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TO: **All members of Council**

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Dear Councillor

Extraordinary Council - Tuesday 26 July 2022

Attached is the written response to the question raised at the above meeting, as referred to in the minutes.

Yours sincerely

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Extraordinary Council: 26 July 2022 - Written response to question

Item 4: Leader's Statement: Question from Councillor Don Waldron to Councillor John Griffiths:

In the context of the recent decision taken by the Licensing and Regulatory Committee regarding the proposed increases in West Suffolk hackney carriage fares, Councillor Waldron asked whether the process for introducing the new fares could be accelerated. Like many others feeling the impact of the relatively significant rise in cost of living, he felt the hackney carriage drivers should have the new fares implemented at the earliest opportunity to help mitigate some of their current financial challenges.

The Service Manager (Legal and Governance) / Monitoring Officer provided a response at the meeting regarding the statutory process that needed to be followed before any changes could be made to the fares; however, this detail and more, is provided below by the Leader and the portfolio holder with the responsibility for licensing:

Response from Councillors John Griffiths, Leader of the Council and Andy Drummond, Portfolio Holder for Regulatory and Environment

The fixing of fares for hackney carriages is set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and provides that where a district council make or vary a table of fares they shall publish a notice setting out the table of fares and specifying the period, which must be at least 14 days from the date the notice is published. If no representations are made then the Act provides that the variation shall come into operation on the date of the expiration of the period specified in the notice.

If representations are received during the period specified in the notice then the Council must set a date, no later than two months after the date of the expiration of the period specified in the notice, for when the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

These are the statutory requirements so it is correct that, if no objections are received during the notice period, the table of fares will come into force after 5pm on the 5 August 2022. The date of 3 October 2022 was put in place as final date should any objections be received to allow time (within the statutory two months) for those objections to be considered and a decision published.

In practice, although the new fares may come into force in August, the drivers' meters will need to be adjusted. The licensing team has advised that they are currently liaising with the meter company in order to understand when and how this can take effect to ensure a smooth transition for the trade. Unfortunately, only provisional dates can be made at this stage because an objection could be received at any time between now and 5 August which will alter that timeline.

S.65 of the Local Government (Miscellaneous Provisions) Act 1976 is copied below for your information.

The legislation:

65 Fixing of fares for hackney carriages.

- (1)A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.
- (2)(a)When a district council make or vary a table of fares they shall 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.
- (b)A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- (3)If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4)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 objections.
- (5)A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws made thereunder.
- (6)On the coming into operation of a table of fares made by a council under this section for the district, any hackney carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.
- (7)Section 236(8) (except the words "when confirmed") and section 238 of the M1Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under

this section [F1by a district council in England] as they apply to byelaws made by a district council [F2in England].

Update from Councillor Andy Drummond, Portfolio Holder for Regulatory and Environment, following circulation of the above response:

We are writing to clarify further the position regarding the proposed Hackney Carriage fare increase because we are going to have to re-issue the notice in the papers.

It has been brought to our attention that there have been technical errors within information that was recently published in the Newmarket Journal and Bury Free Press dated 21 July and 22 July. Whilst the letter to the trade highlighted the representation period and the process for making a response, this information was not provided within a local newspaper at the start of the consultation period, which is a requirement under the Local Government (Miscellaneous Provisions) Act.

To remedy this position, we have arranged to publish a revised notice in both the Newmarket Journal and the Bury Free Press today (4 August 2022) in order to meet the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. This has the effect of extending the period for representations until Friday 19 August 2022 and revises the implementation date of the proposed fares.

If no representations are made during this period, then in accordance with the Act, the revised fares shall come into operation on the date of the expiration of the time specified in the notice (19 August). On a practical level there will be some delay between this date and the date on which new fares can be charged, as the taximeters will need to be amended to reflect the revised tariffs. We have been in contact with a meter company we have used previously to ensure that the recalibration of meters take place as soon as possible from this date.

If representations are received, a further meeting will be required to consider the objections and whether revisions are necessary. This means that the date in which the revised table of fares would come into effect would be adjusted, but this would have to be no later than 19 October 2022, as required by the legislation.

We intend to contact the Hackney Carriage vehicle license holders after the consultation period has ended to set out the next steps.

We are writing to the trade and advising them of this revised timeframe and we have apologised for any confusion or inconvenience this has caused. However, I hope that you appreciate why we have re-issued the notice and ensuring in so doing, we are compliant with the requirements of the Act.

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