

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** HACKNEY CARRIAGE FARES

**Meeting/Date:** CABINET 20 March 2014

**Executive Portfolio:** Councillor T D Sanderson, Executive Councillor for Strategic Economic Development and Legal

**Report by:** Head of Legal & Democratic Services

**Ward(s) affected:** All

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**Executive Summary:**

To approve the existing table of fares which is now considered to be an Executive function, rather than a function of the Licensing and Protection Panel.

**Recommendation(s):**

The Cabinet is recommended to;

- a. approve the current table of Hackney Carriage fares attached as Appendix A;
- b. delegate the approval of future Hackney Carriage fare tables to the Head of Legal and Democratic Services after consultation with the relevant Executive Portfolio holder, and
- c. delegate to the Head of Legal and Democratic Services after consultation with the relevant Executive Portfolio Holder authority to consider any objections arising from b. above and to determine the table of fares accordingly.

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## 1. BACKGROUND

- 1.1 At a meeting of the Licensing and Protection Panel on 26 October 2011 it was agreed that following consultation, the revised table of fares for Hackney Carriages at Appendix A was approved to take effect from 1<sup>st</sup> December 2011.
- 1.2 Under the terms of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and recent case law (007Stratford Taxis Ltd v Stratford on Avon District Council) relating to policy matters associated with the function of taxi licensing, it has recently been clarified that the decision relating to the adoption and approval of a table of fares is considered to be an Executive function.
- 1.3 Councillor Sanderson the Executive Portfolio Holder for Strategic Economic Development and Legal was present at the meeting of the Licensing and Protection Panel on 26 October 2011, however the decision to approve the fare increase was recorded as having been made by the Licensing & Protection Panel, rather than as an Executive decision.
- 1.4 This purpose of this report is to ensure that the Council conforms with recent case law which clarifies the determination process.

## 2. RISK ASSESSMENT

- 2.1 It is important that the Council takes account of Court of Appeal decisions and associated legal advice to ensure the decisions the Council make are sound in the event they are challenged. There is no current application from the taxi trade to change the tariffs/ fares, but it is important that the Cabinet approve the existing tariff and are designated to consider any future applications. The Cabinet can also give authority under delegated powers to the relevant Executive Portfolio Holder.

## 3. CONSULTATION

- 3.1 No consultation is required at the present time as consultation was undertaken before the implementation of the current table of fares, between 15 July and 5 August 2011. Consultation will continue to be undertaken upon receipt of any future requests for fare increases.

## 4. LEGAL IMPLICATIONS

- 4.1 Legal challenge will be less likely by making this an Executive function.

## 5. RESOURCE IMPLICATIONS

- 5.1 None

## 6. OTHER IMPLICATIONS

- 6.1 None

## 7. REASONS FOR THE RECOMMENDED DECISIONS

- 7.1 As there has been no request from the trade to date to increase the tariff, it is recommended that the current tariffs be ratified under the Executive function with appropriate delegated powers being put into place for the future.

## **BACKGROUND PAPERS**

Report to the Licensing and Protection Panel on Hackney Carriage Fares dated 26 October 2011.

007 Stratford Taxis Ltd R (on application of) v Statford on Avon District Council [2011]EWCA Civ 160

## **CONTACT OFFICER**

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