

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	OBJECTION TO TRADE REQUEST FOR VARIATION OF HACKNEY CARRIAGE FARES
DATE OF DECISION:	15 DECEMBER 2010
REPORT OF:	SOLICITOR TO THE COUNCIL
STATEMENT OF CONFIDENTIALITY	

BRIEF SUMMARY

The committee is asked to consider an objection to the proposed variation of the table of fares for the hire of hackney carriages and determine what action to take.

RECOMMENDATIONS:

- (i) To consider the objection and determine whether or not to modify the proposed table of fares
- (ii) If the table of fares is to be modified, to set a date for any new table of fares to come into effect.
- (iii) To delegate to the Solicitor to the Council power to take any such action necessary to give effect to the committee's decision.

REASONS FOR REPORT RECOMMENDATIONS

1. The table of fares for the hire of hackney carriages in Southampton was last revised with effect from 14 July 2008.
2. Following the committee's consideration of the proposals on 4 November 2010, the proposed variation of the table of fares was advertised in the Southern Daily Echo on 11 November 2010, resulting in an objection.
3. The Local Government (Miscellaneous Provisions) Act 1976 requires the committee to consider the objection and determine a course of action.

DETAIL (Including consultation carried out)

4. Following the committee's decision on 4 November 2010, the proposed variation of the table of fares was advertised in the Southern Daily Echo on 11 November 2010. The period for objections closed on 25 November 2010
5. On 24 November 2010, an objection to the proposal was received, which is set out in appendix 1. The objector has confirmed that he does not wish to withdraw the objection and has been invited to attend the committee's meeting to put his point of view.
6. A copy of the report to the committee on 4 November 2010 is attached at appendix 2
7. Having considered the objection to the proposals to vary the table of fares, the committee must determine whether to modify the proposed table of fares, and when any varied table of fares should come into effect, which must not be more than two months after 25 November 2010, when the period of notice expired.

RESOURCE IMPLICATIONS

Capital/Revenue

8. Not applicable

Property/Other

9. The work involved for the Licensing Team in bringing a variation of the table of fares into effect and in testing taxi meters is contained within existing resources and budgets.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

10. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Licensing Committee power to determine hackney carriage fares. The power is not delegated to officers.
11. Section 17 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.
12. 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:

13. The city 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
14. 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.
15. The committee, in considering the objection, must determine whether to modify the proposal and fix a date when any varied table of fares might come into force, which must be no later than 25 January 2011.

POLICY FRAMEWORK IMPLICATIONS

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

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Objection to proposed table of fares
2.	Report to Licensing Committee – 4 November 2010 – Trade Request for Proposed Variation of Hackney Carriage Fares.

Documents In Members' Rooms

1.	None.
2.	

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	All background papers are set out in appendices 1 and 2	
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Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	All Wards
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Report Tracking

VERSION NUMBER:	1
DATE LAST AMENDED:	02/12/2010
AMENDED BY:	