

DECISION-MAKER:	CABINET		
SUBJECT:	REQUEST FOR VARIATION OF HACKNEY CARRIAGE FARES – CONSIDERATION OF OBJECTIONS		
DATE OF DECISION:	15 APRIL 2014		
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Phil Bates	Tel: 023 8083 3523
	E-mail:	phil.bates@southampton.gov.uk	
Director	Name:	Director of Corporate Services	Tel: 8083 2371
	E-mail:	mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None

BRIEF SUMMARY

Cabinet is asked to consider the objections received in respect of the two requests for the variation of the table of fares for the hire of hackney carriages which Cabinet agreed to in principle on 18 March 2014, subject to statutory advertisement and to determine accordingly.

RECOMMENDATIONS:

To consider the objections received and determine two requests for the variation of the table of fares for the hire of hackney carriages in Southampton

REASONS FOR REPORT RECOMMENDATIONS

1. At its meeting on 18 March 2014 the Cabinet resolved in principle and subject to statutory advertisement, to vary the table of fares in two respects
 - (i) a flat £1 levy for journeys commenced from marshalled ranks within the docks and
 - (ii) at the request of the trade, generally to the fare chart by way on an increase due to the overall increased cost of running a hackney carriage
2. Objections have been received and these require consideration by the Cabinet before confirmation or otherwise of the proposed fare chart revisions.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The council has discretion under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 to set the fares for the hiring of hackney carriages within the city.
4. The alternative is for the council not to set a table of fares, but to allow individual drivers and proprietors to negotiate individual charges; no request has been made for consideration to be given to this course of action, and the option is not currently considered to be appropriate.

DETAIL (Including consultation carried out)

5. The proposals were advertised on 28.March 2014 with a statutory deadline of 14.days for representations to be made. Copies of those objections received before the date of publishing this report are attached at appendix 1. Should further representations be received these will be reported at Cabinet.
6. Cabinet is required to fully consider the objections and weigh up the relative merits before considering whether to vary the fare chart as detailed in the report to Cabinet on 18 March, which for ease is attached at appendix 2.
7. If Cabinet decides to vary the fare chart as attached at appendix 3 it will be brought into effect on 28 April 2014.

RESOURCE IMPLICATIONS

Capital/Revenue

8. The work involved for the Licensing Team in bringing a variation of the table of fares into effect, the statutory advertisement of the proposals and printing of fare charts for hackney carriages must be contained within existing resources and budgets and charged against the income arising from hackney carriage licences. There is no power to make a separate charge for this process.
9. There are no capital costs associated with this proposal.

Property/Other

10. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

11. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the council power to determine hackney carriage fares.
12. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) indicate that setting of hackney carriage fares is a matter for the executive. This position has previously been unclear until clarified by recent case law.
13. Section 17 of the Crime and Disorder Act 1998 places the council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

14. The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Other Legal Implications:

15. The council would be acting beyond its powers if it were to seek to fetter its discretion by fixing the period of review for fares or by fixing a particular formula for any future variations of fares. However, this does not preclude individuals or a trade association from making requests for variation, or from producing whatever evidence they think fit in support of any proposal.
16. The prime purpose in licensing hackney carriages and associated regulation, such as the setting of fares for the hire of hackney carriages, is the protection of the public, not to provide employment or guarantee income for individuals involved in the trade.
17. If no objections were made to the proposals following the advertisement, the varied table of fares could come into force at the end of the period specified in the Notice mentioned above, or if objections were made, on such other date as may be fixed. This must be no later than two months after the last date for making objections.

POLICY FRAMEWORK IMPLICATIONS

18. The decision to determine the application in the manner set out in this report is not contrary to the council's policy framework.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None
-----------------------------	------

SUPPORTING DOCUMENTATION

Appendices

1.	Objections received
2.	Report to Cabinet 18 March 2014
3.	Draft table of fares, taking into account all proposals.

Documents In Members' Rooms

1.	None
----	------

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
--	----

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection online (see link below):

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Consumer Price Inflation, January 2014	Not applicable
2.	Consumer Price Inflation, February 2014	Not applicable