



Report Reference Number: E/22/24

To: Executive
Date: 3 November 2022
Status: Non-Key Decision
Ward(s) Affected: Whole District
Lead Executive Member: Councillor Grogan, Lead Member for Health & Culture
Author: Sharon Cousins, Licensing Manager
Lead Officer: Drew Fussey, Operational Service Manager

Title: Local Government (Miscellaneous Provisions) Act 1976, Section 65 – increase of Hackney Carriage Maximum Fares (Fuel Cap)

Summary:

On the 1 September 2022, the Executive Committee approved a maximum taxi fare increase for the Selby Hackney Carriage trade. The proposal was in line with the recent Hackney Carriage (“HC”) Fare increase in Harrogate that considered the current increases in fuel prices at the pump.

The approved proposed taxi fare is a maximum fare. This permits drivers to charge the customer under the maximum fare amount and enables them to increase or decrease their prices within the maximum fare, in accordance with the fuel prices at the pump.

It is anticipated that fuel costs will continue to fluctuate over the next year and the Council’s proposal would allow some breathing space for the trade.

A consultation was carried out between 13 and 27 September 2022, on Appendix A, which was approved by the Executive Committee on the 1 September 2022.

There have been 15 comments to the consultation. 13 were representations (against the proposed fare in some way), which have not been withdrawn. The objections received mainly mirror those received in the soft market testing with the trade.

The Executive must consider the objections received from the consultation and decide, based on the consultation responses, if there should be modifications to the approved table of fares or not. With Executive approval the new table of fares will take effect on 18 November 2022, with or without modification.

Recommendation:

The Executive is asked to

- 1. consider the objections received during the statutory consultation;**
- 2. determine if any modifications or not should be made to the table of fares at Appendix A in light of the objections; and**
- 3. confirm a date of 18 November 2022 for the new table of fares to come into effect, with or without modification.**

1. Introduction and background

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) provides that a district council may fix the maximum rate of fares within the district and all other charges in connection with the hire of a HC 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.
- 1.2 The legislation also prescribes a statutory consultation process and a means of ensuring objections are properly considered in relation to a Local Authority’s adoption of or variation to a table of fares prior to the table coming into effect.
- 1.3 If any objections are received within the period allowed, and not withdrawn, then the district council must set a further date not later than two months after the first specified date for the table of fares to come into effect with or without modifications as described by them.
- 1.4 On 1 September 2022 the Executive Committee resolved to commence a public consultation on Appendix A, having considered the consultation responses to a soft consultation with the trade and the additional proposals put forward in that consultation, which were dismissed.
- 1.5 15 objections were received to the proposed table of fares (see Appendix B) although a number of these responses agreed with the proposal some did not and were not withdrawn. The matter must be considered further to decide whether or not to modify the table of fares before it comes into effect and set a further date for the table to come into effect.
- 1.6 The table of fares must come into operation by the 27 November 2022, i.e., no later than two months after the last date for making representations (27 September 2022), with or without modification. Officers have recommended an implementation date of the 18 November 2022.

2.0 The Report

- 2.1 The full proposal, agreed by the Council Executive on the 1 September 2022, following consideration of representations during a soft consultation with the

trade during the summer can be seen in the informal consultation document (Appendix A).

- 2.2 Following determination by the Executive, the approved table of fares shown in Appendix A was subsequently published in the Selby Times (a legal requirement) and published on the Council notice board and emailed to the taxi trade.

3. Responses received

- 3.1 On the 13 September the licensing team e-mailed the hackney carriage proprietors and drivers to advise them of the publication of the fare card as described in Appendix A.
- 3.2 Following the publication of the proposed changes to the hackney carriage fare, 13 objections and 2 in agreement to the proposals have been received by the trade. The summary of responses is as follows: 15 drivers (24% of Licenced drivers).
- 3.4 Only members of the trade responded as can be seen in detail in Appendix B. The following are key issues from the responses.

4. Analysis of responses

Tariff 1 commencement time

- 4.1. 1 driver stated that the commencement time of Tariff 1 should be 0700 Hours, but this comment was not backed up with any further information as to the reasons why. There were no other consultation responses requesting this.

4.1.1 Tariff 1 fare

13 comments were received about tariff 1, out of the 15 responses to the consultation document:

- 1 driver was happy with the fare proposal but thought that the suggest flag should be higher at £4.00
- 4 drivers stated that they thought the fare was too high for the public
- 8 drivers stated that they agree with the fare proposal
- No members of the public, or other who ultimately pay the fares or representative bodies responded to the consultation.

- 4.1.2 From the above responses received for tariff 1, the majority agreed with the proposed table of fares, with one suggestion that it should be higher.

Tariff 2 commencement times

- 4.1.3 4 drivers stated that they thought that the commencement time of tariff 2 should commence at 2200 hours not 00.00. Two stated it should commence at 2300 hours. 2 of these responses put their reasoning down to the unsocial hours, and that between 2300 and midnight is the busiest time of the night.

Tariff 2 Fare

4.1.4 Of the 13 drivers that responded about tariff 2:

- 8 had concerns over the commencement times as shown in section 4.1.3 above
- Of the 8 who had concerns about the commencement time of tariff 2, 4 of them appeared to agree with the fare proposal
- 7 of the responses felt that the proposed fare tariff was too high
- 2 of the responses to tariff 2 were positive to the full proposal of tariff 2 including fare and times.

4.1.5 From the above the responses received regarding tariff 2, there was a 60/40 split against the tariff.

Tariff 3 Fare

4.1.6 2 drivers stated a positive response to tariff 3.

2 drivers gave a negative response to the tariff. Out of the total of 15 responses received to the consultation, only 4 drivers commented on tariff 3.

Fouling charge

4.1.7 Of the 15 drivers' responses received to the public consultation, only 4 drivers commented on the fouling charge, stating that the £80 additional charge was too low. Recommendations were between £150 - £300.

Selby's current table of fares states a charge of £50 for fouling.

York charge £75

Leeds £50

Craven £100

East Riding £70

Charging a much higher rate may cause more problems for the driver trying to get the customer to pay than if set at a more reasonable rate.

Extra Charges

4.1.8 Out of the total of 15 responses, 3 comments were received asking where tariff 5 was, which previously was for vehicles carrying up to 7 passengers. This has been replaced in the proposed table of fares as an Extra charge per head.

Call out or summoning charge

4.1.9 5 drivers commented on this charge; 2 response was positive; 3 responses were negative.

The consultation response to the summoning call out charge was generally negative, most responses were wanting a higher call out fee than £1 per mile.

However, Selby's current table of fares does not include a summoning call or charge at all. Therefore, this proposal will see an overall increase to fares when booked in advance.

4.1.10 Out of the 15 drivers that responded to the consultation document, only 5 referred to the call out and summoning charge.

4.1.11 After reviewing the objections officers recommend that the proposal is approved without modification; this is because drivers who commented that the proposed fare was too high are legally able to offer a lower fare than the Council's table of fares, which is a maximum tariff. Additionally, we have received no comments from the members of the public who pay the fares, as part of the public consultation.

5. Implications

5.1 Legal Implications

The Council has the power under the provisions of section 65 of the Act, to make a variation to the table of fares in connection with the hire of a Hackney Carriage.

Section 65 requires a Notice setting out the variation to the fares to be published in at least one local newspaper and to specify a period of at least 14 days from the date of publication within which objections against the proposal must be lodged ("the objection period"). A copy of this notice must also be available, free of charge at the Council's offices for inspection at all reasonable hours for the same length of period.

If no objections are received within the objection period or all objections are withdrawn, the fares will be implemented from either the expiration of the objection period or the date that the last objection is withdrawn.

If objections are made within the objection period and are not withdrawn, the Council must consider the objections and decide if any modifications should be made to the table of fares. After consideration of the objections, the Council must set a further date, that is no more than two months after the expiration of the objection period, for when the variation to the fares (with or without modification) will come into force.

5.2 Financial Implications

The public would have an increase in fare costs. Hackney Carriages have the option to charge a lower rate than the approved higher rate if they chose. This effectively creates a fuel cap as the Higher rate. Hackney Carriages cannot charge above higher rate, as is permitted within the regulations.

The Hackney Carriages current maximum rate was set in 2019, since then fuel prices have risen considerably and look to remain high and unstable for the foreseeable future.

5.3 Policy and Risk Implications

There are no policy or risk implications

6. Conclusion

6.1 As per the recommendation above.

7. Background Documents

www.selby.gov.uk/taxi-information

8. Appendices

Appendix A – Proposed HC informal consultation document

Appendix B – Summary of consultation responses

Appendix C – Equality Impact Assessment

Contact Officer: Sharon Cousins, Licensing Manager

scousins@selby.gov.uk

01757 292033