

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Cllr David Rouane
Key decision?	Yes
Date of decision (same as date form signed)	6 February 2024
Name and job title of officer requesting the decision	Laura Driscoll Licensing Team Leader
Officer contact details	Tel: 07917 088346 Email: laura.driscoll@southandvale.gov.uk
Decision	To introduce a revised taxi tariff in South Oxfordshire from 20 February 2024 should no objections be received to the statutory consultation on the proposal. If any objections are received these will be formally considered by Cabinet in April 2024, who may modify the proposed tariff in light of the objections.
Reasons for decision	<p>Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act'), the council can fix fares for hackney carriages for journeys that both start and finish within its district and to fix all other charges in connection with the hire of the vehicles.</p> <p>The tariff does not apply to private hire vehicles, and if a licensed hackney carriage is used for a private hire booking the fare must be calculated from the point in the district at which the hirer commences their journey.</p> <p>The Act prescribes the process for setting the fare tariff. This requires the council to publish a notice setting out the proposed fares and members of the public can make objections. A consultation exercise to seek views from members of the public and the local taxi trade will also be undertaken. If there are no objections, the tariff will take effect on the date specified on the notice.</p> <p>The tariff was originally introduced with effect from 1 October 2022.</p> <p>There are three levels of tariff depending on the time of day and special occasions such as bank holidays. Each level includes a set price for 'flag fall' or hiring charge, a waiting charge, and a charge per mile travelled.</p> <p>Appendix A sets out the current tariff, and Appendix B sets out the proposed tariff. The proposed figures have been determined using the 'Guildford model' as requested by the South and Vale Taxi Drivers'</p>

	Association. In addition it is proposed to start Tariff 2 from 22:00, rather than 23:00, to bring us into line with neighbouring authorities.
Alternative options rejected	<p>The council is not obliged to set a tariff, however doing so ensures that members of the public are charged a fair rate when using hackney carriages within the district.</p> <p>The council could revise the tariff using an alternative method, such as using CPI to address the increased cost of living.</p>
Legal implications	<p>Section 65(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that when a district council make or varies 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 and specifying the period which is to be no less than 14 days from the date of the first publication of the notice, within which and the manner in which any objections can be made. The legal team haven't yet seen sight of the said notice. Section 65(2)(b) states that a copy of the notice shall for the period of 14 days from the date of first publication, be deposited at the council officers and shall at all reasonable hours be open to public inspection. Section 65(3) states that if no objection is made with the period specified, or if all objections have been withdrawn, the table of fares shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawn of the objection, or if more than one, the last objection, whichever date is the later. Section 65(4) states if objections are duly made and 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 the council after consideration of the objections. It is important that these time frames and publications are duly followed to avoid challenge.</p>
Financial implications	<p>Any council decision that has financial implications must be made with the knowledge of the council's overarching financial position. For South, the position reflected in the council's medium-term financial plan (MTFP) as reported to full Council in February 2023 showed that it is due to receive £644,000 less in revenue funding than it plans to spend in 2023/24 (with the balance coming from reserves), with this budget gap expected to continue in future years. However there is great uncertainty over this caused by a lack of clarity from government.</p> <p>The future funding gap is predicted to increase to over £8.5 million by 2027/28, based on current cautious officer estimates of future funding levels. Whilst it is anticipated that overall funding for the council will remain relatively unchanged in 2024/25, the lack of certainty on future local government funding from 2025/26 onwards means the level of funding, and the resulting estimated funding gap, could be significantly different from current officer estimates in either a positive or negative way. Every financial decision, particularly those involving long-term funding commitments (i.e. those beyond 2024/25), needs to be cognisant of the potential for significant funding gaps in future years.</p>
Climate implications	<p>Carbon emissions emitted by hackney carriages have the potential to impact on the council's targets for being a net zero carbon district. To address this we currently only license vehicles of Euro 4, Euro 6 or zero emission standard, and from 1 April 2026 all licensed vehicles are required to be either Euro 6 or zero emission. We encourage the use of</p>

	electric vehicles by offering discounted licence fees for zero emission vehicles.			
Equalities implications	Whilst officers are mindful of the cost of living increases and the need to set a tariff to support licence holders who are running a business, increasing the tariff any higher than suggested will have an impact on the users that need the service the most, namely those on lower income and those with disabilities. However, if a tariff is not set, licence holders would be able to set their own rates which could also impact on people that rely on taxis most.			
Other implications				
Background papers considered				
Declarations/ conflict of interest? Declaration of other councillor/ officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Legal legal@southandvale.gov.uk	Suzanne Green	Comments added	10/01/2024
	Finance Finance@southandvale.gov.uk	Maggie Xu	Agree	03/01/2024
	Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	No comments	03/01/2024
	Diversity and equality equalities@southandvale.gov.uk	Equalities	No comments	09/01/2024
	Communications communications@southandvale.gov.uk		No comments received	
Confidential decision? If so, under which exempt category?				
Call-in waived by Scrutiny Committee chairman?				

Has this been discussed by Cabinet members?	
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature __David Rouane_____ Date ____6 February 2024_____

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 6 February 2024	Time: 10:28
Date published to all councillors	Date: 6 February 2024	
Call-in deadline	Date: 13 February 2024	Time: 17:00

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income (except government grant) of more than £75,000;
- (b) to award a revenue or capital grant of over £25,000; or

(c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.