

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting: 19th March 2012

Report of: Head of Safer & Stronger Communities

Subject/Title: Hackney Carriage Tariffs

1.0 Report Summary

- 1.1 The report provides detail of the objections received by the Council in relation to the Committee's decision on the 16th January 2012 to vary the hackney carriage table of fares in hackney carriage zones 1 (Congleton) and 3 (Macclesfield) to that currently in force in zone 2 (Crewe & Nantwich).

2.0 Decision requested

- 2.1 The Licensing Committee is requested to consider the objections received in relation to the proposed variation of the 'table of fares' in zone 1 and zone 3;
- 2.2 Having considered the objections, the Committee is requested to determine whether the variation to the 'table of fares' in zone 1 and/or zone 3 should come into force either with or without modifications;
- 2.3 If variation(s) are approved pursuant to 2.2 above, to set a date from which these variation(s) shall take effect (any such date may not be later than 24th April 2012); and
- 2.4 If the variation(s) are not approved (with or without modifications), pursuant to 2.2 above, to consider whether to approve and authorise for consultation, an alternative proposal in relation to the variation of the 'table of fares' in any of the three hackney carriage zones.

3.0 Reasons for Recommendations

- 3.1 At its meeting on 16th January 2012, the Licensing Committee resolved that the Borough Solicitor, or officer acting on her behalf, publish the relevant notices of variation, making provision for any objections to be submitted within the statutory consultation period of not less than fourteen days. Objections to the proposed variations have been received and therefore the matter has been referred to the Licensing Committee for determination.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including – Carbon reduction; Health

6.1 None

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 There would be no direct financial implications associated with a decision either to make no changes to the existing table of fares or to approve the amendments either with or without modifications. However, if the Committee resolved to make changes to the table of fares which went beyond 'modifications' there would be a need to re-advertise. The publicity costs relating to statutory notices are estimated to be in the region of £3,000 (if they related to each of the three zones). Any such costs would be met from existing budget provision within the Licensing Section's budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the following is required when varying a table of fares:

- (i) publication of a notice setting out the variation to the table of fares (specifying the period within and manner in which objections can be made) in at least one local newspaper circulating in the district; and
- (ii) deposit of the notice for the period of fourteen days at the offices of the Council for public inspection.

8.2 If no objection to the variation is made within the relevant fourteen day period (or if all such objections are withdrawn) the variation comes into operation on the date of the expiration of the period specified in the notice (or the date of withdrawal of the last objection (if any)). If objection is made and not withdrawn, a further date (not later than 2 months after the first specified date) shall be set on which the table of fares shall come into force with or without modifications as decided after consideration of the objections.

8.3 Consideration has been given to the application of the 'public sector equality duty' (as per section 146 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

9.0 Risk Management

- 9.1 Full consideration of any objections received in response to publication of the notices would mitigate the risk of challenge to any subsequent decision taken.

10.0 Background and Options

- 10.1 As Members will recall, on the 8th June 2011 the Committee requested that the Head of Safer Stronger Communities produce a report on the potential for harmonising the hackney carriage table of fares across the three hackney carriage zones.
- 10.2 This report was submitted to the meeting of the Licensing Committee on the 16th January 2012. The Committee resolved that (a) subject to consultation, the existing tariffs in the Congleton and Macclesfield hackney carriages zones be harmonised with those of the Crewe and Nantwich zone; and (b) that the Borough Solicitor, or officer acting on her behalf, be authorised to publish the relevant notices of variation, making provision for any objections to be submitted within the statutory consultation period.
- 10.3 During the statutory consultation period the Council received a total of 18 individual objection responses. These can be found in Appendix A.
- 10.4 In addition to the individual responses two petitions totaling 201 signatures were received from the Congleton zone and one petition from the Macclesfield zone totaling 152 signatures have been received by the Council. These can be found at Appendix B.
- 10.5 In general terms it is evident from the objections received that although there is an agreement within the objections that harmonisation is a positive step merging the zones to the Crewe and Nantwich tariff may not be an equitable way to obtain this result.
- 10.6 The options which are available with regard to tariffs are that:
- 10.6.1 the Committee resolves that the variation to the 'table of fares' either zone 1 or zone 3 or both should come into force without modifications;
- 10.6.2 the Committee resolves that the variation to the 'table of fares' either zone 1, or zone 3, or both, should come into force with modifications;
- 10.6.3 the Committee resolves to approve and authorise for consultation, an alternative proposal in relation to the variation of the 'table of fares' in any or all of the three hackney carriage zones;
- 10.6.4 the Committee resolves to request that the Head of Safer & Stronger Communities produce a further report recommending an equitable method of harmonising the table of fares.

10.6.5 the Committee resolves that no further action in relation to a variation of the hackney carriage tariffs be taken at this time.

11.0 Access to Information

APPENDIX A – Objections from individuals

APPENDIX B – Objections in petition form

APPENDIX C – Table of fares (zone 1)

APPENDIX D – Table of fares (zone 2)

APPENDIX E – Table of fares (zone 3)

The background papers relating to this report can be inspected by contacting the report writer:

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