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NON-EXEMPT

# EAST HAMPSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE

25 SEPTEMBER 2020

## VARIATION TO THE HACKNEY CARRIAGE TABLE OF FARES

### FOR RECOMENDATION

Portfolio Holder: Cllr Ingrid Thomas

Key Decision: No

Report Number: *EHCL/040/2020*

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#### 1. Purpose

- 1.1. This paper is submitted to the Licensing Committee to consider and make recommendation about a request from the East Hampshire Taxi Association to vary the Councils Hackney Carriage Table of Fares which is detailed at Appendix A. The recommendation from the Licensing Committee will be submitted to Full Council on 19 November 2020.

#### 2. Recommendation

- 2.1. Members are required to either -
  - a. Recommend varying the Table of Fares.
  - b. Make no changes to the existing Table of Fares.

#### 3. Executive Summary

- 3.1. Section 65 of the Local Government (Miscellaneous provisions) Act 1976 states that the district council may fix the rate of fares within the district for time or distance (or a combination of both) and all other charges regarding the hire of hackney carriages. This is done by setting a Table of Fares which should be reviewed on an annual basis as detailed in the EHDC Policy Statement, Hackney Carriage and Private Hire Licensing.

- 3.2. A request to vary the Table of Fares has been received from the East Hampshire Taxi Association.
- 3.3. The Licensing Committee will make a recommendation in respect of the variation to Full Council to then make a decision.
- 3.4. If approved by Full Council steps will be taken to publish the variation in at least one local newspaper for at least 14 days.
- 3.5. If no objections are received or any objections are withdrawn, the variation will come into operation on expiry of the date specified in the notice or the date of withdrawal of the objection, whichever date is later.
- 3.6. If an objection is not withdrawn, a further date will be set, not later than 2 months after the first specified date, on which the table of fares will come into force with or without modifications, as decided by the Council, after consideration of the objections.

#### **4. Additional Budgetary Implications**

- 4.1. None

#### **5. Background and relationship to Corporate Strategy and/or Business Plans**

- 5.1. Hackney carriage proprietors obtain their fares by plying for hire from hackney carriage ranks or by being hailed in the street. They have a taximeter which dictates the maximum fare a proprietor may charge for each journey. The Table of Fares is displayed in each hackney carriage.
- 5.2. Hackney carriage proprietors cannot charge more than the fares detailed in the Table of Fares, although they have discretion to charge less than the maximum. A variation to the Table of Fares was last approved in 2018 when the fare tariff was increased. Prior to that a booking fee for pre-booked journeys was added in 2015.
- 5.3. The East Hampshire Taxi Association has requested that fares charged on Christmas Eve and New Year's Eve between the hours of 18:00hrs – 24:00hrs be added to Rate 2 in the Table of Fares.

- 5.4. Currently the fares charged on Christmas Eve and New Year's Eve are at Rate 1 until 11pm. From 11pm – 12pm, Rate 2 can be charged.
- 5.5. The current Table of Fares that a hackney carriage proprietor may charge is shown in Appendix A.
- 5.6. The table of fares is split into 3 different rates (see Appendix A). The use of varying rates or tariffs for different times of day and for certain days in the year is common practice throughout the country. Extra charges are also commonly permitted for carrying animals, fouling of vehicles etc and these are also detailed in the table of fares.
- 5.7. On 2<sup>nd</sup> March 2020 a request was received from the East Hampshire Taxi Association to include the fares taken on Christmas Eve and New Year's Eve between the hours of 18:00hrs and 24:00hrs in Rate 2. This would mean that a fare of Rate 1 plus 50% would be applied at those times. The request details that 'we may be able to persuade more drivers to work on these shifts. A copy of the request can be found at Appendix B.
- 5.8. There are currently 98 licensed hackney carriage vehicles operated by 43 hackney carriage proprietors. There are 312 dual hackney carriage and private hire drivers.
- 5.9. As a result of receiving the request from the Taxi Association, a consultation letter was sent out to all dual hackney carriage and private hire drivers, detailing the requested increase. A copy of the consultation letter and response sheet is shown at Appendix C and Appendix D.
- 5.10. 312 consultation letters were sent out to the drivers. 70 replies were received. 61 respondents agreed with the proposed increase. 7 disagreed with the increase. 2 respondents didn't confirm yes or no.
- 5.11. 2 of the total respondents made comments regarding the proposal which are detailed below.
- 'I think from 15 years of experience Xmas & New Year's customers weigh up taxi costs against their night out money. Introducing time and a half between 6pm and 24hr would kill the trade on the two said nights'

‘NB My roll at present is on home-school runs so I am not affected by the above.’

- 5.12 There is no standard method for calculating fares. Each local authority must determine how the fares should be calculated or determined and the method chosen must be fair and appropriate. The EHDC Hackney Carriage and Private Hire Statement states – ‘The review of fares will take into account feedback from the public, trade and other bodies, review of motoring costs such as fuel prices, licensing fees and a comparison of fares set by other Local Authorities. At this time the trade hasn’t requested a review of the base rate for the table of fares only an addition to Rate 2, so a full review of the motoring costs has not been carried out.
- 5.13 The Councils license fees for hackney carriage and private hire licensing were reviewed earlier this year and are to be presented to Full Council for approval on 17 September 2020. The existing and proposed licence fees are detailed in Appendix D.
- 5.14 Table 1 below shows comparisons to other local authorities in respect of the inclusion of Christmas Eve and New Year’s Eve at a higher fare rate.

**Table 1**

<b>Local Authority</b>	<b>Day and time</b>	<b>Effect on fare charged as detailed in each Table of Fares</b>
Fareham BC	Christmas Eve 6am – midnight New Year’s Eve 18.00 – 24.00	Fare Rate 2
Basingstoke & Dean	8pm Christmas Eve – 6am 27 December 7pm New Year’s Eve – 6am 2 <sup>nd</sup> January	Tariff 1 plus 100%
Havant Borough Council	18.00 Christmas Eve – 24.00 Boxing day 18.00 New Year’s Eve – 24.00 New Year’s Day	+50%
Winchester City Council	After 6.30pm Christmas Eve and New Year’s Eve	50% added to Tariff 1
Eastleigh Borough Council	Christmas Eve and New Year’s Eve from 8pm	Tariff 2
Portsmouth City Council	18.00 – 24.00 Christmas Eve 18.00 – 24.00 New Year’s Eve	Tariff 1 plus 50%
Test Valley	Christmas Eve & New Year’s Eve 2pm - midnight	Tariff 2

Southampton City Council	After 11pm - before 6am on 27 December After 11pm 31 December – before 6am 1 <sup>st</sup> January	Tariff 1 plus 50% Tariff 1 plus 100%
Rushmore Borough Council	Christmas Eve and New Year's Eve 21.00 – 23.59	Meter rate 4 (Meter rate 1 +100%)
Hart District Council	21.00 – 23.59 Christmas Eve or New Year's Eve	Meter Rate Tariff 3 (Meter rate 1 +100%)
IOW Council	22.00 – 00.00hrs – all days	Tariff 2
Gosport BC	On Christmas & New Years Eve from 7.30pm to 6.00am the next normal working day following Christmas & New Year Public Holidays	+50% of the above rate of fare
Chichester District Council	6pm to midnight Christmas Eve & New Year's Eve	Tariff 2

- 5.15 A thriving economy – as detailed in the Corporate Strategy, it has been shown that wages of people working in the district are below the UK average (Office of National Statistics 2018 – Annual Survey of Hours & Earnings Residents and Workplace Analysis). The Department of Transport suggests in reviewing fares, authorities should pay particular regard to the need of the travelling public with reference to both what it is reasonable to expect people to pay but also the need to give taxi drivers sufficient incentive to provide a service when needed.
- 5.16 Fit for Purpose Council – the Corporate Strategy details a need to understand the local needs of town and rural communities. Effective community transport is a key issue in East Hampshire. It is important that our towns and villages continue to be served by a viable taxi service. It allows people to access parts of the community and businesses where other timetabled transport providers are unable to do so, providing a door to door service at any time of the day.

## 6. Options considered

- 6.1. An alternative option would be not to vary the current table of fares. The current table of fares would continue to be used.

## 7. Resource Implications

- 7.1. Financial Implications - Costs of advertising, producing tariff cards are included within existing budgets and are recovered through the license fees.
- 7.2. Human Resources Implications - None

**Section 151 Officer comments**

Date: 17.09.2020

No comment

- 7.3. Information Governance Implications - None
- 7.4. Other resource implications - None

**8. Legal Implications**

- 8.1. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides the powers for local authorities to set maximum fares for hackney carriages.
- 8.2. A statutory notice displaying any proposed variations to the table of fares must be advertised in a local newspaper and at the council offices for a period of 14 days. The advertisement would state that the changes would come into force on a specified date.
- 8.3. If no objections are received or the objections submitted are withdrawn, the proposed variations come into effect on the date stated in the notice or the day the objections are withdrawn, whichever is the later.
- 8.4. If objections are made and not withdrawn the Council must consider any comments received during the consultation period. It must also publish a revised implementation date which must be within two months of the original implementation date on which the table of fares will come into force with or without modification.
- 8.5. There is no right of appeal against the level at which the Council determines the table of fares. However, any decision taken should be based upon proper reasoning as it may be liable to legal challenge by way of judicial review.

**9. Risks**

- 9.1. There is no right of appeal against the level at which the Council determines the Table of Fares. However, any decision taken should be based upon proper reasoning as it may be liable to legal challenge by way of judicial review.
- 9.2. Full consideration of any objections received in response to the publication of the notices would mitigate the risk of challenge to any decision taken.

## **10. Consultation**

- 10.1. The East Hampshire Taxi Association made the request for the review in a letter received on 2 March 2020.
- 10.2. All combined private hire/hackney carriage licensed drivers were subsequently consulted on the proposal. A copy of the consultation letter and response sheet can be found in Appendix C and D.
- 10.3. Any proposed variation to the Table of Fares must be advertised in a local newspaper. [TEXT]

## **11. Communication**

- 11.1. The variation to the Table of Fares will be communicated through:
  - advertisement in a local newspaper and at the council offices
  - the committee process and Full Council
  - the council website

## **12. Appendices**

- 12.1. Appendix A – The East Hampshire District Council Table of Fares  
Appendix B – Request for Variation from the East Hampshire Taxi Association  
Appendix C – Copy of the Consultation letter to all dual HC/PH Drivers  
Appendix D – Copy of the Consultation response sheet.  
Appendix E – Existing and Proposed Hackney Carriage and Private Hire Licensing Fees

## **13. Background papers**

- 13.1. None

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Agreed and signed off by:

Portfolio Holder: 17/9/20

Director: 16/9/20

Monitoring Officer: 17/9/20

Section 151 Officer: 17/9/20

**Contact Officer:**

Name: Catherine Rayner

Job Title: Environmental Health Manager (Food, Safety & Licensing)

Telephone:01730 234306

E-Mail: [catherine.rayner@easthants.gov.uk](mailto:catherine.rayner@easthants.gov.uk)