

Objection to a request for a Hackney Carriage Fare Increase

Licensing Committee on 13 June 2022

Summary

Lead Member: Councillor Luke Everitt - Cabinet Member for Environment, Sustainability and Carbon Reduction

Lead Director: Paul Taylor – Director for Change and Communities

Head of Service: Gary Stevenson – Head of Housing, Health & Environment

Report Author: Sharon Degiorgio – Senior Licensing Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Licensing Committee	13 June 2022 for consideration of unresolved written objections

Recommendations

1. **Consider** the objection received during the statutory consultation.
2. **Determine** any modifications to be made to the proposed table of fares considering the objection; or
3. **Determine** no modifications are to be made to the proposed table of fares having considered the objection; and
4. **Confirm** a date of no later than 27 June for the table of fares, with or without modification, to come into effect.

1. Introduction and Background

- 1.1 The purpose of this report is to feedback on the statutory consultation in relation to the recent request from a Hackney Carriage Proprietor to increase the maximum chargeable fares payable by the travelling public for hackney carriage journeys.
- 1.2 Members are requested to determine whether or not to modify the recently published Hackney Carriage fare tariff in light of the one objection received during the consultation period.
- 1.3 Any changes to the table of fares must be decided by the Licensing Committee and a notice must be published in accordance with s.65 setting out a period of not less than fourteen days to allow for objections to be made. In the event that any objections are received within the period specified, and not withdrawn, the Council must set a further date not later than two months after the first specified date (being the last date for objections) for the table of fares to come into effect with or without modifications as described by them.
- 1.4 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may fix the maximum rate of fares within the Borough and all other charges in connection with the hire of a hackney carriage vehicle; this is done by means of a table which is to be referred to as “the table of fares”. Private Hire vehicles can set their own fares and are therefore not the subject of this report.
- 1.5 The last rise in maximum fares took effect on 1st April 2019.
- 1.6 During the consultation period the Council received 3 responses in support of the proposal from existing drivers, supporting the proposed increase. See Appendices A, B and C and 1 objection to the proposed increase from an existing proprietor, see Appendix D.
- 1.7 As an objection to the proposed table of fares has been received (Appendix D) and not withdrawn, the matter must be considered further to decide whether or not to modify the proposed table of fares further before it comes into effect by 27th June 2022.

2. Options Considered

- 2.1 Is to agree the increased fares as proposed at the Licensing Committee on 5th April 2022; or
- 2.2 To agree the fees taking into consideration the objection received during the consultation period.

3. Preferred Option and Reason

- 2.3 Members approve the proposed revised table of fares at Appendix E as drafted, without modification.
- 2.4 Members consider the contents of the report and in light of the objection, modify the proposed revised table of fares in accordance with alternatives highlighted at Appendix F.
- 2.5 The setting of fares is a statutory power available to the Council and it is the Council's responsibility to strike a balance between setting a fare that is acceptable to the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 2.6 It is important that the Council through its licensing functions protects the public by ensuring that the fares charged by licensed Hackney Carriages are fair and justified and not excessive.
- 2.7 The last fare increase was 2019 however TWBC fares are already currently in the upper quartile nationally.

3. Consultation on Options

- 3.1 If the increase, as detailed in the report is approved, with or without modifications, the licensing team will update the website accordingly.
- 3.2 The trade has the ability to seek modifications in fares at any point therefore would not be prevented from seeking further considerations at a later point if required

4. Implementation

- 4.1 Once the fares have been agreed and set, the meter should be set to the agreed rate by an approved installer at a cost to the proprietor/driver.

5. Appendices and Background Documents

Appendices:

- Appendix A: Response in support of proposed increase
- Appendix B: Response in support of proposed increase
- Appendix C: Response in support of proposed increase
- Appendix D: Objection to proposed fare increase
- Appendix E: Initial proposed fare increase

- Appendix F: Suggested variances raised by objector compared to the initial proposed fare increase request.

Background document:

- <https://democracy.tunbridgewells.gov.uk/documents/g5248/Public%20reports%20pack%2005th-Apr-2022%2018.30%20Licensing%20Committee.pdf?T=10>
- <https://tunbridgewells.gov.uk/licensing/taxis-and-private-hire/taxi-fares/hackney-carriage-fares>

6. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Local authorities have a discretionary power to determine Hackney Carriage fares, under s.65 of the Local Government (Miscellaneous Provisions) Act 1976.

When a district council make or vary a table of fares they shall publish, in at least one local newspaper circulating in the district, a Notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than 14 days from the date of the first publication of the Notice, within which objections to the table of fares or variation can be made.

If no objection to a table of fares or variation is duly made within the period specified in the Notice, or if all objections so made are withdrawn, the table of fares or variations shall come into operation on the date of the expiration of the period specified in the notice, or the date of withdrawn of the objection or, if more than one, of the last objection, whichever date is the later.

If any objection is duly made 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 them after consideration of the objections.

There is no right of appeal against the fares once set.

Helen Ward, Mid Kent Legal Services Lawyer (Contentious), 27.05.2022

B. Finance and Other Resources

No implications for the Council, however there may to passengers, proprietors and possibly drivers of Hackney Carriages

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

C. Staffing

The report does not propose any changes to staffing

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

D. Risk Management

No risks identified

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

E. Environment and Sustainability

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

F. Community Safety

No issues identified. The provision of licensed hackney carriages allows the public to travel in safety. This reduces both the opportunity for crime and the fear of crime

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

G. Equalities

It is important that the Council, through its licensing functions, protects the public by ensuring that the fares charged by the licensed hackney carriages are fair and justified and not excessive.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

H. Data Protection

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

I. Health and Safety

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022

J. Health and Wellbeing

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 27.05.2022