

# Licensing Committee

## Hackney Carriage Licensing

17 December 2012

### Report of Head of Public Protection & Development Management

#### PURPOSE OF REPORT

To seek the Licensing Committees approval to vary the Hackney Carriage fare tariff as a result of notice of variation having been given and consider the responses received during the notice period.

This report is public

#### Recommendations

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The meeting is recommended:

- (1) To consider the responses received during the notice of variation period
- (2) To vary the current fare tariff to either the proposed tariff detailed in Appendix 1 or to approve the variation to the fare tariff with amendments as a result of the responses received during the notice of variation period and instruct the Licensing Officer to implement the variation within two months of the original implementation date

#### Executive Summary

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##### Introduction

- 1.1 On 6 September 2012 the Licensing Team received a preliminary enquiry about the possibility of increasing the current taxi tariffs for Hackney Carriage Vehicles from the North Oxfordshire Hackney Association (NOHA).
- 1.2 On 8 November 2012, at a meeting of the Licensing Committee, the proposal from NOHA was considered along with several alternative proposals. As a result, the Licensing Committee proposed an alternative variation to the current tariffs and instructed the Licensing Officer to give notice of variation
- 1.3 Notice of variation was given in accordance with the Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and ran from 15 November 2012 until 29 November 2012. During this period, two responses were received.

- 1.4 The Committee is requested to consider the responses and decide if the proposed tariff by the Licensing Committee should be implemented or amended with regard to the responses received

### **Proposals**

- 1.5 The proposal for the variation to the current taxi fares is as follows:
- To increase tariff 1 base rate from £2.00 to £2.20 for the first quarter mile and for each subsequent sixteenth of a mile to be increased from 11 pence to 12 pence
  - To increase tariff 2 and 4 base rates from £2.30 to £2.50 for the first quarter mile
  - No changes are proposed to tariff 3
- 1.6 The effect of the proposal upon the current tariffs would be:
- an increase of 20 pence to the base rate for tariff 1
  - an increase of 20 pence to the base rate for tariffs 2 & 4
  - an increase of 1 pence to the sixteenth of a mile rate for tariff 1
  - the sixteenth of a mile rate for tariffs 2 & 4 remains the same
- 1.7 During the notice of variation period, two responses were received and are detailed below at paragraph 2.

### **Background Information**

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- 2.1 Under Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Council has the power to fix the fares charged by Hackney Carriage Vehicles.
- 2.2 On 13 December 1978, at a meeting of its Environmental Services Committee, the Council adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) to come into force on 1 April 1979.
- 2.3 The fares fixed by the Council are the maximum that a driver of a Hackney Carriage Vehicle may charge at any time. It is an offence under the Town Police Clauses Act 1857 to charge more than the fare shown on the meter. However, a driver may demand or agree a fare lower than that displayed on the meter.
- 2.4 The fixing of fares only applies to Hackney Carriages and can not be attributed to Private Hire Vehicles or their Operators.
- 2.5 On 6 September 2012 the Licensing Team received a preliminary enquiry about the possibility of increasing the current taxi tariffs for Hackney Carriage Vehicles from (NOHA).

- 2.6 A copy of this request can be found attached to this report as Appendix 2.
- 2.7 Details of the current tariffs in force are included in Appendix 1.
- 2.8 The current fare tariff is split into four separate tariffs.
- Tariff 1 relates to day time charges between 06:00 and 22:00 hours, Monday to Saturday inclusive
  - Tariff 2 relates to night time charges between 22:00 and 06:00 hours, Monday to Sunday inclusive
  - Tariff 3 relates to Christmas & New Year from 21:00 on 24 December to 06:00 hours on 27 December AND from 21:00 hours on 31 December to 06:00 hours on 2 January
  - Tariff 4 relates to Sunday & Public Bank Holidays from 06:00 to 22:00 hours
- 2.9 Currently, tariffs 2 and 4 are set at the same rate. There have not been any requests to make these two tariffs differ from one another.
- 2.10 Prior to giving notice of variation, the Licensing Team carried out a preliminary consultation to assess the strength of feeling amongst Hackney Carriage Vehicle Proprietors. Out of 123 Hackney Carriage Vehicle Proprietors consulted, 62 responses were received
- 2.11 Of the 62 responses, 29 of these responses were in favour of the proposal put forward by NOHA and 33 were in disagreement of the proposal
- 2.12 On the 8 November 2012, the Licensing Committee considered the proposal put forward by NOHA along with alternative proposals that had been put forward during the preliminary consultation. As a result, the Licensing Committee put forward a further alternative proposal and instructed the Licensing Officer to give notice of variation on that proposal.
- 2.13 Notice of variation was given in accordance with legislation on 15 November 2012 and ended on 29 November 2012. A copy of the notice is attached to this report at Appendix 1.
- 2.14 The notice was advertised through the local press and in Council Offices and libraries in Banbury, Bicester and Kidlington.
- 2.15 During the notice of variation, 2 responses were received.
- 2.16 The first response was received on 19 November 2012 and refers to the current increase in tariffs that Hackney Carriage Drivers are permitted to charge over the Christmas and New Year period and asked that the Licensing Committee give consideration to reducing this tariff. The full response is attached to this report at Appendix 3.
- 2.17 The second response was received on 29 November 2012 from the Bicester division of the North Oxfordshire Hackney Association, representing 21 Hackney Carriage Vehicle Drivers.

- 2.18 The respondent agreed in principle with the tariff proposals put forward by the Licensing Committee however they were concerned that there was no additional increase being tariffs 2 and 4 in respect of the charges per sixteenth of a mile.
- 2.19 The respondent requests that the Licensing Committee give consideration to increasing the additional sixteenths of a mile by 1pence to 13pence for both tariffs 2 and 4
- 2.20 The respondent did not request any changes to be made to tariff 3. The full response is attached to this report at Appendix 4.
- 2.21 In order for the Committee to make an informed decision regarding the proposed tariff, the Licensing Team has also compiled the tariffs currently in place in neighbouring districts. When considering these tariffs, it should be noted that each is set up using slightly different measurements, i.e. 1/16<sup>th</sup> of a mile or 1/9<sup>th</sup> of a mile and the overall charges may reflect this.
- 2.22 Please note, South Oxfordshire District Council does not currently set tariffs for their Hackney Carriage trade. Details of the tariffs set by West Oxfordshire District Council, Oxford City Council, Vale of White Horse District Council, Stratford upon Avon District Council and South Northamptonshire District Council can be found attached to this report at Appendix 5.

#### **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 The current tariffs in place for Cherwell District Council were introduced in September 2008. Therefore, it is now over four years since any increases have been requested by the Hackney Carriage Trade.
- 3.2 When considering the proposed changes, it is requested that Committee give consideration to neighbouring authorities and the tariffs currently imposed. A copy of the current neighbouring districts tariffs is attached to this report as Appendix 5.
- 3.3 Any tariffs set by the Council are a maximum and do not prevent the Hackney Carriage Trade from charging less than the fare stated
- 3.4 The current economic climate has had an impact on the Hackney Carriage Trade through their ability to operate due to increased costs. In addition, the ability of the general public to afford the proposed increase should be considered.
- 3.5 The Private Hire Trade do not have the tariffs regulated by the Licensing Authority. It is only possible under legislation to set the tariffs for Hackney Carriage Vehicles.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

**Option One** To approve the variation to the fare tariff as proposed by the Licensing Committee and instruct the Licensing Officer to implement the variation

**Option Two** To approve the variation to the fare tariff as proposed by the Licensing Committee with amendments as a result of the responses received during the notice of variation period and instruct the Licensing Officer to implement the variation within two months of the original date

**Option Three** To refuse the request for variation to the fare tariff

### **Consultations**

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A Notice of variation was published in accordance with the requirements as set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 inviting both members of the licensed trade, businesses associated with the trade and the general public to make comment upon the proposed changes.

The notice was advertised through the local press and in Council Offices and libraries in Banbury, Bicester and Kidlington for a period of 14 days.

### **Implications**

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**Financial:** The actions required to implement the tariff can be contained within existing budgets for the current year.

Comments checked by Kate Drinkwater, Service Accountant 01327 322188

**Legal:** There is no right of appeal once fares have been set. The only appeal mechanisms in place are that of judicial review. However, fares will only be set in accordance with the relevant legislation.

Comments checked by Paul Manning, Solicitor, 01295 221691

**Risk Management:** There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful.

Comments checked by Nigel Bell, Team Leader – Planning and Litigation, 01295 221687

### **Wards Affected**

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All

## Document Information

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Notice of Variation giving details of proposed changes to taxi fare tariff
Appendix 2	Copy of email requesting the Licensing Team give consideration to an increase in the current Hackney carriage Vehicle Tariffs
Appendix 3	Response received by the Licensing Team on 19 November 2012
Appendix 4	Response received by the Licensing Team on 29 November 2012
Appendix 5	Copy of current tariffs set by neighbouring District Councils
Appendix 6	Flow Chart showing process involved in setting up fare tariff
<b>Background Papers</b>	
The notice of variation was carried out in accordance with Section 65 of the Local Government (Miscellaneous Provision) Act 1976. A copy of the process to be followed is attached as Appendix 6. Full copies of the Act can be obtained from the Licensing Team if required.	
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