

BABERGH DISTRICT COUNCIL

TO: Licensing and Regulatory Committee	REPORT NUMBER: BLR/19/5
FROM: Elizabeth Malvisi – Cabinet Member for Environment	DATE OF MEETING: 12 June 2020
OFFICER: Emma Richbell – Assistant Manager Food, Safety and Licensing David Price - Licensing Officer	KEY DECISION REF NO. N/A

TABLE OF FARES FOR HACKNEY CARRIAGES

1. PURPOSE OF REPORT

- 1.1 This report is to consider responses received during the public consultation exercise received against the revised table of fares fixed for Hackney Carriages operating in the controlled zone of the Babergh District, which the Licensing and Regulatory Committee approved for public consultation at the Meeting of 14 February 2020.

2. OPTIONS CONSIDERED

- 2.1 Officers have undertaken the statutory public consultation exercise as instructed by the Committee at the meeting of 14 February 2020. The Committee in accordance with the 1976 Act has two options to consider, having had due regard for objections received, which have not been withdrawn. Objections which have been received are attached to this report as Appendix C and officer comments to those objections received are attached to this report as Appendix D:

Option 1

That no change is necessary to the revised table of fares fixed for Hackney Carriages operating in the controlled zone of the Babergh District.

Option 2

That the Committee is minded, to modify the revised table of fares fixed for Hackney Carriages operating in the controlled zone of the Babergh District. To assist the Committee in its deliberations, officers have reviewed the objections received and have created alternative tariffs for the Committee's consideration, these are attached to this report as Appendix E.

3. RECOMMENDATION

- 3.1 That the Committee consider the two options set out in 2.1 above.

RECOMMENDATIONS TO CABINET

- 3.2 The Committee is asked, following consideration of options 1 and 2 above, to make recommendations to Cabinet on the revised table of fares attached as Appendix A:

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| <p>(i) that revised table of fares be adopted, whether the Committee is minded to modify the table or not; and</p> <p>(ii) in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, recommend a new date which is to be set for the varied table of fares to become effective no later than two months after the specified date of 1 June 2020.</p> |
| <p>REASON FOR DECISION</p> <p>To recommend to Cabinet the adoption of the revised table of fares for Hackney Carriages within the Babergh District.</p> |

REASON FOR DECISION

To recommend to Cabinet the adoption of the revised table of fares for Hackney Carriages within the Babergh District.

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 Babergh District have not increased since August 2016 and a review, revision and consultation have now been undertaken.
- 4.4 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.

5. LINKS TO JOINT STRATEGIC 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.

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 The Statutory Public Notice was issued in the local press (East Anglian Daily Times – 5 March 2020 edition), a Notice was posted at the Council Offices and also Notices were placed at the customer access points within the districts to advertise the proposed variation of hackney carriage fares, as required by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 Part II.
- 9.2 Responses received from the Hackney Carriage trade objecting to the revised table of fares for Hackney Carriages are attached to this report as Appendix C.
- 9.3 There have been **no** responses to the table of fares from the general public during the consultation period.

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) Revised hackney carriage table of fares	Attached
(b) Existing table of fares for hackney carriages	Attached
(c) Responses received during the consultation period	Attached
(d) Table of responses with officer comments	Attached
(e) Example alternative tariffs	Attached
(f) Example cost of journeys	Attached

13. BACKGROUND DOCUMENTS

13.1 Local Government (Miscellaneous Provisions) Act 1976