

CHESHIRE EAST COUNCIL

Cabinet Member for Localism and Enforcement

Date of Meeting:	5 th December 2014
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Consideration of consultation responses in relation to the phased variation to the Hackney Carriage Table of Fares
Portfolio Holder:	Cllr Les Gilbert

1.0 Report Summary

- 1.1 To consider proposals for the phased harmonisation of the Table of Fares applicable in each of the Council's Hackney Carriage Zones following consultation.

2.0 Recommendation

- 2.1 That the Cabinet Member considers the proposal in light of all the relevant information, including any consultation responses, and determines:
- i. That no action be taken and that the current tables of fares operating in each zones remains unchanged
 - ii. That phase One of the proposal be implemented
 - iii. If Phase One is implemented, any future proposals for changes would be subject to full consultation and the Council would commit to listening to the views of Taxi Drivers and Owners and local residents
- 2.2 In the event of decision ii above being taken, the Licensing Team Leader is to be authorised to take all necessary actions to implement phase one including writing and advertising the Statutory Public Notices.
- 2.3 Should any objections be received following placement of the notices, a further Portfolio Holder meeting should be arranged to consider those objections.
- 2.4 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 the Cabinet Member resolves that phase one 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. 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 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)). 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. 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, which has been detailed in several reports previously presented to the 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 1).
- 10.2 In May 2014 the Council published several Notices in local newspapers across the Borough, which would have harmonised the table of fares operating in each of the Council's Hackney Carriage zones. The Notices provided an opportunity for objections to be made against the proposals.
- 10.3 On the 1st July 2014 a Portfolio Holder Meeting was held to enable the Cabinet Member for Localism and Enforcement to consider the objections made following the placing of the Notices. The Cabinet Member also took the opportunity to listen to the views of those who took advantage of the open speaking time at the meeting.
- 10.3 The Cabinet Member resolved that the proposals contained in the May 2014 Public Notices should not be implemented and that the existing table of fares should remain in operation. It was further resolved that Officers of the Licensing Authority be instructed to draw up proposals for the phased harmonisation of fares.
- 10.4 Proposals were drawn up based on the parameters set by the Cabinet Member, which included harmonising the fares over a number of steps, that eventually the first mile and flag rates would be the same, and that waiting time be included in any proposals.
- 10.5 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 2 and all consultation responses received are set out at appendix 3.

- 10.6 A number of consultation responses were received and set out the view of the responders. The drop-in sessions were less successful with only six attendees over both days.
- 10.7 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.
- 10.8 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 4. 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.
- 10.9 The Best Practice Guidance produced by the Department for Transport on Taxi and Private Hire licensing (March 2010) is attached at appendix 5. The setting of fares is dealt with at para 52 – 54.

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 Currently, the Council has two appointed testing station that carry out our vehicle test. These test include testing that meter does not exceed the set maximum. As a result of the Table of Fares being different in each zone, the Congleton and Crewe & Nantwich zones have their tests conducted in Crewe and the Macclesfield zoned vehicles are tested in Macclesfield. If the Table of Fares were to be set the same in each zone vehicles could be tested at either Testing Station. This would alleviate any booking pressures at peak times and give the option to wait or have an earlier test.

12.0 Access to Information

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

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