



## **Cabinet**

**17 December 2024**

### **Variation to Hackney Carriage Tariffs for Christmas 2024 / New Year 2025**

Portfolio Holder: Councillor Alex Paterson, Portfolio Holder for Community Safety, Highways and Enforcement

Report from: Bhupinder Gill - Assistant Director, Legal and Governance

Author: Mandy Francis - Licensing Manager, Gravesham and Medway Shared Licensing Service

#### **Summary**

This report requests that the Cabinet sets a tariff variation for the Christmas 2024 / New Year 2025 period, as recommended by the Licensing Sub-Committee when it considered the report on 6 December 2024. The minutes of the discussion are set out at section 6 of this report.

#### **1. Recommendations**

- 1.1 The Cabinet is recommended to note the comments of the Licensing Sub-Committee, as set out at section 6 of the report.
- 1.2 The Cabinet is recommended to agree to set the Hackney Carriage Tariffs for Christmas 2024 / New Year 2025, as set out in Appendix A to the report.
- 1.3 The Cabinet is asked to agree that recommendation 1.2 is considered urgent and therefore should not be subject to call in.

#### **2. Suggested Reasons for Decisions**

- 2.1 Approval of the recommendations will enable implementation of the tariffs proposed by the Licensing Sub-Committee.

#### **3. Budget and Policy Framework**

- 3.1 8.1.2 – 8.1.4 of the Council's Hackney Carriage and Private Hire Policy states:

8.1.2 Medway Council will review the tariff when a bona-fide proposal is received;

8.1.3 in reviewing the fare tariff the Council will follow the procedures in the Local Government (Miscellaneous Provisions) Act 1976; and

8.1.4 when determining the level of fares, consideration will be given as to what it is reasonable to expect the travelling public to pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.

3.2 In line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in can be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. In this case, the proposed Christmas and New Year Tariffs are proposed to come into effect before the usual call-in period would have expired following the Cabinet decision. On this occasion it is therefore proposed that the call-in period be waived. The Chairperson of the Business Support and Digital Overview and Scrutiny Committee has agreed that the decisions proposed are reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

#### 4. Background

4.1 Currently, the Medway Licensed Taxi Drivers Association submit an annual request, with their suggested Christmas/New Year tariff variation, for officers to consider prior to their recommendation to Members.

4.2 The Christmas 2024/New Year 2025 variation was received by Licensing on 5 November 2024. Members should note the proposed variation mirrors that set for the previous 3 years.

4.3 A public notice was placed in the KM Medway on 14 November 2024 with a statutory 14-day consultation period, which ends on 27 November 2024. following which, any comments received will be include in the final version of the Cabinet report.

4.4 Members are requested to consider the Christmas 2024/New Year 2025 tariffs as detailed in Appendix A.

4.5 For Members information, the current tariffs are attached at Appendix B.

#### 5. Proposed Revisions

5.1 The proposed Christmas 2024/New Year 2025 variation of tariffs, submitted by the Medway Licensed Taxi Drivers Association is attached at Appendix A.

## 6. Licensing Sub-Committee

- 6.1 The report was considered by the Licensing Sub-Committee on 6 December 2024 and the draft minutes of the discussion were as follows:
- 6.2 The Licensing Manager informed the Committee that the no comments were received during the consultation period and that the variation mirrored the variation that had been in place for the previous three years.
- 6.3 Members queried whether Christmas tariff variations could be a standard item in future. The Licensing Manager responded by explaining that if the proposed Hackney Carriage Tariff Review Policy is implemented this would incorporate Christmas tariffs and would be reviewed every two years.
- 6.4 Members requested confirmation that Christmas tariffs would be included in the Hackney Carriage Tariff Review every two years. The Committee was informed that there would be an option for Medway Licensed Taxi Drivers Association (MLTDA) to request a review of Christmas tariffs as part of the structured review process.

### 6.5 **Decision:**

The Committee recommended Cabinet to set the tariffs as attached in Appendix A to the report.

## 7. Risk Management

- 7.1 There are no risks associated with Members setting the variation to tariffs and seeking views from the public and taxi trade.

## 8. Financial and legal implications

- 8.1 The Council's licensing activities are met from a budget within the Business Support Department and licence fees contribute to meeting the cost of the service. There are no direct financial implications relating to the decision regarding this report.
- 8.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states that "a district council may fix the rates or fares within the district for time as well 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."
- 8.3 It is at the discretion of the Council as the licensing authority to set a tariff for licensed hackney carriages operating within the borough.

- 8.4 By fixing the fares, the Council is effectively setting the maximum fare that hackney carriage drivers can charge. Legally, taxi drivers may charge less than this rate but may not charge more.
- 8.5 The setting of fares applies only to hackney carriages drivers and not to private hire drivers who can charge their own rates as statute allows. In practice however, the majority of Medway licensed private hire drivers have meters installed in their vehicles and charge the rate set by the tariff for journeys within the borough as this leads to fewer arguments with customers who may otherwise be confused as to why charges differ for the same journey.

### Lead officer contact

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### Appendices

Appendix A – Proposed Christmas 2024/New Year 2025 tariffs  
Appendix B – Medway Council Current Tariffs

### Background papers

None