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| Title of Report: | TAXI TARIFF 2015/16 |
| Report to be considered by: | Licensing |
| Date of Meeting: | 23 June 2015 |
| Forward Plan Ref: | n/a |

Purpose of Report: To consider objections raised following the mandatory public notice of a variance in taxi fares as approved by the Committee on 24 March 2015

Recommended Action: To not set a tariff and allow market forces to prevail

Reason for decision to be taken: Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 requires that a decision is made for implementation no later than 30 June 2015

Other options considered: Confirm the decision made on the 24 March 2015 or amend the tariff.

Key background documentation: Licensing Committee Report and minutes 24 March 2015

Published Works: Local Government (Miscellaneous Provisions) Act 1976 section 65

| Portfolio Member Details | |
|---|--|
| Name & Telephone No.: | Councillor Keith Chopping - Tel 07825 733280 |
| E-mail Address: | kchopping@westberks.gov.uk |
| Date Portfolio Member agreed report: | 11 June 2015 |

| Contact Officer Details | |
|-------------------------|-------------------------|
| Name: | Brian Leahy |
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Implications

Policy: The Council's policy is to consider requests for tariff changes from the trade.

Financial: None

Personnel: None

Legal/Procurement: If the Council sets a maximum tariff, this is the highest rate that can be lawfully charged in each time zone.

Property: None

Risk Management: None

| Is this item relevant to equality? | Please tick relevant boxes | Yes | No |
|--|-------------------------------------|-------------------------------------|----|
| Does the policy affect service users, employees or the wider community and: | | | |
| • Is it likely to affect people with particular protected characteristics differently? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| • Is it a major policy, significantly affecting how functions are delivered? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| • Will the policy have a significant impact on how other organisations operate in terms of equality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| • Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| • Does the policy relate to an area with known inequalities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality) | | | |
| Relevant to equality - Complete an EIA available at http://intranet/EqIA | <input type="checkbox"/> | | |
| Not relevant to equality | <input checked="" type="checkbox"/> | | |

Executive Summary

1. Introduction

- 1.1 At the Licensing Committee meeting held on the 24th March 2015, a decision was taken to approve a revised table of fares submitted by some members of the trade for introduction in 2015, following the mandatory period as specified in legislation.

2. Proposals

- 2.1 To consider the objections received following the publishing of the statutory notice

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

4. Conclusion

- 4.1 Members may confirm the decision taken on the 24th March 2015 with or without modification to become effective no later than 30th June 2015.

Executive Report

1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 section 65 allows for a council to fix the table of fares for taxis within the district, for a time as well as distance.
- 1.2 At the Licensing Committee meeting held on the 24th March 2015, Members considered a proposal from some trade members and a number of objections from others.
- 1.3 A decision was taken to accept the proposal and introduce the revised table of fares as the maximum that may be charged throughout the district.
- 1.4 Section 65 (2) (a) of the Act requires the Council to publish in at least one local newspaper circulating in the district, a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
- 1.5 This notice was published on the 2nd April 2015.
- 1.6 Section (4) of the Act requires that, if objection is made and is not withdrawn, the district council shall set a further date, not less than two months after the first specified date, on which the table of fares shall come into force with or without modification as decided by them, after consideration of the objections.
- 1.7 The notice specified that objections should be submitted to the Council no later than the 21st April. If no objections were received, the variation would take effect from the 30th April 2015.
- 1.8 In accordance with section 65 (4) the table of fares must come into operation no later than 30th June 2015 regardless of whether the Council decides to modify or not. However it must consider objections received as a result of the notice.
- 1.9 During the period between the 2nd April 2015 and the 21st April 2015 the following valid objections were received;

1.10 Letters from:

| | | |
|-------------------|-----------------------|------------|
| Mr Paul Higgins | Taxi owner and driver | Appendix A |
| Mrs Freda Hammond | Taxi owner and driver | Appendix B |
| Mr M B Elliott | Newbury Resident | Appendix C |

A petition: signed by 46 members of the trade. Of these 10 appear to be driver only with the others being proprietors and although Mr Paul Higgins has signed the petition he has submitted a written objection in his own name. Appendix D

There were 3 letters of support from members of the public.

2. Legal Position

- 2.1 It is clear from section 65 (4) that the Council must make a decision for implementation no later than 30th June 2015.
- 2.2 The Council can confirm the table of fares agreed on the 24th March 2015 in both format and price.
- 2.3 The Council can modify the table of fares both, in format, and price, or by either.
- 2.4 If modifying the table of fares the Council can revert back to the tariff already in place in both format and price.
- 2.5 The trade representatives, who submitted the variation approved on the 24th March 2015 have offered no alternative. The objections appear to be in part, no increase and keep the current three tariffs although no alternative template has been provided. The Chairman may wish to consider suspending Standard Orders to listen to the views of both objectors and the proposers of the original table of fares.
- 2.6 Members should be clear that when a maximum table of fares is set, it is illegal for any taxi driver to charge more than this tariff.
- 2.7 By virtue of R v Liverpool City Council ex parte Curzon Ltd (Kelly) it is clear that legal opinion is that a driver is entitled to charge what he likes up to a prescribed maximum, his meter is accurate if it is set according to his own scale of charges.
- 2.8 The driver is only entitled to charge what is displayed on his meter or less.
- 2.9 It must therefore follow that any driver/operator can set his meter to any rate that is not greater than the rate set by the Council as a maximum.

3. Individual Options

- 3.1 Members can confirm the decision taken on the 24th March 2015. Those drivers who wish to set their meters to this table of fares can do so.
- 3.2 Those who do not wish to set five tariff rates can set their meters to a tariff which is not greater, possibly the current rate of three tariffs. However, if the approved table has five tariffs those who prefer to keep three tariffs must make appropriate calculations to ensure that at each rate of tariff 1 - 3, their meters are set to a rate that is not greater than the maximum set by the Council in the same time zones.
- 3.3 The issues here are therefore twofold:
- 3.4 The rate can be set over five tariffs, or three or any other number of tariffs that the Council sees fit to approve.
- 3.5 The actual charge set on the meter in either format must not be greater than the maximum set by the Council.

4. Recommendation

- 4.1 If a maximum fare is set then drivers do not have to apply that rate, they must simply ensure that the rate that they charge and to which the meter is set is not greater regardless of the number of tariff rates. This can lead to multiples of tariff

rates being applied across the district. In a sense this already applies, in part, as each driver can charge what he likes up to a set maximum although the majority of proprietors have set their meters to the table of fares set by the Council.

5. Conclusion

- 5.1 It may be argued that a free for all will ensue with a possible price war situation if no rate of fare is set however the objections received clearly indicate that there are local issues with change, at this time.
- 5.2 Regardless of the decision taken, Members must ensure that in coming to that decision they have considered all material information provided at this committee meeting and be aware that legal challenge could follow should the decision be considered irrational, unlawful or unreasonable, by any aggrieved licence holder.

Appendices

Appendix A - Letter from Mr Paul Higgins

Appendix B - Letter from Mrs Freda Hammond

Appendix C - Letter from Mr M B Elliott

Appendix D - Petition

Consultees

Local Stakeholders: West Berkshire Taxi Owners and Drivers, West Berkshire taxi users

Officers Consulted: Sarah Clark Solicitor Team Leader, Julia O'Brien Principal Licensing Officer, Paul Anstey Environmental Health & Licensing Manager

Trade Union: None