

CHESHIRE EAST COUNCIL

Cabinet Member for Communities and Regulatory Services

Date of Meeting:	28 th April 2014
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Variation to the Hackney Carriage Table of Fares
Portfolio Holder:	Cllr Les Gilbert

1.0 Report Summary

- 1.1 To determine the Table of Fares applicable in each of the Council's Hackney Carriage Zones following a recommendation by the Licensing Committee and consultation with the licensed trade.

2.0 Recommendation

- 2.1 The Licensing Team Leader be authorised to take all necessary actions to implement the draft Hackney Carriage Table of Fares for each of the Council's zones including writing and advertising the Statutory Public Notices.
- 2.2 In the event that any objections are received, that a further Portfolio Holder meeting be arranged to consider those objections.
- 2.3 In the event that 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 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 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. This will result in approximately nine notices placed in the press. The costs identified will be met within existing budget provision within the Licensing Section's budget.
- 7.2 The Notices will also be placed on the Council's website.

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)). If any objection is 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.
- 8.4 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.

9.0 Risk Management

- 9.1 Full and thorough consideration of any objections received in response to the publication of the notices would mitigate the risk of challenge to any decision taken.

10.0 Background

- 10.1 The Licensing Committee requested that informal consultation be undertaken regarding the harmonisation of the Tables of Fares across the Borough to ascertain the views of the trade and seek to find common ground. The Licensing Team has conducted consultation with the licensed trade in the Macclesfield and Congleton zones. However, the licensed trade in the Crewe and Nantwich zone did not engage in the process.
- 10.2 Following the consultation, agreement with the Congleton and Macclesfield Zones was reached on the following:
- i. A harmonised structure based on a fixed rate for first mile or part thereof
 - ii. The subsequent mile rate to be £0.22 per 1/10th mile or part thereof
 - iii. Tariff 2 to operate from 9pm to 12am at the flag rate plus a set percentage
 - iv. Tariff 3 to operate from 12am to 7am at the flag rate plus 50%
 - v. Soiling charge to be £50.00
 - vi. Additional agreements have been reached regarding Sundays, public holidays and Christmas and the rates that are applicable
- 10.3 At its meeting on the 5th November 2012, the Licensing Committee considered the agreement and consensus reached and resolved the following:
- i. That the Cabinet Member for Communities and Regulatory Services be recommended to approve further consultation on the agreed structure with a flag/first mile rate of £3.50 and Tariff 2 set at the flag rate plus 20%;
 - ii. That, in view of the extensive consultation that had already been undertaken, the Cabinet Member for Communities and Regulatory Services be recommended to approve a reduction in the consultation period to six weeks.
- 10.4 On the 7th January 2013 the Portfolio Holder considered this matter and the information presented and approved that formal consultation should be conducted in line with the 5th November 2012 recommendation from the Licensing Committee.
- 10.5 The Licensing Team then consulted with the licensed trade by writing to each licence holder providing a copy of the proposed variations and by placing the proposed Table of Fares on the Council's website. The Table of Fares consulted upon is set out at Appendix 1 and the results of that consultation are attached at Appendix 2.
- 10.6 A comparison attached at Appendix 3 has been produced to give information as to how the change in structure of the proposed Table of Fares and change in rates will differ from the fares currently payable. This table takes the proposed Table of Fares and compares the fares which would be payable in

each zone. It should be noted that for the Congleton and Macclesfield zones there is a straight increase on both the 'flag rate' (the initial amount charged, which is also the rate for the first mile) and the rate for any subsequent miles. The matter is more complicated in relation to the Crewe and Nantwich zone. This is because the fare and any increases are calculated differently. This then results in this zone's tariff 1 fare being reduced at the first mile and second miles. This should be considered in the context of the flag rate increasing from £2.70 to £3.50 and increases in all other rates.

- 10.7 To give the proposed fares a national context, attached at Appendix 4, is a list of all Licensing Authority flag rates and two mile journey rates. This list is produced by Private Hire and Taxi Monthly Magazine on a monthly basis. This Appendix represents the fares as at March 2014.

11.0 Access to Information

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

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