

Report to: Licensing and Enforcement Committee



Date of Meeting 17<sup>th</sup> July 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Hackney Carriage Fare Review Update

### Report summary:

The purpose of this report is to advise the Licensing & Enforcement Committee that the new Hackney Carriage Table of Maximum Fares, agreed by the Licensing & Enforcement Committee at a meeting on the 8<sup>th</sup> May 2024, came into effect on the 18<sup>th</sup> June 2024 following the statutory advertisement and public consultation period and, following the receipt and subsequent withdrawal of an objection.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the Licensing & Enforcement Committee note the contents of this report and the new Hackney Carriage Table of Maximum Fares.

### Reason for recommendation:

To update the Council's Licensing & Enforcement Committee on the introduction of a new hackney carriage Table of Maximum Fares.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

## Links to background information

1. [Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://legislation.gov.uk)
2. [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
3. [Agenda for Licensing and Enforcement Committee on Wednesday, 13th March, 2024, 10.00 am - East Devon](#)
4. [Agenda for Licensing and Enforcement Committee on Wednesday, 8th May, 2024, 10.00 am - East Devon](#)
5. [Midweek Herald \(pagesuite.com\)](https://www.pagesuite.com) (p30)
6. [Exmouth Journal \(pagesuite-professional.co.uk\)](https://www.pagesuite-professional.co.uk) (p34)
7. [Hackney carriage - Fares for hackney carriages - East Devon](#)
8. <https://www.phtm.co.uk/taxi-fares-league-tables>

## Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
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## Report in full

### 1. **Background Information - Licensing & Enforcement Committee 8<sup>th</sup> May 2024**

- 1.1. On the 8<sup>th</sup> May 2024, the Licensing & Enforcement Committee resolved to vary East Devon District Council's Hackney Carriage Table of Maximum Fares to effect a fare increase of approximately 10 percent and agreed to move to a 14 day public consultation on the proposed amendments, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2. A copy of proposed varied Hackney Carriage Table of Maximum Fares agreed at that meeting can be found at **APPENDIX A** of this report.

### 2. **Public consultation**

- 2.1. Following the Licensing & Enforcement Committee's resolution on the 8<sup>th</sup> May 2024 to vary the Hackney Carriage Table of Maximum Fares, Licensing Officers arranged for the requisite public notice, giving notice of the proposed variation, to be published in two local newspapers and at the Council's offices in Honiton and Exmouth.
- 2.2. The notice was published in both the Midweek Herald and the Exmouth Journal on the 22<sup>nd</sup> May 2024 and specified the period, of 14 days from the date of the first publication of the notice, within which (and the manner in which) objections to the table of fares could be made. The notice stated that any objections to the variation of the Hackney Carriage Table of Maximum Fares were to be made in writing and received by Council by no later than midnight on Wednesday 5<sup>th</sup> June 2024.

- 2.3. The public notice also advised that if no objections were raised, the revised table of fares would take immediate effect on the 6<sup>th</sup> June 2024.
- 2.4. A copy of the public notice can be found at **APPENDIX B** of this report and the newspaper notices can be viewed in the e-editions of the Midweek Herald and Exmouth Journal at links 5 and 6 in the “links to background information” section of this report.

### **3. Objection received and withdrawn**

- 3.1. East Devon District Council received 1 objection to the variation of the Hackney Carriage Table of Maximum Fares and this was received during the statutory objection period, on the 28<sup>th</sup> May 2024.
- 3.2. The objection came from a member of the East Devon taxi trade who raised concerns about the impact of the fare increase on members of the public who rely on taxi services for essential travel. The objector acknowledged that there had been some increase in costs for running a taxi but stated that:
  - 3.2.1. fuel prices were lower than at the time of the previous fare rise
  - 3.2.2. the cost of second-hand cars was falling
  - 3.2.3. the issue of high tyre turnover could be solved by using higher quality, all weather or winter tyres
  - 3.2.4. garage costs had increased but this had been mainly offset by cars needing less major repairs
- 3.3. Following receipt of the objection, Licensing Officers informed the taxi trade that the fare rise would not take immediate effect on the 6<sup>th</sup> June 2024 and instead, the objection would be referred for consideration at a future meeting of the Licensing & Enforcement Committee, at which the Committee would set a further date, not later than two months after the first specified date, on which the table of fares would come into force with or without modifications.
- 3.4. On the 16<sup>th</sup> June 2024, the East Devon Taxi Association asked Licensing Officers to pass on an email, setting out the Taxi Association’s concerns about the delay in the introduction of a varied Hackney Carriage Table of Maximum Fares, to both the Licensing & Enforcement Committee and the objector.
- 3.5. The Taxi Association’s email stated that: a fare rise had been voted for at a meeting of the East Devon Taxi Association, open to all members of the East Devon taxi trade, where the consensus had been that a fare increase was necessary. It stated that the Taxi Association were disappointed, especially for drivers struggling, that a decision on the fare tariff would now be postponed until a later meeting of the Licensing & Enforcement Committee. It also explained that in their view - as all drivers were lawfully allowed to charge a lower fare than displayed on the meter but not a higher one - any individual drivers who objected to a fare increase would still have the option to charge a reduced fare, were an increased Table of Maximum Fares brought into operation.
- 3.6. On the 18<sup>th</sup> June 2024 the Licensing Manager forwarded the content of the email to the objector and explained that these were not the views of East Devon District Council’s

Licensing Authority and were being passed on at the request of the East Devon Taxi Association.

- 3.7. Licensing Officers subsequently received an email from the objector, on the afternoon of the 18<sup>th</sup> June 2024, stating that they wished to withdraw their objection. They explained that, having realised they were the only objector, they felt their views were in the minority and that the overall consensus appeared to be that a fare rise was necessary and wanted therefore to withdraw their representation. The Licensing Authority accepted this email as withdrawal of the objection.
- 3.8. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states that if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever is the later.
- 3.9. Therefore, upon withdrawal of the only objection on the 18<sup>th</sup> June 2024, the variation of the Hackney Carriage Table of Fares came into operation with immediate effect.
- 3.10. On this date, Licensing Officers contacted all East Devon approved meter fitters with the new fare tariff details and published a revised Hackney Carriage Table of Maximum Fares on East Devon District Council's website.
- 3.11. A copy of the final revised Hackney Carriage Table of Maximum Fares can be found at **APPENDIX C** of this report.
- 3.12. On the 19<sup>th</sup> June 2024 an email was sent to all East Devon hackney carriage proprietors to advise them that the revised Table of Maximum Fares had now come into operation and that all hackney carriage meters must be re-calibrated to the new Table of Maximum Fares at their earliest convenience and by the 1<sup>st</sup> October 2024 at the latest.
- 3.13. Hackney Carriage proprietors have been asked to provide the Licensing Authority with confirmation of the meter re-calibration and Licensing Officers will monitor this to ensure compliance.

#### **4. Fare Setting Process and Legislative Considerations**

- 4.1. The process for setting and revising hackney carriage fares is set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and was undertaken in full before the varied Hackney Carriage Table of Maximum Fares came into effect.
- 4.2. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to set the maximum costs and fares that drivers may charge the public for journeys taken in a taxi and states that:

##### **65 Fixing of fares for hackney carriages.**

*(1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the*

*arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.*

(2)

*a) 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 fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares can be made.*

*b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.*

*(3) If no objection to the table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever is the later.*

*(4) If objection is duly made as aforesaid and is not withdrawn, the district 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.*

*(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.*

*(6) On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.*

*(7) Section 236(8) (except the words “when confirmed”) and section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section by a district council in England as they apply to byelaws made by a district council in England.*

## **5. Appeal**

5.1. The statutory process for fare setting is outlined above including statutory timescales applicable. There is no standard appeal procedure and as such the process outlined above may only be challenged by Judicial Review.

## **6. Conclusion**

- 6.1. On the 18<sup>th</sup> June 2024 the varied Hackney Carriage Table of Maximum Fares, agreed by the Licensing & Enforcement Committee on the 8<sup>th</sup> May 2024, came into immediate operation.
- 6.2. East Devon District Council's hackney carriage fare review for 2024 has now been completed and East Devon District Council now stands at position 20 in the National Hackney fare tables (based upon a 2-mile fare on tariff 1) as published by Private Hire and Taxi Monthly Limited. The fare tariff table can be viewed on the Private Hire and Taxi Monthly website at number 8 in the "links to background information" section of this report.
- 6.3. At a meeting of the Licensing & Enforcement Committee on the 13<sup>th</sup> March 2024, the Committee resolved that, while the existing method of calculating an appropriate Hackney Carriage Table of Maximum Fares was to be used for the 2024 fare review, a further report should be brought to a future meeting of the Committee to begin the process of considering, for 2025, the introduction of a new fare calculation methodology, based upon a process developed by Guildford Borough Council.
- 6.4. Licensing Officers will therefore look to bring a report to the next meeting of the Licensing & Enforcement Committee to request the Committee's agreement to commencing the process for implementing a new hackney carriage fare setting procedure for 2025.

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### **Financial implications:**

There are no financial implications other than officer time involved. Were the decision to be subject to Judicial Review, there may be a possibility of court costs.

### **Legal implications:**

The legal framework is set out within the report and requires no further comment.