

Title of meeting: Cabinet

Date of meeting: 17 January 2023

Subject: Proposed Variation to Hackney Carriage Table of Fares

Report by: Director of Culture, Leisure and Regulatory Services

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1. To consider the receipt of objections received in respect of proposed variations to the current table of fares for the hire of a hackney carriage vehicle.
- 1.2. As a consequence to 1.1 above, to either approve, modify or to reject the proposed variations under consideration.
- 1.3. To recommend that the consideration (and determination) of any future representations to proposed variations to the table of hackney carriage fares be delegated to the Director of Culture, Leisure and Regulatory Services in consultation with the Chair/Vice-Chair of the Licensing Committee.

2. Recommendations

- 2.1. That the objections received at **Appendix 1** be received and considered;
- 2.2. That the Cabinet notes that the hackney carriage trade representatives are in support of the proposed variations to the current table of hackney carriage fares at **Appendix 3** and that consequently the fares could be approved without modification and to come into force with immediate effect OR alternatively rejected at this time;
- 2.3. That the Cabinet delegates approval for the consideration (and determination) of any future objections to proposed variations to the hackney carriage table of fares to the Director of Culture, Leisure and Regulatory Services in consultation with the Chair/Vice-Chair of the Licensing Committee.

3. Background

- 3.1. The constitution has given the Licensing Committee general overall delegated responsibility for the control, supervision and administration of those statutory functions relating to hackney carriages, their proprietors and drivers within the City of Portsmouth.
- 3.2. These functions are deemed "council" functions and the Executive is generally prohibited from determining such matters in accordance with the Functions & Responsibility Regulations.¹
- 3.3. However, the "fixing of fares for hackney carriages" pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (and where objections have been received) is NOT a prescribed function of the Licensing Committee and thus any representations received are for consideration by the Executive/Cabinet.
- 3.4. Hackney carriage fares are controlled by a taximeter installed in all hackney carriages by way of statutory byelaw requirement. The fares may be fixed for time and distance together with any other approved charges for the hire of a hackney carriage.
- 3.5. Variations to the table of fares may be considered at any time.
- 3.6. The current table of fares from July 2022 are shown at **Appendix 2**. This rise gave all drivers a £1 increase for each hiring irrespective of distance subsequently travelled.
- 3.7. Historically, taxi trade representatives have submitted fare rise proposals for consideration after receiving support from drivers and having regard to fuel prices, general motoring costs and associated living costs. Any proposals received are subject to both MIS approval and statutory public notice giving persons at least 14 days to make objections.
- 3.8. The proposed variations to the table of fares are shown at **Appendix 3**. The proposals received initial support following a previous consultative group meeting between Licensing Committee members and the taxi trade.

The proposals will increase fares for longer journeys. However, the initial "flag fall" and first mile charge will remain the same but representative increases would be as follows:

- **2-mile fare increasing from £7.20 to £7.40**
- **5-mile fare increasing from £13.00 to £13.80**
- **10-mile fare increasing from £24.40 to £26.00**

¹ Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended

4. Representations Received

- 4.1. Following MIS approval and subsequent public notice in November 2022 a petition containing 23 "objections" to the proposed fare rise was received. Drivers expressed concern that the proposed increases were "unnecessary and that fuel prices would fall". Subsequent enquiries revealed however that some of the signatories thought they were signing in FAVOUR of a fare rise and they have now withdrawn their individual objection. Those who have withdrawn are marked in yellow on the petition as shown at **Appendix 1**.
- 4.2. Conversely, other proprietors/drivers (together with the trade representatives) point to on-going high fuel and motoring costs and say a further fare rise is justified. Petrol is currently £154.05 a litre and diesel £177.60 a litre with the CPI for November 2022 being 9.3%².
- 4.3. The Licensing Service has received a number of representations in support of a fare rise as shown at **Appendix 4**. Whilst these representations were received outside of the prescribed 14 days objection period (and following on from the receipt of objections) - the legislation is silent on the question of receiving "supporting representations". They are therefore submitted for members consideration on individual merit and fact.

5. Reasons for Recommendation

- 5.1 To determine representations received (both for and against) the proposals to vary the current table of fares as shown at **Appendix 3** and to recommend changes to the scheme of delegation accordingly.

6. Integrated impact assessment

- 6.1. An integrated impact assessment is included at **Appendix 5**.

7. Legal implications

- 7.1. The law requires that any objections be "considered" and that the table of fares be approved with or without modification within 2 months of the first specified date - in this case 18 January 2023.
- 7.2. The City Solicitor has confirmed that this matter is for the Cabinet to determine.
- 7.3. For the future, it is recommended that appropriate delegations be given to the Head of Service (in consultation with appropriate members) to determine hackney carriage fare rise applications and any corresponding variations to the approved table of fares.

² Source ONS December 2022

8. Director of Finance's comments

8.1. Not applicable to this report.

Signed by:
Stephen Baily
Director of Culture, Leisure and Regulatory Services

Appendices:

- Appendix 1: Redacted objections received
- Appendix 2: Current table of hackney carriage fares - July 2022
- Appendix 3: Proposed variations to the table of fares
- Appendix 4: Supporting representations received
- Appendix 5: Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Part II, Local Government (Miscellaneous Provisions) Act 1976	Published Statute

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on ...17 January 2023

Councillor Gerald Vernon-Jackson.