

## ITEM NO 12

<b>DECISION-MAKER:</b>	LICENSING (GENERAL) SUB-COMMITTEE		
<b>SUBJECT:</b>	PROPOSED VARIATION OF HACKNEY CARRIAGE FARES		
<b>DATE OF DECISION:</b>	4 <sup>TH</sup> JUNE 2008		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
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### STATEMENT OF CONFIDENTIALITY

NOT APPLICABLE

### SUMMARY

A proposal for a varied table of fares has been received from the Chairman of Southampton Taxi Consultative Council on behalf of the Southampton taxi trade consultative groups.

This report sets out the details of the request and its effect on the taxi fare structure.

### RECOMMENDATIONS:

- (i) To consider and determine a request on behalf of the Southampton taxi trade for the variation of the table of fares for the hire of hackney carriages in Southampton.
- (ii) If the Sub-Committee is minded to vary the table of fares to authorise the Solicitor to the Council to advertise any proposed variation in the table of fares.
- (iii) If the Sub-Committee is minded to vary the table of fares, that, subject to any objections to the advertisement, the variation shall come into effect on 14<sup>th</sup> July 2008.
- (iv) If objections are received to the proposed variation, to consider and determine any objections at the Sub-Committee's meeting on 2<sup>nd</sup> July 2008

### REASONS FOR REPORT RECOMMENDATIONS

1. The Sub-Committee last revised the table of fares for the hire of hackney carriages in Southampton with effect from 23<sup>rd</sup> August 2006.
2. Representatives of the Southampton taxi trade have now requested that consideration be given to revising the table of fares in the light of increases in their business costs, especially fuel and replacement vehicle costs, since the last variation of the table of fares in August 2006.
3. The trade also indicate that they intend this to be the first step in a process of simplifying the fare structure over a three year period.

## **CONSULTATION**

4. The consultation process specified in the Local Government (Miscellaneous Provisions) Act 1976, requires that, before the table of fares can be varied, notice is given in a newspaper circulating in the area and any objections considered by the Sub-Committee. A minimum period of 14 days must be allowed from the date of the advertisement for the receipt of written representations and objections. It is recommended that a period of 14 days be given for objections.
5. If the Sub-Committee is minded to vary the table of fares, any objections will be brought to its meeting on 2<sup>nd</sup> July 2008.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

6. The Sub-Committee has discretion in law to determine the fares for the hire of hackney carriages in Southampton, subject to a duty to act reasonably
7. The power to determine hackney carriage fares is not delegated to officers.

## **DETAIL**

8. The table of fares for hackney carriages was last varied by the City Council with effect from 16<sup>th</sup> October 2006 and is set out in Appendix 1.
9. An application for the variation of the table of fares was considered at the Sub-Committee's meeting on 21<sup>st</sup> August 2007. Following advertisement, the matter returned to the Sub-Committee's meeting on 26<sup>th</sup> September 2007, when the trade representatives withdrew the application.
10. Representatives of the Southampton taxi trade have now requested that the table of fares be reviewed
11. Southampton taxi trade representatives' proposals and justification for the variation of the table of fares is set out in Appendix 2.
12. A draft table of fares showing the effect of the trade's proposals is set out in Appendix 3.
13. It is important to note that the table of fares only relates to the hire of hackney carriages licensed by the City Council for the part of any journey within the city. As a matter of law, the level of fares for the hire of private hire vehicles cannot be controlled by the City Council, although the proprietors and drivers of many such vehicles choose to follow the hackney carriage table of fares in charging their customers.
14. The existing and proposed tariffs represent the maximum fares that may be charged for journeys within the City of Southampton.
15. If the Sub-Committee is minded to vary the tariffs as shown above, it should be noted that any proprietor or driver of a licensed hackney carriage might lawfully charge lower fares if they so wish, but may not exceed the tariffs set by the Council or charge for items not appearing on the table of fares. A copy of the table of fares must be exhibited in every licensed hackney carriage.
16. The effect of the trade representatives' proposals is to increase the initial price for a daytime hiring from £2.00 to £2.20 and for a night-time hiring from £2.75 to £2.95 and that if a journey exceeds 440 metres (481 yards - £3.00) the distance travelled per increment in the fare of £0.20 will be 225 metres (246 yards). At present if a journey exceed 550 metres (601 yards - £3.00), the

distance travelled per increment in the fare of £0.20 is 235 metres (257 yards).

17. These proposals would result in the following increases in fares for example distances travelled:

Miles (Kilometres)		Daytime tariff	Night- time tariff	Current fares		Proposed fares	
				Day	Night	Day	Night
1	(1.61)	5.00%	3.85%	£3.80	£5.00	£4.00	£5.20
3	(4.83)	2.94%	2.30%	£6.60	£8.50	£6.80	£8.50
5	(8.05)	4.17%	3.69%	£9.20	£11.75	£9.60	£12.20
10	(16.09)	3.57%	3.30%	£16.20	£20.50	£16.80	£21.20

18. In addition, the trade proposes that the Christmas and New Year tariff should commence at 11:00 p.m. on Christmas Eve and New Year's Eve, in substitution for the current 8:00 p.m. on those days.
19. Members will be aware that many taxi drivers and proprietors make a boundary charge for vehicles making journeys outside the city boundaries. Such charges cannot be controlled by the table of fares, as they relate to the portion of the journey outside the city boundaries but must be the subject of a contract between the vehicle proprietor or their agent and the hirer, agreed before the commencement of the journey.
20. Following discussions with Associated British Ports, it is anticipated that ABP will shortly introduce a scheme whereby all licensed hackney carriages or private hire vehicles carrying passengers from Cruise Terminals within the ABP Docks will be charged £1.00 per journey.
21. Given the legal constraints on hackney carriage fares, in that the fare for a journey in a hackney carriage within the city may not exceed that provided for in the table of fares, it is recommended that this charge should be included in the new table of fares.
22. The legislation prescribes a procedure which consists of a determination by the Sub-Committee of the variation of the table of fares and the advertisement of the proposal. The Sub-Committee must then consider any objections made and determine whether to confirm the varied table of fares, with or without modifications.
23. This report represents the first step in a process of regarding the proposals. Members have discretion in varying the table of fares, and need not be bound by the request submitted on behalf of the trade. In addition, Members cannot fetter their discretion by agreeing future fare structures now.
24. Representatives of the recognised trade representative organisations have been invited to attend the Sub-Committee's meeting.
25. If the Sub-Committee is minded to vary the table of fares, the Solicitor to the Council recommends that any variation should come into force on the 14<sup>th</sup> July 2008. Members will be aware that, following their decision, arrangements will need to be made by the Licensing Team and the suppliers of taximeters and their agents for the variation to be effected, and arrangements also need to be confirmed for checks on meters installed in licensed vehicles.
26. The officers do not consider the Trade's request unreasonable, and from the information available to them, the proposed tariff would appear to be

compatible with the meters installed in Southampton licensed hackney carriages and private hire vehicles

27. Subject to the Sub-Committee's views, the timetable for the implementation of the proposals could be as follows: -

4 <sup>th</sup> June 2008	Sub-Committee's consideration and decision
9 <sup>th</sup> June 2008	Newspaper advertisement
23 <sup>rd</sup> June 2008	Close of objection period (14 days)
2 <sup>nd</sup> July 2008	Sub-Committee – consideration of any objections
14 <sup>th</sup> July 2008	Varied fares in force (if no objections)

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

28. Not applicable.

### **Revenue**

29. Not applicable.

### **Property**

30. Not applicable.

### **Other**

31. The work involved for the Licensing Team in bringing a variation of the table of fares into effect and in testing taxi meters is contained within existing budgets

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

32. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Sub-Committee discretion in law to determine the fares for the hire of hackney carriages in Southampton, subject to a requirement to publish notice of any such proposal in a newspaper circulating in the area and give a minimum period of 14 days for the making of objections.
33. Section 17 of the 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.
34. 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.

**Other Legal Implications:**

- 35. The City Council would be acting beyond its powers if it were to seek to fetter its discretion by fixing the period of review for fares or by fixing a particular formula for any future variations of fares.
- 36. However, this does not preclude a trade association or individuals from making requests for variation, or from producing whatever evidence they think fit in support of any proposal.
- 37. If no objections are made to the proposals following the advertisement, the varied table of fares could come into force at the end of the period specified in the Notice mentioned above, or if objections were made, on such other date fixed by the Sub-Committee. This must be no later than two months after the last date for making objections.

**POLICY FRAMEWORK IMPLICATIONS**

- 38. The decision to determine the application in the manner set out in this report is not contrary to the Council's policy framework.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Current table of fares
2.	Southampton Taxi Trade representatives' proposals and justification
3.	Draft table of fares giving effect to proposals

**Documents In Members' Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Southampton Taxi Trade representatives' proposals and justification	
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**Background documents available for inspection at:** Licensing, Southbrook Rise

**FORWARD PLAN No:** N/A                      **KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	None
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