

BABERGH DISTRICT COUNCIL

TO: Licensing & Regulatory Committee	REPORT NUMBER: BLR/21/2
FROM: Elisabeth Malvisi – Cabinet for Environment	DATE OF MEETING: 11 June 2021
OFFICER: Emma Richbell – Assistant Manager Food, Safety and Licensing	KEY DECISION REF NO. 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 Babergh District.

2. OPTIONS CONSIDERED

- 2.1 Hackney carriage fares in the controlled zone of Babergh District have been under review for more than a year. Having taken feedback on board from the trade and others, officers 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 four tariffs, with tariffs 1 to 3 for vehicles carrying one to four passengers and 8-seater vehicles carrying four passengers or less and tariffs 2 to 4 for vehicles carrying 5-8 passengers.

3. RECOMMENDATIONS

- 3.1 That the Committee consider the two options set out in 2.1 above.
- 3.2 That should the Committee resolve to amend the table of fares as per the attached Appendix A, 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 18 October 2021.

REASON FOR DECISION

To undertake a public consultation exercise on a revised table of fares for Hackney Carriages within the 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 (if necessary) are now required. Previous proposals during 2020 were rejected due to inadequate consultation with the trade and concerns around equality issues. Having learned from these problems officers 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 since 2016 and a recognition that a pay increase for the trade is long overdue.
- 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 must 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 JOINT 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 does not 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.
If the Council decides not to approve the recommended increase in fares, licence holders will be unable to recover their costs and earn a proper living, which could result in the Council being legally challenged which could adversely affect the Council's reputation	2- Unlikely	2 - Noticeable	Review, revise, and re-consult on the hackney carriage table of fares on a regular basis.
If the Council does not have a proposed basis for calculating hackney carriage fares, the Council may be unable to defend a legal challenge on the fares set and method used	2- Unlikely	2-Noticeable	Ensure that the basis for calculations is publicly available and reviewed alongside the fares.

9. CONSULTATIONS

- 9.1 Fare revisions are also subject to the requirement for a 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 do so in writing.
- 9.2 If there is 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 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 ample opportunity to respond.

10. EQUALITY ANALYSIS

An Equality Impact Assessment will be carried out. 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

13. BACKGROUND DOCUMENTS

- 13.1 Local Government (Miscellaneous Provisions) Act 1976