

LICENSING AND REGULATORY COMMITTEE – 25 APRIL 2022

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

SECTION 65 OF THE LOCAL GOVERNMENT (MISCELLENEOUS PROVISIONS) ACT 1976 – OBJECTON TO PROPOSED VARIATION OF HACKNEY CARRIAGE FARES AND OTHER CHARGES

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this Report is to enable the Committee to consider and then determine the proposed variations to the Table of Fares for Hackney Carriages and Other Charges that are to apply following the receipt of an objection to the proposals that were subject to the statutory advertisement requirements under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

2.0 DESCRIPTION OF DECISION (RECOMMENDATIONS)

- 2.1 The Committee is requested to consider and then determine the proposed variations to the Table of Fares for Hackney Carriages and Other Charges that are to apply following the receipt of an objection to the proposals following statutory advertisement requirements under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, (“the 1976 Act”).
- 2.2 It is for the Committee to decide whether the proposals, as set out in the Public Notice dated the 4th March, 2022 are to be implemented with, or without modification after consideration of the submitted objection.
- 2.3 The Table of Fares for Hackney Carriages and Other Charges that are approved by the Committee will come into operation no later than the 20th May, 2022.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Members will recall that at its Meeting held on the 28th February, 2022 the Committee approved the statutory advertisement of proposals that had been submitted by the Sunderland Hackney Carriage Operators’ Association, (SHCOA), via their letter dated the 26th January, 2022 for certain increases to be made in the present scale of hackney carriage fares and other charges. Mr. Trevor Hines of the SHCOA had attended the Meeting to make representations.
- 3.2 Under Section 65 of the 1976 Act any such proposals must be published in at least one local newspaper circulating in the district and a period of not less than 14 days from the date of first publication must be allowed for objections to be made to the variations proposed. Any objections received must be given full consideration by the Committee before the revised fares and other charges can lawfully come into operation. If no objections are received, or if all objections are withdrawn, the revised fares and other charges can come into effect upon expiry of the objection period, or the date of withdrawal of the last objection, if more than one.
- 3.3 On the 4th March, 2022 a Public Notice setting out the proposed variations to the Table of Fares for Hackney Carriages and Other Charges was advertised in the

Sunderland Echo newspaper. A copy of the Public Notice was deposited in the reception area at the City Hall and could be inspected free of charge during those times set out in the Notice. Although not a statutory requirement, a copy of the Public Notice was also uploaded on the Council's website in the taxi and private hire licensing section.

- 3.4 The Public Notice stated, amongst other things, that : *"Objections to the proposed variations should be made in writing and received by 4.45pm on the 25th March, 2022 by Steve Wearing, Principal Licensing Officer, Licensing Section, City Hall, Plater Way, Sunderland, Tyne and Wear, SR1 3A, or by email: licensing@sunderland.gov.uk".* The Notice also stated, :-

"If no objections to the variations are duly made, or if all objections duly made are withdrawn, the variations will come into operation on the 22nd April, 2022, or the date of withdrawal of the objection, or if more than one, of the last objection, whichever the later"; and

"If objections are duly made stated above and are not withdrawn they will be considered by the Council and the Table of Fares and the Other Charges will come into operation no later than the 20th May, 2022 with, or without modifications as decided by the Council after consideration of the objections".

A copy of the Public Notice setting out the proposed variation of Table of Fares for Hackney Carriages and Other Charges is shown at Appendix 1. A copy of the Public Notice had been circulated to members of the Committee for their information.

- 3.5 On the 21st March, 2022, Mr. Steve Wearing, (Principal Licensing Officer), received an e-mail from a person, (who wishes to remain anonymous), raising objections to the advertised proposals. Their e-mail includes the following, :-

"I can accept that a modest increase in fares is reasonable and that consideration for enhanced fares on Christmas Day and New Year's Day are also reasonable, but in my opinion, it is simply not reasonable to impose additional costs on passengers on all Bank Holidays, as has been approved. I strongly object to such supplement being charged on all Bank Holidays, as I believe this is exploiting those loyal customers who support the taxi trade and who usually, like myself, provide generous cash tips to drivers along with others who, through age or disability, rely on taxi provision to take them on essential journeys. Many of these people are also doing so in order to relieve costs falling on public services, eg ambulances to hospital visits etc..."; and

"As part of your consultative process, I would like to raise my objections to the blanket rise in fares, by requesting that the Licensing Committee consider its position, by following the good lead of other local authority areas who do not charge enhanced rates on Bank Holidays, other than Christmas Day and New Year's Day".

A copy of the e-mail received from the Objector dated the 21st March, 2022, (with their name, home address and e-mail address redacted), is shown in Appendix 2.

3.6 On the 30th March, 2022 Mr. Wearing replied to the Objector's e-mail and advised that it view of their objections the Council's Licensing and Regulatory Committee would be meeting on the 25th April, 2022 to consider the advertised proposals and their submitted objections. In his e-mail Mr. Wearing asked the Objector to confirm certain matters. The Objector was also advised that they were invited to attend the Committee Meeting, so that to make their representations about their objections. The Objector has been asked to clarify the following matters, :-

- (a) *"Given that you state "I can accept that a modest increase in fares is reasonable", when you say "I would like to raise my objections to the blanket rise in fares", are you referring to the proposal to increase each of the three Current Tariffs by £0.20 and, if so, would you please confirm, in monetary terms, what you consider to be "a modest increase in fares" to be applied instead of the proposed £0.20?"; and*
- (b) *"Given that you state "I can accept that a modest increase in fares is reasonable and that consideration for enhanced fares on Christmas Day and New Year's Day are also reasonable", is it your position that enhanced fares Under Tariff 3 should only have application on the 25th December, (ie. Christmas Day), and on the 1st January, (ie. New Year's Day), and not on any other days of the calendar year?"*.

A copy of Mr. Wearing's e-mail is attached at Appendix 3.

3.7 On the 5th April, 2022 Mr. Wearing received an e-mail in reply from the Objector. They provided answers to the questions that had been raised by Mr. Wearing. The Objector's reply includes the following, :-

"I do continue to object as I believe my observations are bona fide in that the Committee should consider that other than Christmas and New Year Bank Holidays, all others should be charged at a standard rate.

Thank you for the offer for me to attend the meeting of the Committee, but I really don't think that is necessary. I feel that I have said all that I intend to say in respect of the matter and any Committee with genuine concern for their residents will surely understand that the burden of increased costs for taxi drivers should not fall entirely to the taxi using public.

The modest rise in tariffs is not part of my objection, but please note the Committee, in my view, should put themselves in the position of taxi users, many of whom are financially struggling and cannot afford to pay for significant rises in fare. The increase may well be reasonable, but I maintain that it is totally unreasonable to expect taxi users to pay enhanced fares on all Bank Holidays, which is why I suggest that the only Bank Holidays where enhanced fares should be applicable are Christmas Day and New Year's Day. Other Council areas in the region and beyond, have not authorised such enhanced fares for all Bank Holidays, so why should Sunderland authorise it?"

A copy of the Objector's e-mail is shown at Appendix 4.

4.0 CURRENT POSITION

- 4.1 Members are asked to consider the Objector's objection that remains, (ie. that enhanced fares should only apply to hackney carriage fares on Christmas Day and New Year's Day and on no other dates), and to determine whether, or not the submitted objection is to be allowed, with consequential amendments being made to the Table of Fares for Hackney Carriages and Other Charges, with the new fares and charges coming into operation no later than the 20th May, 2022 with, or without modification, as decided by the Committee after consideration of the objection.
- 4.2 Having due regard the submitted objection which the Objector has asked the Committee to consider, Appendix 5 contains an alternative "Table of Fares". The proposals that have been advertised have been amended so that enhancements under Tariff Three just have application on Christmas Day, (ie. 25th December), and on New Year's Day, (ie. 1st January), and on no other days. This alternative "Table of Fares" has been prepared to enable the Committee to see how the Objector's objection translate into an amended version of the "Table of Fares".
- 4.3 Section 65(4) of the 1976 Act states as follows : *"If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objection"*.

5.0 ALTERNATIVE OPTIONS

- 5.1 There are no alternative options to be considered by the Committee.

6.0 RELEVANT CONSIDERATIONS/CONSULTATION

- 6.1 The proposed hackney carriage fares and other charges that are proposed have been subject to the statutory advertisement process. SHCOA had proposed increases to the present scale of hackney carriage fares and other charges in connection with the hire of vehicles, or with the arrangements for the hire of a vehicle. An objection has been submitted by an Objector who wishes to remain anonymous. The Committee is required to consider the submitted objection, ie. that enhanced fares should only apply to hackney carriage fares on Christmas Day and New Year's Day and on no other dates.
- 6.2 Under Section 65 of the 1976 Act the Committee has the following two options, :-
 - (a) To modify the advertised Table of Fares for Hackney Carriages and Other Charges in light of the Objector's objection, ie. a revised Table of Fares for Hackney Carriages and Other Charges come into effect no later than the 20th May, 2022. If the objection was to be accepted by the Committee the "Table of Fares" as contained in Appendix 5 would have application. Under this Table of fares enhanced fares would only apply to hackney carriage fares on Christmas Day and New Year's Day and no other dates; or
 - (b) The Objector's objections to modify the advertised Table of Fares for Hackney Carriages and Other Charges are not approved by the Committee, ie. the Table

of Fares for Hackney Carriages and Other Charges as originally proposed and advertised come into effect no later than the 20th May, 2022. If these proposals were accepted by the Committee the “Table of Fares” as set out in the Schedule contained in Appendix 1 would have application.

- 6.3 There is no right of appeal against a decision that is reached under Section 65. The only remedy is by way of a Judicial Review.

7.0 GLOSSARY

- 7.1 SHCOA - Sunderland Hackney Carriage Operators' Association.

8.0 LIST OF APPENDICES

1. Appendix 1 – Copy of Notice and Schedule of Proposed Variation of Table of Fares for Hackney Carriages and Other Charges as published on the 4th March, 2022;
2. Appendix 2 – Copy e-mail received from the Objector on 21st March, 2022;
3. Appendix 3 – Copy of Mr. Wearing's email to Objector dated 30th March, 2022;
4. Appendix 4 - Copy of e-mail received from Objector on 5th April, 2022; and
5. Appendix 5 – Copy of alternative Schedule of Table of Fares Hackney Carriages and Other Charges which incorporates amendments sought by the Objector.

9.0 BACKGROUND PAPERS

- 9.1 Report presented to the Licensing and Regulatory Committee dated the 28th February, 2022 : Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 – Proposed Variation of Hackney Carriage Fares and Other Charges.