteristics have been specifically referred to in previous consultation responses, such as disability and age etc. The Council's duty under Section 149 is to have due regard to the matters set out in relation to equalities when considering and making decisions. This would include decisions on the maximum fares that may be charged for journeys in hackney carriages.
- 11.6 In 2003 the Office for Fair Trading conducted a market study titled 'The regulation of licensed taxi and PHV services in the UK'. Pages 60 to 72 dealt with the regulation of fares and provides informative detail that may assist the decision-maker. This report is attached at appendix 6. The section on fares clearly states that Councils should be encouraged to set the maximum fare and to encourage a competitive market under that maximum. It also confirmed that for taxi drivers to work the fares need to be set at a level that allows them to earn a sufficient amount. The report also makes the case that increasing fares can increase provision.

11.7 The Best Practice Guidance produced by the Department for Transport on Taxi and Private Hire licensing (March 2010) is attached at appendix 7. The setting of fares is dealt with at para 52 – 54.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

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