

CHESHIRE EAST COUNCIL

Cabinet Member for Communities

Date of Meeting: 13 July 2015
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 objections, and determines:
- i. That no action be taken and that the current tables of fares operating in each zones remain unchanged; **or**
 - ii. That phase one of the proposal be implemented unchanged to take effect from 3rd August 2015; **or**
 - iii. That phase one of the proposals be implement with changes set out by the Cabinet Member to take effect from 3rd August 2015.
- 2.2 Phase 1 of the proposals is set out at appendix 1 and any responses are set out at appendix 2.

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.
- 3.2 If objections to the changes are received the Cabinet Member is required to consider those objections.
- 3.3 If no objections are received, 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.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 None

7.0 Financial Implications

7.1 All financial implications have previously been reported. There are no further implications to report.

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.
- 9.2 There is no right of appeal against a decision to fix or amend the Table of Fares.

10.0 Background

- 10.1 On the 5th December 2014 the relevant Cabinet Member, following consultation with the trade and general public, considered proposals to introduce the phased harmonisation of hackney carriage fares across Cheshire East's three zones.
- 10.2 The meeting was also attended by members of the licensed trade who were also given the opportunity to address the Cabinet Member.
- 10.3 Following consideration of the proposals, the consultation responses received and the views of those in attendance, the Cabinet Member resolved:
 - 1. That phase one of the proposal be implemented.
 - 2. That any future proposals for change be subject to full consultation and that the Council be committed to listening to the views of taxi drivers and owners, and local residents.
 - 3. That the Licensing Team Leader be authorised to take all necessary action to implement phase one including writing and advertising the statutory public notices.
 - 4. That In the event of any objections being received following placement the notices a further Portfolio Holder meeting be arranged to consider them.
 - 5. If no objections are received the table of fares for each zone, having been 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.
- 10.4 During the week commencing the 8th June 2015 a Notice, as required by section 65 of the Act, publicising the proposed changes was placed in a newspaper circulating in each of the Council's Hackney Carriage Zones. Additionally, a letter explaining the proposals was sent to each Hackney Carriage vehicle licence holder.
- 10.5 The Notices allowed a 21 day period where objections to the proposals could be made. The Notices also specified that if no objections were received the changes would take automatic effect on 3rd August 2015.
- 10.6 The purpose of this meeting is to provide the Cabinet Member the opportunity to consider any objections received following publication to the Notices and to

determine the matter as indicated in para. 2.1. Following consultation responses it is proposed to add in further wording into the Macclesfield table to clarify when the extra charges for Christmas and New Year will apply.

10.7 The current fares operating in each zone are set out at appendix 3.

11.0 Access to Information

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

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