

## MID SUFFOLK DISTRICT COUNCIL

<b>COMMITTEE:</b> Licensing and Regulatory	<b>REPORT NUMBER:</b> <b>MLR/19/2</b>
<b>FROM:</b> Jessica Fleming – Cabinet Member for Environment	<b>DATE OF MEETING:</b> 7 February 2020
<b>OFFICER:</b> John Grayling Corporate Manager – Public Protection Kay Sanders Licensing Officer	<b>KEY DECISION REF NO.</b> N/A

### HACKNEY CARRIAGE TABLE OF FARES REVIEW

#### 1. PURPOSE OF REPORT

- 1.1 This report refers to a review of the current table of fares fixed for hackney carriages operating in the controlled zone of Mid Suffolk District.

#### 2. OPTIONS CONSIDERED

- 2.1 Officers have undertaken a route and branch review of the table of fares and are proposing two options for the Committee's consideration:

##### **Option 1**

That no change be made to the table of fares

##### **Option 2**

To create a clear and concise draft table of fares, showing three tariffs, changes to the day and night rate hours.

Tariff 1 to be increased from £2.80 to £3.40, together with new charging hours for day rate (07:00hrs to 23:00hrs)

Tariff 2 to be increased from £3.40 to £4.00, together with new charging hours for night rate and public holidays (23:00hrs to 07:00hrs)

Tariff 3 to be increased from £4.20 to £5.00, together with new charging hours for this tariff for Christmas period and New Year only.

<p><b>3. RECOMMENDATIONS</b></p> <p>3.1 That the Committee consider the two options set out in 2.1 above.</p> <p>3.2 That should the Committee resolve to amend the table of fares as per the attached <b>Appendix A</b>, that they instruct officers to proceed with the public consultation notice advertising the variations and in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the varied table of fares shall become effective from 1 June 2020.</p>
<p><b>REASON FOR DECISION</b></p> <p>To undertake a public consultation exercise on a revised table of fares for Hackney Carriages within the District.</p>

#### **4. KEY INFORMATION**

- 4.1 Local authorities have the power to fix the maximum rates of fares for hackney carriages within their District by virtue of section 65 of the Local Government (Miscellaneous Provisions) Act 1976. There are no statutory powers to set fares for private hire vehicles. A hackney carriage may ply for hire and wait on a taxi rank. Private hire vehicles must be pre-booked and operators may set their own charges.
- 4.2 Taximeters and corresponding fare tables should be calibrated in imperial units, rather than metric (although metric equivalents may also be shown). This is due to Regulation 5(2) of the Units of Measurement Regulations 1995.
- 4.3 Fares for hackney carriages in Mid Suffolk District have not increased since 1<sup>st</sup> October 2011 and a review, revision and consultation (if necessary) are now required. Officers have undertaken a route and branch review of the table of fares and are proposing the draft table of fares attached to this report as **Appendix A**.
- 4.4 This review has been brought about by increase in costs for hackney carriage proprietors over the last eight years and verbal requests from elements of the licensed trade for the Council to undertake a review of the table of fares.
- 4.5 It will be an operational decision for each operator/proprietor whether the maximums are charged, as they have discretion to charge less if they so wish and a passenger is entitled to attempt to negotiate a lesser fare. However, proprietors must meter the maximum fares permissible in the district. Maximum fares should be transparent to fare paying passengers and should enable operators to charge realistic fares.
- 4.6 In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, once a table of fares is varied, a notice containing the fare table must be advertised in a local newspaper with a similar notice published at the Council Offices. Any objections received after this will need to be considered at a future meeting of the Licensing and Regulatory Committee.

## 5. LINKS TO CORPORATE PLAN

5.1 These licensing functions most closely align with -

- supporting businesses to thrive and grow, with a particular emphasis on smaller and start-up concerns;
- encouraging employable skills (local transport and public service standards);
- supporting safe and active communities; and
- co-ordinating our approach to regulation with Suffolk County Council to minimise the burdens on local business (particularly through the safety and suitability arrangements the District/Boroughs have together with the County, in respect to school transport and social service contracts).

## 6. FINANCIAL IMPLICATIONS

6.1 This is a statutory function, and the legislation provides for recovery of the reasonable costs of administration, inspection and supervision of the licensing scheme.

6.2 The cost of providing the public notice necessary for commencement of the public consultation is contained within the fees collected as part of existing Licensing budget.

## 7. LEGAL IMPLICATIONS

7.1 The Act doesn't set out a specific right of appeal where a Council has adopted a maximum table of fares for hackney carriages, however the fare table may from time to time be subject to judicial review. Consultation and following the prescribed Notice requirements mitigate the main risks.

## 8. RISK MANAGEMENT

8.1 This report is most closely linked with the Council's Significant Business Risk No. 14 - Councils may be perceived to be untrustworthy and have a poor reputation. Operational risk 2AO1 - If licensing functions are not delivered within prescribed framework/local policy/timeframe, then businesses will be impacted, and reputational harm/appeal likelihood will increase. Financial loss. Further Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to regularly review and consult upon hackney carriage fares may impact negatively on the trade who are subject to variable costs and overheads, licence fees, fluctuating fuel prices, market forces, insurance and vehicle maintenance costs.	2 - Unlikely	2 - Noticeable	Review, revise and re-consult on the hackney carriage table of fares on a regular basis.

## **9. CONSULTATIONS**

- 9.1 Fare revisions are also subject to statutory press Notice, advertising the changes for a period of not less than 14 days, which will take place following the Committee's instruction. This Notice enables the proposed table of fares to be inspected at the Offices of the Council. Any person wishing to make an objection in respect of the proposed tables of fares can put those in writing.
- 9.2 If no objection to the proposed table of fares, or if all objections made are withdrawn, the proposed table of fares shall come into operation at a time specified in the Notice or at the date of withdrawal of the last objection, whichever date is the later. If an objection is made and is not withdrawn, the Council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by the Council after consideration of the objections.
- 9.3 Officers will also undertake a longer consultation exercise with the licensed trade for a 28-day period, which will be completed separately from the 14 day public consultation but will end on the same date, to give the trade maximum opportunity to respond.

## **10. EQUALITY ANALYSIS**

There are no equality implications arising directly from this report. This is a revision to an existing fare scheme. The council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and shall have due regard to any comments received during the consultation, or individual applications, on equality issues.

## **11. ENVIRONMENTAL IMPLICATIONS**

- 11.1 There are no Environmental Implications arising from this report.

## **12. APPENDICES**

Title	Location
(a) Draft proposed hackney carriage table of fares	Attached
(b) Current table of fares for hackney carriages	Attached
(c) MSDC Tariff Comparison 2020	Attached

## **13. BACKGROUND DOCUMENTS**

- 13.1 Local Government (Miscellaneous Provisions) Act 1976