

REPORT TO EXECUTIVE

Date of Meeting: 29 November 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 of the results of the consultation exercise for an increase to the Hackney Carriage Fare Tariff.

1.2 The Executive is asked to consider the responses received in relation to the variation of the table of fares for the hire of hackney carriages, and to determine whether to proceed with the advertised fare increase.

2. Recommendations:

2.1 That the Executive decides whether it wishes to approve the tariff proposal which would be implemented with effect from 1 January 2023.

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, Members of the Executive Committee authorised a consultation should be undertaken based on the proposed tariff table at the Executive of 4 October 2022.

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

4.1 There will be a cost to the trade in having their taxi meters recalibrated to reflect the revised tariff.

4.2 Staff costs from the additional work generated by the checking of meter calibrations 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 Vehicle licensing must be self-financing and therefore additional costs must be met from the fees charged. As a result therefore there are no specific financial implications that will impact the General Fund, although as noted above there may be changes to licence fees.

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 for a tariff change.

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:

Given that Exeter city council has followed the statutory procedure, the content of this report raises no issues for the Monitoring Officer.

8. Report details:

8.1 Section 65 of the 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 Executive authorised consultation on the proposed tariff at their meeting of 4 October 2022. The proposed tariff was circulated widely, appearing on the Council's Twitter and Facebook accounts as well as in Exeter City Council News. A press release was also circulated. Public notices were placed at the Council Offices and in the Exeter Express and Echo as required by the Local Government (Miscellaneous Provisions) Act 1976. A copy of this notice is attached as Appendix B to this report.

8.4 A total of 9 responses have been received. Of the responses received 7 are in support of the proposed fare tariff and 2 are against. A copy of the responses is attached as Appendix C to this report.

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 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: Public Notice.

APPENDIX C: Responses received from Consultation

APPENDIX D: Equalities Impact Assessment.