

Agenda Item No: 8 **Report No:** 155/14
Report Title: Review of the Hackney Carriage Fare Tariff
Report To: Licensing Committee **Date:** 10 November 2014
Report By: Gillian Marston, Director of Service Delivery
Contact Officer(s)-

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Purpose of Report:

To commence consultation with the Hackney Carriage trade and review the existing fares set by the Licensing Committee on 15 January 2013.

Officers' Recommendation:

The Licensing Committee is recommended to agree with the proposed 5 week consultation, to allow Officers to gage the views of those directly affected by the Hackney Carriage fares and create a new Table of Fares.

1. Reasons for Recommendations:

- 1.1 Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the Local Authority has the power to set fares for Hackney Carriages.
- 1.2 Where the fares are set by the Local Authority, that Authority has a responsibility to review those fares to ensure they remain fair and reasonable.

2. Information:

- 2.1 In February 2001 the Cabinet formally adopted fare setting for Hackney Carriages within the District (Minute 275.1 14 February 2001).
- 2.2 Cabinet agreed the Hackney Carriage fares would be reviewed every two years.
- 2.3 The last consultation of the fare structure took place in April 2012 and a revised fare was adopted by Cabinet on 1 October 2012. However, the setting of Hackney Carriage fares is a function of the Licensing Committee under 'The Local Authorities (Functions & Responsibility) (England) Regulations 2000.

- 2.4 The existing Hackney Carriage fares were formally adopted on 15 January 2013.
- 2.5 The fares currently set have been in place for 20 months and the trade has requested a review of the current fare structure.
- 2.6 The Licensing Officer(s) are currently researching into the financial burdens on the trade including Insurance and fuel prices.

3. The consultation and timetable:

- 3.1 Initial discussions with the trade have produced interesting points for consideration and the proposed consultation letter is shown in Appendix 1.
- 3.2 If the Licensing Committee agrees with the consultation, the timescale proposed is as follows:

I. Licensing Committee to agree with the consultation	10 Nov 2014
II. Consultation with the trade begins	17 Nov 2014
III. Consultation deadline	19 Dec 2014
IV. Proposed restructure of the fare reported to Licensing Committee	January 2015

Financial Implications:

This consultation has no direct financial implications. The cost of consulting with the trade is anticipated to be £80 taken from Taxi Licensing Budget.

Legal Implications:

The Legal Services Department has made the following comments:

Until last year, all licensing fees have been set by Cabinet. Recent legal advice however has recommended that in future, the setting of all licensing fees, including taxi fares should be a function of the Licensing Committee. This is because The Local Authorities (Functions and Responsibility) (England) Regulations 2000 state that the function of determining the terms of any approval, consent, licence, permission or registration or of imposing any condition, limitation or other restriction on such licences etc should not be a function of the Executive (i.e. Cabinet). The responsibility for fee and fare setting has always been somewhat of a grey area.

Whilst the Regulations make it clear that determining the terms and conditions of any licence is the function of a Licensing Committee (unless delegated to Officers), the responsibility for setting the level of fees and fares was less clear. However, expert opinion in this field is now unambiguous and it is clear that the setting of licence fees/fares should also be the function of the Licensing Committee and not the Executive.

Sustainability Implications:

I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of this recommendation (Ref: LDC37553).

Equality Screening:

I have completed the Equalities Implications Questionnaire and there are no significant effects as a result of these recommendations (Ref: AF37557).

Background Papers:

There are no background papers to this report.

Appendices:

Appendix 1 – Proposed Consultation Letter