

LICENSING COMMITTEE

Date: Monday 24 October 2022

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email mark.devin@exeter.gov.uk

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

Membership -

Councillors Foale (Chair), Warwick (Deputy Chair), Asvachin, Ellis-Jones, Holland, Mitchell, K, Newby, Oliver, Parkhouse, Rees, Snow, Vizard, Wood and Wright

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Apologies**

To receive apologies from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 1 February 2022.

(Pages 3 -
4)

3 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the

grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

5 Request for a variation of Hackney Carriage Fares

To consider the report of the Director Net Zero Exeter & City Management.

(Pages 5 -
28)

The Executive Committee considered the report at its meeting on 4 October 2022.

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

LICENSING COMMITTEE

1 February 2022

Present:

Councillor Chris Buswell (Chair)

Councillors Begley, Foale, Holland, Mitchell, K, Moore, J, Newby, Vizard, Warwick, Wood and Wright

Apologies:

Councillors Branston and Quance

Also present:

Service Lead - Environmental Health & Community Safety, Principal Licensing Officer, Legal Advisor and Democratic Services Officer (SLS)

1 **Minutes**

The minutes of the meeting held on 26 October 2021 were taken as read, approved and signed by the Chair as correct.

2 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

3 **Licensing Fees and Charges for 2022/23**

The Licensing Committee received the annual report for the proposed licensing fees and charges for 2022/23. The Licensing Committee had a statutory responsibility to set fees for the year which related to the cost of performing the various Licensing functions. Members were referred to appendices attached to the report, which listed all the fees levied by the Licensing Authority. The Principal Licensing Officer explained that these were set in accordance with guidance from the Local Government Association and could be set at a level to recover the cost of delivering the individual licensing function to which they related. Appendix A summarised the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers, and Appendix B listed all the fees levied by the Licensing Authority as of last year and the proposed fees for 2022/23.

The Service Lead- Environmental Health & Community Safety advised that should any representations be raised regarding the fees and charges, this would be reported back to the Licensing Committee. He also responded to a Member's question in relation to affordability of taxi fares for disabled passengers and explained that the fee quoted in the report related to the licence to operate. Taxi fares were set by the Council, and he suggested a review of tariffs may be forthcoming to a future meeting of the Licencing Committee.

RESOLVED that the proposed Fees and Charges for the period from 1 April 2022 to 31 March 2023 be approved, as set out in Appendix B of the report.

4 **Establishment of Licensing Committee Working Groups**

The Licensing Committee received the report, which referred to informal discussions that the Licensing Committee had previously considered to establish working groups to address key aspects of the Licensing Committee's work and agree their terms of reference. The proposed working groups would be Member led to review two distinct

policy areas relating to City Street Trading and Taxi and Private Hire Standards and would seek input from relevant stakeholders as part of the work to develop the policies, with any recommendations presented to the Licensing Committee and Council depending on the nature of the changes proposed.

The Service Lead – Environmental Health and Community Safety provided some background. He referred to the previous review of street trading, and the ever changing culture of the city offered a chance to rework the street trading policy to encourage a more vibrant, diverse and greener approach. The City Street Trading working group would also seek input from a variety of different stakeholders and audiences to ensure that street trading offered a more positive aspect of the city and its economy. The formation of a Taxi and Private Hire Standard's working group would also be following up on a Government response on the statutory standards for taxis and private hire. There would be the opportunity to consider a number of areas in more depth including standard areas such as discipline, and also if it was pertinent to consider whether other changes might be needed in the light of more recent developments in technology and innovation.

It is projected that these deliberations could take up to 18 months, and in that time, Members may consider that different policy changes could be implemented in the intervening period. The Service Lead noted a Member's suggestion that in view of the projected timescale and to ensure continuity, it would be appropriate for the chairs of the working groups not to be a Member standing in the Local Government Elections in May.

The following Members put themselves forward to serve on the following working groups:-

- City Street Trading -: Cllrs Foale, Newby, Vizard and Wright
- Taxi and Private Hire Standards: Cllrs Buswell, Holland, Newby and Wood

RESOLVED that:-

- (1) a Licensing Committee Working Group be established to look at Street Trading in the city to consider any changes be recommended to the Street Trading Policy, as set out in Appendix A of the report presented at the meeting;
- (2) a Licensing Committee Working Group be established to look at Taxi and Private Hire standards to consider any changes be recommended to the Street Trading Policy, as set out in Appendix B of the report presented at the meeting;
- (3) appointments to the Working Groups be at the discretion of the Chair of the Licensing Committee;
- (4) Officer appointments to the Working Groups be set by the Service Lead – Environmental Health and Community Safety; and
- (5) any proposed changes to Council policies and procedures and any necessary consultations be reported back to the Licensing Committee for consideration.

The meeting commenced at 5.30 pm and closed at 5.50 pm

Chair

REPORT TO LICENSING COMMITTEE

Date of Meeting: 24th October 2022

Report of: Director Net Zero Exeter & City Management

Title: Request for a variation of Hackney Carriage Fares

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 The purpose of this report is to inform the Licensing Committee that a request has been made via the Chair of Exeter St Davids Hackney Carriage Association, for an increase to the Hackney Carriage Fare Tariff.

1.2 The setting of fares in an Executive function and this report is to inform Licensing Committee of the report that **presented to the** Executive.

2. Recommendations:

2.1 The Licensing Committee are requested to note the report.

3. Reasons for the recommendation:

3.1 The setting of fares in an Executive function and this report is to inform Licensing Committee of the report **presented to the** Executive.

4. What are the resource implications including non financial resources?

4.1 None from this report

5. Section 151 Officer comments:

See Section 5 of the attached report for Executive for the financial implications

6. What are the legal aspects?

6.1 See Section 6 of the attached report for Executive

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 See Section 8 of the attached report for Executive.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 See Section 9 of the attached report for Executive

10. What risks are there and how can they be reduced?

10.1 None from this report

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is for information only

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Executive Committee may reject the request for consultation on the proposed tariff and instead maintain the existing tariff table. However, this may lead to the taxi trade in Exeter becoming economically unattractive to new taxi drivers/ proprietors and hence effect the trade as a public transport service.

Director Net Zero Exeter & City Management, David Bartam

Author: Nigel Marston – Principal Licensing Officer

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Report to Executive 4 October 2022 and appendices.

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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REPORT TO EXECUTIVE

Date of Meeting: 4 October 2022

Report of: Director Net Zero and City Management

Title: Request for a variation of Hackney Carriage Fares

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 The purpose of this report is to inform the Executive Committee that a request has been made via the Chair of Exeter St Davids Hackney Carriage Association, for an increase to the Hackney Carriage Fare Tariff.

1.2 The Executive is asked to consider a request for the variation of the table of fares for the hire of hackney carriages and to determine whether to proceed to public consultation.

2. Recommendations:

2.1 That the Executive approves:

(1) That the proposals are put out to public consultation to run from 5 October 2022 until 2 November 2022 (4 weeks);

(2) That a public notice containing the proposed variation table is published in one local newspaper during the above period; and

(3) The matter is brought back to Executive on 29 November 2022 for determination.

3. Reasons for the recommendation:

3.1 When considering the proposal, members are reminded that the tariff that is set should be regarded as the maximum fares that can be charged. Taxi proprietors are not tied to charging the maximum fare, but are not permitted to charge more than the tariff price shown on the meter. Market forces are known to come into play, and for instance because of the level of competition in Exeter, the driver/ proprietor may decide to charge less than the maximum tariff.

3.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the public notice requirements, but it is for the Executive Committee to determine whether or not such a consultation should be undertaken based on the proposed tariff table.

4. What are the resource implications including non financial resources?

4.1 There will be a cost in the public consultation of the proposed tariff table as we would be required to place an advert in a local newspaper, and also propose to put signs on the taxi rank notice boards, and to email all dual Hackney Carriage Private Hire drivers and local disability support groups.

4.2 The associated newspaper advert costs (in the region of £500), as well as the staff costs from the additional work generated by the consultation are additional costs not budgeted for within the last fees and charges report, and as such these additional costs will need to be considered at the next fees and charges review to avoid Licensing costs impacting on the Council's general fund.

5. Section 151 Officer comments:

5.1 The costs of vehicle licensing are managed separately to the General Fund of the Council, with the intention that the General Fund does not benefit or suffer as a result of the scheme. To that end, any surplus or deficit is managed via an earmarked reserve, and therefore, as noted above, the fees and charges are expected to be set to ensure that all costs are covered.

6. What are the legal aspects?

6.1 Section 65 Local Government (Miscellaneous Provisions) Act 1976 gives the Executive Committee power to determine hackney carriage fares. The power is not delegated to officers.

6.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 also sets out the public notice requirements, but it is for the Executive Committee to determine whether or not such a consultation should be undertaken based on the proposed tariff table.

6.3 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 also sets out the formal statutory procedure for varying the fares requires. The Council is required to publish a notice containing the proposed variation table in at least one local newspaper and specify a period of not less than 14 days from the first publication of the notice during which time objections to the variation can be made.

6.4 It is for the Executive Committee to determine whether or not such a consultation should be undertaken based on the proposed tariff table. It is also for the Executive Committee to determine the length of any consultation.

6.5 Section 17 Crime and Disorder Act 1998 places the council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

6.6 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the

community as a whole. Any action taken by the council which affect another's' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits Licensing Authorities to set the fares tariff for Hackney carriages (taxis) licensed in the district. The tariff sets the maximum fares that taxis can charge the public when using their vehicles.

8.2 Exeter City Council, in common with most other Councils, have used this power for many years and the last tariff increase was agreed in June 2013. A copy of the proposed tariff table calculated on a per mile basis is found at Table D of Appendix A to this report. To aid comparison the existing 2013 fare table is also calculated at Table B of Appendix A.

8.3 Since the 2013 tariff change the subject of fare increases has been regularly discussed at Taxi Forum meetings. Throughout this time, the taxi trade's opinion was generally divided in view of the economic situation that some did not wish to see a fare increase as the costs for fares are met by the public using taxis.

8.4 A request was submitted to the Licensing Authority on 8 January 2022 by the Chair of the St Davids Hackney Carriage Association and follow correspondence was clarified in a letter dated 23 February 2022. A copy of the clarification letter detailing the revised proposals can be found at Appendix B. Accompanying that request is a survey results prepared by the St Davids Hackney Carriage Association listing that 51 individuals participated in the survey. At the time of writing this report there were 82 Licensed Hackney Carriage vehicles, some of which have multiple drivers. A copy of the survey results provided by the Chair of the St David Hackney Carriage Association appears at Appendix C to this report.

8.5 The Exeter St Davids Hackney Carriage Association in their proposal are requesting:

- An increase the daytime tariff – Tariff 1 – from the current price.
- An increased flag price for Tariff 2.
- Similar mileage rates for Tariff 2 and 3.
- A reduction in the price of Tariff 4, at Christmas and New Year.
- Retention of the current charge for additional passengers above the first one.
- The introduction of charges for items of heavy luggage, based on the total number of passengers.
- A new surcharge for additional passengers above 4 in “multi – seater” vehicles – to be agreed in advance before the journey commences.
- A new surcharge for the use of taxis as a substitute for removal vans – to be agreed in advance before the journey commences.

8.6 The Taxi Forum, comprising of representatives from the Hackney Carriage Associations, Members and officers met on the 2 August 2022. At the meeting officers presented a proposed tariff table that was welcomed by the Hackney Carriage Associations as it went further than the proposal that they had originally submitted. The Associations were asked to consult their members on this proposal. The proposal documents sent to the trade are included as Appendix B to this report.

8.7 A response was received from the Hackney Carriage Associations on the 30th August 2022. The response indicated that 100% of the 59 respondents' were in favour of the new tariff proposed by officers. This response is included as Appendix C to this report.

8.8 Officers have researched and produced a comparison table of current fares set by this and other authorities in Devon (Table E of Appendix A) The comparison takes into account the position of highest to lowest fares set by all 358 licensing authorities in England and Wales based upon costs of the first two miles journey prepared by the national Private Hire and Taxi Monthly magazine. The present Exeter Tariff 1 cost for a two mile journey is £6.60.

8.9 The table confirms that Exeter currently has the joint fourth most expensive 2 mile fare level in Devon and is the 145th most expensive fare in England and Wales over that distance. If the proposed increases are implemented then Exeter would have the most expensive 2 mile fare level in Devon and would move to approx. 54th position in the national list.

8.10 This Council has not reset its fares since 2013, and is now the only authority in the comparison group that has not had a fare increase. The other authorities have increased fares in 2021 and 2022. Other factors that are evident from the comparison include;

- Plymouth reset their taxi fares in 2022 and now match the current Exeter tariff 1;
- South Hams Councils reset their taxi fares in 2022 and are currently 6p more than Exeter's current 2 mile fare;
- East Devon DC increased their tariff fare in 2020 and again in 2022 to £7.15, 55p more than Exeter's current two mile fare;
- Teignbridge DC also raised their fares in 2022, to £7.26, some 66p more than Exeter for a two mile fare.

8.11 Members may find it useful for an explanation of the tariff structure operated in this district and there are four Tariff levels

- Tariff 1: Applies to any hiring begun between 0700 and 1900 on any day other than Sunday, Public Holidays or Bank Holidays;
- Tariff 2: Applies to any hiring begun on any day (other than Easter Sunday and Public and Bank Holidays) between 1900 and 0700 the following day AND for any hiring on a Sunday from Midnight. This tariff also applies between 0700 and 1900 on Christmas Eve and New Year's Eve;
- Tariff Three: Applies to any hiring begun on Christmas Eve & New Year's Eve from 19.00 until 00.00 AND from Midnight until 07.00 New Year's Day; Good Friday; Easter Sunday; Easter Monday; Mayday; Spring & August Bank Holidays; Christmas Day, Boxing Day.

- **Tariff Four:** Applies on Christmas day (24 hours) and New Year's Day from midnight to 7am.

8.12 Given that only 59 drivers are included in the Hackney Carriage Association's submission, which means that a significant number of licensed Hackney Carriage drivers have not given comment at this stage, it is prudent to consider going beyond the minimum legal standard to ensure that all opinions from the trade are heard. In addition hackney carriage users and other stakeholders may have representations to the proposal which the Executive may wish to consider.

8.13 The consultation period to take place between 5 October 2022 and 2 November 2022. A public notice will be published on our website and a public notice will be published in a local newspaper as required by statute. Those wishing to engage in the consultation we be able to do so in writing either by email to the [Licensing Team](#) or by post to Licensing Team, Civic Centre, Paris Street, Exeter EX1 1RQ.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The appropriate setting of a taxi tariff table will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

10.1 The publication of a proposal to increase taxi fare levels may lead to criticism by members of the public who rely on such services and are adverse to such changes.

10.2 However, the proposed tariff table has been developed by the taxi trade rather than the Licensing Authority, and in the event of adverse consultation responses this matter would be referred back to the Executive Committee for further consideration.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included at Appendix E for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 It was estimated in March 2021 that the transport sector accounted for 29% of the UK's net greenhouse gas emissions (Source: 2020 UK Greenhouse Gas Emissions). The Council has previously set ambitious emissions targets for the Exeter Hackney carriage fleet, making it amongst the greenest Hackney carriage fleets in the country. The most recent emissions standards from our taxi policy fully came into effect on 1 January 2020.

12.2 With further reductions in greenhouse gas emissions from transport in mind, it is highly likely that the Council will wish to consider introducing further more ambitious emissions targets for Exeter Hackney carriages in the future, and having an appropriate fare table would contribute considerably to the financial viability of any such changes for the Hackney carriage trade.

13. Are there any other options?

13.1 The Executive Committee may reject the request for consultation on the proposed tariff and instead maintain the existing tariff table. However, this may lead to the taxi trade in Exeter becoming economically unattractive to new taxi drivers/ proprietors and hence effect the trade as a public transport service.

Director Net Zero and City Management, David Bartram

Author: Simon Lane, Service Lead – Environmental Health and Community Safety

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Department for Business, Energy and Industrial Strategy: 2020 UK Greenhouse Gas Emissions, provisional figures.
- Private Hire and Taxi Monthly National hackney Fares table (February 2022).
- Local Government (Miscellaneous Provisions) Act 1976

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

LIST OF APPENDICIES:

APPENDIX A: Taxi Working Group Existing and Proposed Tariff Tables
APPENDIX B: Proposal for Consultation sent to Hackney Carriage Associations 02.08.22.
APPENDIX C: Response received from Hackney Carriage Associations 30.08.2022
APPENDIX D: Equalities Impact Assessment.

Since the last fees were set in 2013, the method of calculating the fees has changed. This has happened because a high court case taken by taxi drivers in Guildford against the Council over the setting of tariffs. The result was that Guildford won the case after the High Court approved the way the Council had set the tariff. The spreadsheet used by Guildford has become best practice for setting tariffs amongst many authorities and is advocated as legally compliant by many specialist taxi solicitors and barristers.

This means our process for fee setting must be robust and capable of being subject to scrutiny should it be necessary.

An example of the Guildford model spreadsheet with Exeter figures is presented below in Table A

Table A

Exeter Hackney Carriage Fares Calculator 2022									
ITEM	Average Running Costs Per Vehicle			Flag Drop	ITEM	Enter Variable Data in Pink Boxes on this sheet and "Calc for running costs"			
1	Annual Salary (A)	£25,971.00		T1 2.70	A	Average Salary	£25,971.00		
2	Average Running Costs (B X E)+(C + D + G + H + I)	£17,245.07		T2 3.20	B	Costs of Running Diesel Car (per mile)	£0.55 (From "Calc for running costs")		
3	Total Running Costs (1 + 2)	£43,216.07		T3 4.00	C	Additional Allowance for Insurance	£1,700.00		
4	Average Live Mileage (E - F)	13,428.25		T4 4.00	D	Annual cost of Hackney Carriage Licence	£360.00		
5	Cost per mile 3 ÷ 4	£3.22			E	Annual Average Mileage	24,415.00		
6	Total Charge per Mile (3 - K x T1) ÷ 4	£2.14	£2.67		F	Dead Mileage	45%	10,987	
	Charge for each Distance Unit is: (incorporating flag drop)	Tariff 1	Tariff 2		G	Annual Station Rank Fee	£672.40		
	82 yards (L) =	10.00 pence	10.00		H	Annual Cost of Driver's Licence (Pro-Rata)	£115.00		
	(6 ÷ M)				I	Average annual cost of Livery, Roof Sign and Meter	£1,030.00		
7	Round to nearest 10 pence	10 pence	10		J	Average Journey Distance (Miles)	2.5		
	Rounded Charge per Mile	£2.15	£2.65		K	Average number of journeys	5371.30		
	Charge for time per unit	0	0				Tariff 1	Tariff 2	
	Charge for time. One mile or and	minutes			L	Distance unit = Unit charge x (1760/charge per mile)	82 yards	66 yards	
		seconds			M	Units per mile (1760/Unit Distance)	21.38	26.73	
	Date fare chart effective from	Day	Month	Year	N	Charge per unit (input values from 7)	10.00 pence	10.00 pence	
		1	8	2022	O	For each passenger in excess of one (pence)	50 pence		
					P	Selling the carriage leaving it unfit (pounds)	£100		
							(As agreed by officers in consultation with trade)		
							(As agreed by officers in consultation with trade)		

Table A has two parts to it. The figures on the right (and in pink) are all variables. Most of these are known or can be calculated e.g. annual average mileage. The average salary comes from the Office of National Statistics and is the median value for annual pay for all employees in the United Kingdom for 2021. The other value is dead mileage figure which is mileage the taxi covers when it does not have a paying passenger. The figure used by Guildford is 45%. We believe that an accurate reflection for Exeter is 50%.

In Guildford the second “night time” tariff is set as a proportion of the daytime tariff. This increase is to compensate for working anti-social hours. We have used 1.25 of the daytime tariff to calculate the night time tariff.

The existing fares within Exeter are shown in the Table B below

Table B

Fare Calculation for Exeter – Current Tariff							
	Flag Drop	Distance Unit	First Mile	Running Mile	2 miles	3 miles	5 miles
Tariff 1	£2.20	80 yards	£4.30	£2.20	£6.50	£8.70	£13.10
Tariff 2	£2.70	62.8 yards	£5.40	£2.80	£8.20	£11.00	£16.60
Tariff 3	£3.40	55 yards	£6.50	£3.20	£9.70	£12.90	£19.30

The Taxi Trade Associations have requested the fares shown in Table C below

Table C

Fare Calculation for Exeter – Exeter Taxi Association Request							
	Flag Drop	Distance Unit	First Mile	Running Mile	2 miles	3 miles	5 miles
Tariff 1	£2.70	80 yards	£4.80	£2.20	£7.00	£9.20	£13.60
Tariff 2	£3.20	62.8 yards	£5.90	£2.80	£8.70	£11.50	£17.10
Tariff 3	£3.40	55 yards	£6.50	£3.20	£9.70	£12.90	£19.30

Exeter City Council have proposed the fares shown in Table D below

Table D

Fare Calculation for Exeter – Guildford Model 50% dead mileage and £25,971 salary							
	Flag Drop	Distance Unit	First Mile	Running Mile	2 miles	3 miles	5 miles
Tariff 1	£2.70	72 yards	£5.10	£2.50	£7.60	£10.10	£15.10
Tariff 2	£3.20	57 yards	£6.20	£3.10	£9.30	£12.40	£18.60
Tariff 3	£4.00	46 yards	£8.50	£3.80	£12.30	£16.10	£23.70

At the moment the tariffs charged by other Councils (at the 2 mile point) are shown below in Table E below.

Table E

Council	2 mile Tariff	Position in National League Table
North Devon	£7.30	47 – Increase in 2022
East Devon	£7.15	61 – Increase in 2022
South Hams	£6.66	125 – Increase in 2022
Teignbridge	£6.60	144 – Increase in 2020
Plymouth	£6.60	139 – Increase in 2022
Bristol	£6.40	160 – Increase in 2013
Mid Devon	£6.80	100 – Increase in 2021

If the fare proposal which the Council is recommending is adopted, then the 2 mile fare would be £7.60 and the highest in our region. This proposal would place us 37th in the national fare table.

The Process

In accordance with the legislative requirements, once the Hackney Carriage Trade Representatives have had time to discuss with their members and come back to the Licensing Team with an agree association comments in writing, the matter will then be considered for writing a report to go through the Committee process.

In doing so, the following process will be followed.

1. A report will go to the Licensing Committee to make recommendations to Executive for a consultation on the fees.
2. The report will be considered at Executive, which if agreed will start a 6 week consultation period.

3. During the consultation period, a notice must be displayed in a local newspaper, stating the proposed fees and make comments
4. Once the consultation period of 6 weeks has expired, any comments made will be considered and a report will be drawn up for Executive to consider.
5. The matter will be presented to Executive in which the council then sets a date, which when the new fares will come into force.

Briefing note – Taxi tariffs

The table below provides example fare costs for various “typical” Exeter Journeys.

Fare calculation for Exeter						park & ride	Airport	Crediton
			first mile	per mile thereafter	2 miles	3 miles	5 miles	8.5 miles
Exeter current	£2.20 & 80yds		£4.30	£2.20	£6.50	£8.70	£13.10	£20.80
Exeter Current night time	£2.70 & 62.8yds		£5.40	£2.80	£8.21	£11.01	£16.61	£26.42
Exeter taxi request	£2.70 & 80yds	2.7	£4.80	£2.20	£7.00	£9.20	£13.60	£21.30
Exeter taxi request	£3.20 & 62.8yds	3.2	£5.90	£2.80	£8.71	£11.51	£17.11	£26.92
Revised income changed flagdrop								
	£2.70	82 yds	£4.74	£2.14	£6.88	£9.01	£13.29	£20.78
	£3.20	66 yds	£5.77	£2.67	£8.45	£11.12	£16.46	£25.82
With 50% dead mileage								
Revised income changed flagdrop								
	£2.70	72 yds	£5.06	£2.46	£7.52	£9.98	£14.90	£23.51
	£3.20	57 yds	£6.18	£3.08	£9.25	£12.33	£18.48	£29.24

The orange highlighted figures are those requested by the Taxi trade. The green highlighted figures are those produced by the fare setting formula spreadsheet. The table highlighted in blue illustrates the same fees using a 50% dead mileage rather than the recommended 45%. The blue figures are the suggested fares to be adopted.

At the moment the tariffs charged by other Councils (at the 2 mile point) are as follows;

Council	2 mile Tariff	Position in National League Table
North Devon	£7.30	47 – Increase in 2022
East Devon	£7.15	61 – Increase in 2022
South Hams	£6.66	125 – Increase in 2022
Teignbridge	£6.60	144 – Increase in 2020
Plymouth	£6.60	139 – Increase in 2022
Bristol	£6.40	160 – Increase in 2013
Mid Devon	£6.80	100 – Increase in 2021

Using the above examples for Exeter City. If the orange proposal was implemented as requested by the Exeter trade then the 2 mile fare as £7 would be the second highest when compared to our regional partners and 72nd in the national fare tables.

If the green fare proposal was adopted then the 2 mile fare would be £6.88 and the third highest within our region and 88th in the national fare table.

If the blue fare proposal was adopted then the 2 mile fare would be £7.52 and the highest in our region. This proposal would place us 37th in the national fare table.

The agreement of a fare setting formula would ensure that the Exeter City taxi tariffs can be reviewed annually to ensure that the tariffs are fair to both drivers' and the fare paying public.

The Procedure

In accordance with the legislative requirements, once the proposed fees have been agreed by all parties and have been to Committee. Then the following process must be followed.

1. A notice must be displayed in a local newspaper, stating the proposed fees.
2. The notice to specify a date, not less than 14 days from the date of publication, the date has two functions;
 - (a) It is the date by which any objections must be lodged; and
 - (b) It is the date on which the revised fees will come into effect if either-
 - (i) no objections are received; or
 - (ii) any objections received have been withdrawn by that specified date.
3. It must also state where objections should be addressed, and how they can be made.
4. A copy of the notice must be available at the council offices for inspection, free of charge at all reasonable times.
5. Once the objection period (usually 28 days) has expired, if there have been no objections received or those that have been received have subsequently been withdrawn, then the fees take effect, either at the end of the objection period, or when the last objection is withdrawn.
6. If objections are made and not withdrawn, then the council must consider the objections.
7. In the light of objections (although they must be considered, the council does not have to vary the proposals as a result of them) the council then sets a second date, which cannot be more than 2 months after the first date specified, when the new fares will come into force.

No	Plate No.	Table chosen	Extra passenger	Luggage	other tems Remain	Sat & Sunday Tariff 2	Multi seater	suggestion
1	H002	D	50 p	50 p	yes			
2	H003	D	50 P	50 p	yes	yes		
3	H004	D						
	H005	D			yes	yes		
4	H006	D				yes		
5	H008	D			yes	yes		
6	H009	D			yes	yes		
7	H010	D						
8	H014	D						
9	H015	D	50 P			YES		
10	H017	D	50 p		yes	yes		
11	H019	D				Yes		
12	H020	D	50 p	50 p				
13	H022	D			Yes	Yes		
14	H023	D						
15	H024	D	50 p	50 p		yes		
16	H025							
17	H0 26	D					differen Tariff	
18	H027	D						
19	H028	D	50 p	50 p		yes		
20	H029	D		50 p		yes		
21	H030	D			yes	yes		
22	H031	D				yes		
23	H032	D	50 p	50 p		yes		
24	H033	D			yes	yes	25% extra	
25	H035	D						
26	H036	D	50 p	50 p		yes		
27	H036	D	50 p	50 p		yes		
28	H039	D	50 p	50 p		yes		
29	H040	D	50 p	50 p		yes		
30	H043	D						
31	H042	D				yes		
32	H047	D	50 p	50 p		yes		
33	H044	D		50 p		yes		
34	H045	D				Yes		
35	H046	D				Yes		
36	H048	D				yes		T1 £30,T2 £3.50
37	H049	D	50 p	50 p		yes		£25 huse removal
38	H050	D		50 p				
39	H051	D	50 p	50 p		yes		
40	H052	D						
41	H053	D				Yes		
42	H054	D				yes		
43	H054	D	50 p	50 p		yes	25% extra	
44	H055	D	50 p			yes		
45	H056	D		50 p				1 luggage free
46	H057	D	50 p	50 p		yes		
47	H059	D		50 p			25% Extra	1 luggage free
48	H061	D	50 p	50p				
49	H062	D						
50	H063	D				yes		
51	H064	D	50 p	50 p		yes		
52	H067	D	50 p	50 p		yes		
53	H069	D	50 p	50 p	yes	yes		

54	H071	D	50 p	50 p	yes	yes		
55	H75	D	50 p	50 p	yes	yes		
56	H078	D	50 p	50 p	yes	yes		
	H079	D					25% Extra	
	H086	D						
57	H087	D						
58	H089	D						
59	H090	D						
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Equality Impact Assessment: Proposed Hackney Carriage (Taxi) Fare Tariff Changes

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

1. Key recommendations:

The report outlines a proposal to consider changes to the current taxi tariff table.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits Licensing Authorities to set the fares tariff for Hackney carriages (taxis) licensed in the district. The tariff sets the maximum fares that taxis can charge the public when using their vehicles. Exeter City Council, in common with most other Councils, have used this power for many years and the last tariff increase was agreed in June 2013.

All changes to the hackney carriage tariff table in use in Exeter must be approved by the Executive. The legislation requires that before any alteration to the tariff table can take effect a public notice explaining the changes must be placed in a local newspaper. The public then must be provided with a period of at least 14 days to make comment on the proposals. If no adverse comment/objection is received the approved changes must take effect. Alternatively if adverse comment/objection is received then the matter must be returned to allow the Executive to consider the representation(s).

Research conducted by the Licensing Authority confirms that Exeter currently has the fourth most expensive 2 mile fare level in Devon and is the 145th most expensive fare in the UK over that distance. If the proposed increases are implemented then Exeter would have the most expensive 2 mile fare level in Devon, and would move to approx. 54th position in the national list.

It is recommended that the Executive give consideration to the draft tariff table to be consulted upon as attached and agree:

- (1) That the proposals are put out to public consultation to run from 5 October 2022 until 2 November 2022 (4 weeks);
- (2) That a public notice containing the proposed variation table is published in one local newspaper during the above period; and
- (3) The matter is brought back to Executive on 29 November 2022 for determination.

2. **Committee name and date:** Executive 01 October 2022
3. **Stakeholders:** Residents, Elected Members, Visitors to the City and Hackney Carriage Trade
4. **Main beneficiaries are:** The Hackney carriage trade. Residents, Elected Members and Visitors to the City through a properly funded Hackney carriage trade providing a high quality service.
5. **Consultation:** Minimum 14 day consultation following newspaper advert required by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, but in this instance we have proposed a 33 day consultation.
6. **Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed recommendation will have a **positive, negative or neutral impact. This is must be noted in the table below** alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact – some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Negative	Medium	<p>POSITIVE A properly resourced taxi trade with an appropriate tariff table would mean that the taxi trade remains economically stable, thereby attracting new drivers into the trade to continue and improve this vital public transport.</p> <p>NEGATIVE Wheelchair users and disabled persons are statistically more likely to use taxis than persons who do not identify themselves as disabled. As such a rise in the tariff table would impact this group more economically. Significant price rises may lead to taxis becoming less affordable and as such increase the risk of social exclusion amongst those who rely on taxis for their transport needs.</p> <p>Some potential mitigation may be provided by including relevant local disability groups in the consultation process. Should adverse consultation responses be received then the matter would be referred back to the Licensing Committee for further consideration.</p>

Sex/Gender	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Gender reassignment	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		

<p>Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).</p>	<p>Negative</p>	<p>Medium</p>	<p>POSITIVE A properly resourced taxi trade with an appropriate tariff table would mean that the taxi trade remains economically stable, thereby attracting new drivers into the trade to continue and improve this vital public transport.</p> <p>NEGATIVE Surveys by the DFT have identified that young adults and elderly persons are more likely than other age groups to use taxis on a regular basis. As such a rise in the tariff table would impact these age groups more economically, particularly the elderly who are more likely to have a fixed income. Significant price rises may lead to taxis becoming less affordable and as such increase the risk of social exclusion amongst those who rely on taxis for their transport needs.</p> <p>Some potential mitigation may be provided by including relevant local age awareness groups in the consultation process. Should adverse consultation responses be received then the matter would be referred back to the Licensing Committee for further consideration.</p>
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <ul style="list-style-type: none"> • Promotion of the consultation to local age and disability awareness groups to ensure that their views are taken into consideration, with any negative comments triggering a referral back to the Licensing Committee for further consideration. 			

Officer: Simon Lane
Date: 08.09.2022

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