

Public Document Pack

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A meeting of a **Special General Licensing Committee** will be held in the Council Chamber, East Pallant House on **Tuesday 17 May 2016 at 11.00 am**

MEMBERS: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr G Barrett, Mr R Barrow, Mr P Budge, Mr J Connor, Mr J W Elliott, Mrs D Knightley, Mr L Macey, Mr G McAra, Mrs P Plant, Mr D Wakeham, Mrs S Westacott, Mr P Jarvis and Mr N Thomas

AGENDA

- 1 **Chairman's Announcements**
Any apologies for absence that have been received will be noted at this point.
- 2 **Urgent Items**
Chairman to announce any urgent items which due to special circumstances are to be dealt with under agenda item 6b.
- 3 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 4 **Public Question Time**
- 5 **Proposed Fees for Hackney Carriages and Private Hire Licences - Responses to Consultation (Pages 1 - 24)**
To consider the comments and objections received in relation to the proposed new fee structure and approve the implementation of the new fees, subject to any alterations that are felt appropriate.
- 6 **Consideration of any late items as follows:**
 - (a) Items added to the agenda papers and made available for public inspection;
 - (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

Part 2

(Items for which the press and public are/may be excluded)

There are no restricted items for consideration by the General Licensing Committee at this meeting.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these contain exempt information.
3. The open proceedings of this meeting will be audio recorded and the recording will be held for one year by the town council. A copy of the recording will also be retained in accordance with the council's information and data policies. If members of the public make a representation to the meeting, they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please contact the contact for this meeting at the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. (Standing Order 11.3)

Chichester District Council

General Licensing Committee

17th May 2016

Proposed fees for Hackney Carriages and Private Hire Licences - Responses to Consultation

1. Contact(s)

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Nicholas Bennett, Legal Services. Tel: 01243 534657

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2. Executive Summary

In order that a determination can be made of the fees to be used by this Council in delivering its licensing functions this report provides Members with a summary of the objections received during the recent public consultation into the proposed changes to the existing Hackney Carriage and Private Hire Licence fees.

3. Recommendations

- 3.1 That Members consider the comments and objections received in relation to the proposed new fee structure.
- 3.2 That Members approve the implementation of the new fees, subject to any alterations that are felt appropriate, to take effect from Monday 23rd May 2016.

4. Main Report

Introduction & Background

- 4.1 On 23rd March 2016 the General Purposes Licensing Committee (the 'Committee') agreed in principle 'Chichester District Council's Fees Policy for the Hackney Carriage and Private Hire Licensing Regimes' (The 'Fees Policy') and to initiate a public consultation regarding a proposed new fee structure. The Fees Policy is attached at **Appendix 1**.
- 4.2 Members will recall, as a result of Section 10 of the Deregulation Act 2015 amending the Local Government (Miscellaneous Provisions) Act 1976 (The 'LG(MP)A '76') it was necessary to review the existing fees. The effect of that amendment was that Local Authorities should now issue hackney carriage and private hire **driver's** licences for the maximum period of 3 years and private hire operator's licences for the maximum period of 5 years. Such licences should only be issued for a lesser period if '**appropriate to the circumstances of the case**'. It

is worth noting that these changes have no impact upon the duration of hackney carriage or private hire **vehicle** licences.

- 4.3 In light of the above, an extensive review of this Council's taxi and private hire licence fees had been undertaken, in order to ensure that all fees associated with each application type have been properly costed and to determine what the appropriate fee would be for 3 year driver licences and 5 year private hire operator licences. A copy of the proposed new fees is attached at **Appendix 2**. To aid Members with making a comparison, this document also shows the existing fees.

5 Consultation Period

- 5.1 Under Section 70 of the LG(MP)A '76, there is a statutory requirement to undertake a 28 day public consultation in relation to any proposed new fees that are above £25. The consultation must commence from the day that the proposed new fees are advertised in a local newspaper. The public advert appeared in the Chichester Observer on 31st March 2016 (**Appendix 3**) and therefore concluded on 28th April 2016. A Public Notice was also displayed at the Council offices during the consultation period.
- 5.2 In addition to the above statutory requirements, the Licensing Team also circulated an email on 4th April to all licensed drivers making them aware of the proposed new fees and what to do if they wished to submit any comments or objections. Those without email received the information via letter. Three Taxi Forum meetings were also held at the Council offices on the 6th and 7th April 2016. Those who attended are listed below:
- Mr Gary Davidoff (Starline proprietor) & Mr Malcolm Cannon (Starline manager)
 - Mr Keith Glew & Mr Gary Goddard (Med cars proprietors)
 - Mr Mohammed Motin (Hackney Carriage Driver)
- 5.3 Officers also visited the taxi ranks and contacted the main private hire operators to ensure that licence holders were fully aware of the proposed new fees and the process for making comments if they so wished.

6 Objections

- 6.1 It is worth noting that a large proportion of the hackney carriage and private hire communities have elected not to comment on the proposed new fees. However, during the consultation period a total of **9 objections** were received and a summary of these is provided at **Appendix 4**. The summary provides details of the person objecting, the key points they raise, as well as, this Council's appraisal and response to these which Members are duly asked to consider.
- 6.2 A full copy of each objection has been provided at **Appendix 5 - 7**. The Licensing Team attempted to mediate with the objectors via email and these responses are also provided at **Appendix 5 - 7**. However, the objectors did not wish to withdraw their comments.
- 6.3 The overriding concern raised by the objectors relates to the proposed increase regarding the driver licence fees. The proposed increase in the driver renewal fee

(1 year licence) is £28 i.e. from £85 to £113 and the proposed increase in the driver new application fee (1 year licence) is £55 again from £85 to £140.

- 6.4 Mr Malcolm Cannon (Manager at Starline) considers the increase in driver fees to be 'extortionate' and states that *'As someone that has held a Chichester District Council licence for 28 years I find this completely unacceptable and will certainly have to consider carefully whether to renew if these huge hikes are implemented'*.
- 6.5 Mr David Harewood (Driver at Starline), has asked that Members consider a 'stepped increase'.
- 6.6 The view of the Licensing Team is as follows:
- It is acknowledged that licence holders who are employed solely as drivers will not be in a position to offset the increase in the driver's fee with a reduction in the vehicle fee. However, it is worth noting that a licence holder could take advantage of a 3 year licence (Proposed fee = £285) when renewing and this would only be an increase of £10 a year when compared against the existing driver licence fee (£85 x 3 years = £255). It is worth referring back to paragraph 4.2 above which set out the new legal position for the duration of licences i.e. 3 years as opposed to any lesser period.
 - The view of officers is that a comprehensive review of our taxi and private hire licensing fees has been undertaken. This is to make certain, as far as reasonably possible, that we are accurately charging for costs solely attributable to delivering each element of the licensing regime, in terms of drivers, vehicles and private hire operators.
 - One element of taxi licensing cannot be used to subsidise another i.e. the vehicle fee cannot be increased to reduce the driver fee.
 - In terms of what can be charged for in relation to drivers, the legislation states under Section 53 that this is for the 'issue and administration' of the licence. A broad interpretation of the term 'administration' has been made to include the maintenance of the licence i.e. complaints, conduct issues etc. However, this excludes enforcement against unlicensed drivers and also any new applications that are refused etc.

7. Conclusion

- 7.1 Licence fees are set at a level that it is reasonably believed will cover the costs of providing the service, and in accordance with the legal principles involved. This is necessary in order to ensure that the taxi and private hire communities are charged correctly, whilst at the same time minimising the taxpayer's subsidy of the work concerning the taxi/private hire licensing regime.

8. Human Rights and Equality Impact

- 8.1 The application of the Human Rights Act 1998, in particular the application of Article 8, Article 14 and Article 1 of Protocol 1 of the Convention will be considered in relation to the application and implementation of the recommendations contained in this report.
- 8.2 There are no equality issues raised by this report.

9. Background Papers

- 9.1 'Open For Business' – Local Government Association Guidance in locally set fees (Nov 2015)
- 9.2 James Button Bulletin - 'Licensing Fees – An Update' (June 2013)
- 9.3 James Button Bulletin (Dec 2015)
- 9.4 Button on Taxis: Licensing Law and Practice (Third Edition)
- 9.5 All Wales Licensing Expert Panel – Taxi Fees Toolkit v2.1

10. Appendices

Appendix 1 Chichester District Council's Fees Policy for the Hackney Carriage and Private Hire Licensing Regimes

Appendix 2 Proposed Fee Structure for 2016 onwards

Appendix 3 Copy of Notice published in Chichester Observer on the 31st March 2016

Appendix 4 Summary of objections

Appendix 5 Objection from Mr David Harwood and 6 other PH Drivers

Appendix 6 Objection from Mr Graham Price

Appendix 7 Objection from Mr Malcolm Cannon

Chichester District Council's Fees Policy for the Hackney Carriage and Private Hire Licensing Regimes (Appendix 1)

The Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act) has been amended by the Deregulation Act 2015 (The 2015 Act).

As of 1st October 2015 Local Authorities are required to offer 3 year Hackney Carriage (HC) and Private Hire (PH) Driver Licences and 5 year PH Operator Licences as the norm and only issue licences for shorter periods 'as appropriate to the circumstances of the case'.

In light of the above a comprehensive review of Chichester District Councils HC and PH Licensing Fee structure has been undertaken.

This policy has been developed with reference to the following documentation:

- LGA Open for business - LGA guidance on locally set fees (Nov 2015)
- James Button Bulletin - 'Licensing Fees – An Update' (June 2013)
- James Button Bulletin (Dec 2015)
- Button on Taxis: Licensing Law and Practice (Third Edition)
- All Wales Licensing Expert Panel – Taxi Fees Toolkit v2.1

The policy relates to the following matters:

- The legal principles that govern the setting of fees;
- The fee payable in each circumstance;
- The method of apportionment of those costs in setting those fees;
- Propose implementation date;
- How surpluses and deficits are to be treated; and
- Other matters that are deemed to be relevant.

1. Key principles for the setting of licence fees

Outlined below is a list of key principles that need to be considered when Local Authorities are setting a fees policy. It is worth noting that some of these cases are not specific to HC or PH Licensing regimes, but provide strong guidance as to how fees should be set.

1. There must be a proper determination of the authorisation fee (See Hemming [2013] EWCA Civ 591).
2. A clear understanding of the policy and objects of the regime in question is required (See R v Manchester City Council ex parte King (1991) 89 LGR 696; also R (on the application of Davis & Atkin) v Crawley Borough Council [2001] EWHC 854 (Admin)). Particular attention needs to be had to those statutory

provisions where a power is given to the local authority for the determination of an authorisation fee and other administrative fees.

3. Although the European Service Directive does not apply to HC or PH Licensing Regimes it is useful to make reference to its core principle for fee setting – *non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent and accessible* – *apply to fee setting and are already practiced by a large number of councils with the aim of ensuring a fair and transparent approach for local businesses and communities.*
4. Different fee levels for different types of application. A Local Authority is entitled to set either the same or different fee levels for different types of applications: i.e. grant, renewal, variation, alteration or transfer. *R v Greater London Council, ex parte Rank Organisation [1982] LS Gaz R 643.*
5. Recovery of deficit. In *R v Westminster City Council, ex parte Hutton (1982) 83 L.G.R. 461* it was held that where the fee income generated in one year fails to meet the costs of administering the licensing system, it is open to the local authority to make a proportionate increase in the licence fee for the following year so as to recoup the cost of the shortfall (Hutton at p518). This longstanding principle was confirmed in Hemming [2012].
6. Accounting for surplus. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591 the court determined surpluses as well as deficits are to be carried forward. The Local Authority is not entitled to make a profit (*R v Manchester ex parte King 1991 89 LGR 696*).
7. Rough and ready calculations. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591 the court did not require pin-point precision year on year. The Local Authority does not have to adjust the licence fee every year to reflect any previous deficit or surplus, so long as it ‘all comes out in the wash’. And the adjustment does not have to be precise – a rough and ready calculation which is broadly correct will suffice.
8. Anticipated costs. Cases demonstrate that the fee level may be fixed by reference to anticipated costs of administering the authorisation scheme.
9. Over–estimation. If the fee levied in the event exceeds the cost of operating the scheme, the original decision will remain valid provided it can be said that the Local Authority reasonably considered such fees would be required to meet the total cost of operating the scheme. *R v M ex parte King.*

2. Legal framework

Under Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 Chichester District Council, as Licensing Authority, “*may demand and recover for the grant to any person of a Licence to drive a Hackney Carriage, or a Private Hire Vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of*

the fee in respect a Private Hire Vehicle in any case in which they think it is appropriate to do so.”

It is clear from the above and from the significant case law outlined in Section 1 that the fees for both hackney carriage and private hire drivers have to be reasonable and with a view to recovering the costs of issue and administration of the licenses. Administration is interpreted to encompass compliance with the terms of the licence i.e. investigating complaints, conduct issues that might result in Committee Hearings etc. However, this Section of the Act makes no provision for recovering the costs of enforcement in relation to driver licenses.

Section 70(1) of the 1976 Act allows the Council to charge “*such fees for the grant of vehicle and operators licences as may be resolved by them from time to time and is maybe sufficient in the aggregate to cover in whole or in part.....*

- a) *the **reasonable cost of carrying out** by or on behalf of the District Council of **inspections** of Hackney Carriages and Private Hire Vehicles for the purpose of determining whether any such licence should be granted or renewed;*
- b) *the reasonable cost of providing **Hackney Carriage stands**; and,*
- c) *any **reasonable administrative and other costs** in connection with the foregoing and with the **control of the supervision** of Hackney Carriages and Private Hire Vehicles”*

In relation to the fees for hackney carriage and private hire vehicles, however, fees can be set to recover the cost not only of issue and administration of licenses but also the cost of providing taxi ranks and other enforcement costs.

3. Summary of legal framework and case law

In summary, the 1976 Act and associated case law enables a Local Authority to reclaim costs for:

- the issue and administration (including compliance) of a HC and/or PH Driver Licence;
- the issue and administration (including compliance) of a Private Hire Operator Licence;
- the issue, inspection, control and supervision (including enforcement) of HC and PH Vehicle (An additional charge can be levied against the HC Vehicle Licence for rank provision and maintenance).

It is worth reiterating that the local authority is prevented from:

- Making a profit (Any surpluses to be paid back over the course of time by recalibrating fees at a lower level);
- Recovering costs in relation to unsuccessful applications for the grant of new licences i.e. new applications that are refused by Committee;
- Recovering any enforcement costs in relation to HC and PH drivers, as well as, PH Operators;

- Recovering enforcement costs associated with unlicensed drivers/operators/vehicles;
- Recovering costs associated with Freedom of Information and Data Protection Act requests as separate provision is made for this; and
- Appeals against decisions made by the Committee. With enforcement action there is the possibility to recover some or all of the cost through the court process, however, this would be at the court's discretion.

4. Methodology for breakdown of tasks and time allocation

Each application type has been broken down into its constituent parts in order to identify clearly:

- Each task involved in the process;
- The average amount of time taken to complete each task; and
- The job role of the officer completing the task.

To determine what tasks are involved with a process, reference has been made to the Taxi Fees Toolkit v2.1 devised by All Wales Licensing Expert Panel, as well as, the experience of officers.

In general tasks fall into 5 main categories:

- Application – Includes enquiry, validation, data entry, technical issues etc
- Committee Hearing (Application) – Includes investigation, drafting of report, hearing preparation and attendance, drafting of decision notice etc.
- Committee Hearing (Disciplinary) - Includes investigation, drafting of report, hearing preparation and attendance, drafting of decision notice etc.
- Issue of Licence – Production of licence, badge, plate etc, checking of licence
- Other – Policy development (Review of fees policy), project work (Implementation of on-line DBS service), Compliance (investigating complaints, Operations such as Op Cabbie), General Admin (Developing/Maintaining template letters and website)

The average amount of time taken to complete each task and who completes it is based upon officer experience. It is the intention of the Licensing Team to introduce a time recording system to help better track time spent on tasks.

5. Methodology for determining fees

The time allocated to each task is fed through the relevant spreadsheet for that application type. The spreadsheets have been designed to apply the following to the time allocations:

- A co-efficient for those tasks that only occur periodically i.e. Hearings
- Any tasks that have been attributed with an annual time allowance have been divided by the average number of licence holders in that particular category, in order to share the cost of these tasks out equally i.e. Policy development

- Salary + 'On-Cost' figures (Salary of post holder + any additional costs incurred by the employer as a result of employing a person in that position)
- The spreadsheets take into account the service recharges for each strand of taxi licensing, along with any material costs associated with the issue of a licence i.e. plate, badge etc.
- Finally, to calculate the fees for 3 year driver licences and 5 year private hire operator licences, the cost of certain tasks that are ongoing year on year have been multiplied by the duration of the licence.

Co-efficient - A co-efficient has then been applied to certain tasks which are not undertaken for every application type. A prime example of this would be hearings, as only a small minority of applications are required to be placed in front of the Committee. Therefore a co-efficient based on previous hearing numbers along with officer experience and expectations of future potential hearings has been applied to such tasks.

Other tasks are based on an annual time allocation, which are tasks such as policy, project work, compliance etc. The cost for these tasks can be spread across the average number of licence holders in a year for that particular strand i.e. driver, vehicle, private hire operator. This breaks the cost of these tasks down into an equal share incorporated into the fee payable for that specific application type.

Salary and 'On-Costs' - The 'On-costs' (Salary of post holder + any additional costs incurred by the employer as a result of employing a person in that position). This is National Insurance, pension contributions etc.

Recharges – Details of service recharges associated with each strand of taxi licensing has been provided by the Council's Finance Team. Recharges cover services utilised by the Licensing Team in delivering the HC and PH Licensing regimes, such as IT, Finance, Customer Service Centre, along with other standard costs such as building provision, heating, lighting etc. The fees for Legal and Member Services have been removed from the recharges and costed through the task and time spreadsheet, as the cost of these support services are very much dependent upon the number of hearings held each year and this can fluctuate significantly year on year.

Licences of longer duration - For calculating the 3 year driver licence fee and 5 year private hire operator fee, there are some tasks that are a flat rate, linked solely to the application itself, that will not change regardless of the duration of the licence i.e. the production of the licence, badges etc will be the same cost regardless of whether a licence is issued once a year or every 3 years if a driver or 5 years if a private hire operator. There will be some tasks where the costs need to be tripled (drivers) or multiplied by a factor of five (PH Operators) as these will be annual costs that need to be extended across the full duration of the licence.

6. Publication of proposed fees

The proposed fees to be charged feature as part of the report to the General Licensing Committee and will be publicised in accordance with Section 70 of the 1976 Act (Please see Section 6 for further details).

In addition, the proposed fees and this policy will be published on Chichester District Council's website at www.chichester.gov.uk. A copy of the calculations that support this policy will be made available for viewing during the consultation period at the Council Offices.

7. Committee approval & consultation process

In the first instance the proposed fee structure has to be considered and approved by the General Licensing Committee (The 'Committee'), after which a public consultation must be undertaken in accordance with Section 70 of the 1976 Act.

The Local Authority must publish a consultation notice (The 'Notice'), in at least one local newspaper circulating in the area.

The Consultation period must be at least **28 days** and commence from the date the Notice appears in the local paper.

8. Objections

Any objection(s) must be submitted in writing to Chichester District Council within the consultation period.

If no objections are received then the fees will become active on the specified date as stated in the Notice.

Alternatively, if objections are made during the consultation period, then these will need to be considered by the Committee to determine whether to make any amendments to the proposed fees. The Committee have the ability to make any modifications as deemed necessary. Under these circumstances the fees will not come into effect on the specified date stated in the Notice. Once the Committee have met and considered the objections then a new date for implementation can be set, however this must be within 2 months of the original specified date.

Although Section 70 relates to vehicles and operators it is considered good practice for the same method to be used in relation to determining driver fees.

9. How surpluses and deficits are to be treated and reviewing the fees policy

A local authority can only charge in order to recover costs. Therefore, the fees will need to be reviewed regularly to determine whether a surplus or deficit has inadvertently been made. Adjustments to fees will be made on a 3 year basis in order to allow for surpluses and deficits to be addressed through annual fluctuations in application numbers. Any changes to the fees are subject to consultation with the trade, which is a statutory requirement, and the approval of the Committee.

If there are any significant changes to legislation, application numbers, tasks undertaken by the Licensing Team etc that have a significant impact upon costings for any or all application types then consideration will be given to undertaking an

additional review of the fees. Once again this will be subject to consultation with the trade, which is a statutory requirement, and the approval of the Committee.

10. Other matters

Cost of Rank Provision - Different fees can be set in relation to hackney carriage vehicles and private hire vehicles to enable the cost of taxi ranks to only be recovered in respect of hackney carriage vehicles. However, the Chichester District only benefits from a small Hackney Carriage Fleet with the main two ranks being North and South side of Chichester Train Station. Therefore at this current time it is not felt appropriate to be levying an additional charge for the creation and maintenance of ranks.

Refunds - Under the 1976 Act fees are payable for the grant of the licences so the whole fee is payable on issue with no statutory provision for a refund.

Issuing driver and operator licences for a lesser period - It is important to consider what circumstances may be appropriate for a driver or operator licence to be issued for a shorter period than the standard three or five years. After careful consideration it is felt that this is best assessed as '**appropriate to the circumstances of the case**'. Factors that may influence this include, but are not limited to – medical issues, financial constraints, conduct/driving issues leading to a driver/operator being on a probationary period etc.

Charges levied by external partners - The services provided by a number of different agencies are utilised by CDC as part of the application process i.e. DBS Criminal Record Check, DVLA Driver Licence Check etc. The Council reserves the right through this policy to amend our fees in line with any changes to the fee made by the agency offering the service.

Inflation - It is acknowledged that as the fees will be considered as part of a 3 year cycle this will not capture inflation year on year. Consideration has been given to this point, but it is felt that this can be redressed when reviewing the calculations.

Appendix 2

Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage / Private Hire Licence Fees Proposed change in fees and charges from 1 May 2016

Notice is hereby given pursuant to Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976, that with effect from **1 May 2016**, it is proposed that the fee specified in respect of Hackney Carriage and Private Hire Vehicle Licences, as well as, Private Hire Operator Licences will be as follows.

In pursuant of Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, that with effect from **1 May 2016**, it is proposed that the fee specified in respect of Hackney Carriage and Private Hire Driver Licences, shall be varied as follows.

Vehicle Licence

Type of Licence	Current Charge	Proposed Charge from 1 st May 2016
Application Fee (New) and Plate (Normal plate/Exemption plate)	Hackney Carriage - £222.00 Private Hire - £173.00	Hackney Carriage - £116.00 Private Hire - £116.00
Renewal Fee	Hackney Carriage - £222.00 Private Hire - £173.00	Hackney Carriage - £116.00 Private Hire - £116.00
MOT at Westhampnett Depot	£54.50	£54.50
Vehicle Fitness Test	£24.00	£25.50
Taximeter Test – If meter installed in vehicle	£21.00	£21.00
Private Hire Door Signs (adhesive – two required per vehicle)	£6.00 each	£6.00 each
Private Hire Door Signs (magnetic – two required per vehicle)	£12.00 each	£12.00 each
Transfer of Vehicle Ownership	£10.50	£23.50

Private Hire Operator's Licence

Current Charge		Proposed Charge from 1 st May 2016	
Up to 2 vehicles	£111.00	Application Fee (New) - 1 year	£182.00
3 – 5 vehicles	£168.00	Renewal Fee - 1 year	£154.00
6 – 10 vehicles	£256.00	Application Fee (New) - 5 year	£696.00
11 – 20 vehicles	£445.00	Renewal Fee - 5 year	£670.00
21 vehicles +	£502.00		

Driver Licence

Type of Licence	Current Charge	Proposed Charge from 1st May 2016
Application Fee 1 year (New)	Hackney Carriage - £85.00 Private Hire - £85.00 Dual Licence - £170.00	Hackney Carriage - £140.00 Private Hire - £140.00 Dual Licence - £140.00
Renewal Fee 1 year	Hackney Carriage - £85.00 Private Hire - £85.00 Dual Licence - £170.00	Hackney Carriage - £113.00 Private Hire - £113.00 Dual Licence - £113.00
Application Fee 3 year (New)	N/A	£312.00
Renewal Fee 3 year	N/A	£285.00
Knowledge Test (Hackney Carriage)	£22.00	£41.00
DBS Application Fee (Criminal Record Check – Paper)	£44.00	£44.00
DBS Application Fee (Criminal Record Check – Electronic system)	£56.00	£56.00
DVLA Driving Licence Verification Fee	£6.00	£7.00
DVLA Driving Licence Verification Fee - 3 year	N/A	£21.00

Sundry Charges

Type of Licence	Current Charge	Proposed Charge from 1st May 2016
Replacement copy of paper licence	£10.50	£10.50
Driver badge replacement	£34.00	£9.00
Vehicle plate replacement (Normal plate/Exemption plate)	£45.00	£15.50

Any person wishing to object to the proposed new fee structure should do so in writing (**Licensing Manager, Licensing Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, W Sussex, PO19 1TY**) or by email (licensing@chichester.gov.uk) giving full grounds for the objection. All objections must be received by the Licensing Section no later than **5.00 pm on 28 April 2016**. If no objections are received, or if any objections made are withdrawn, the proposed new fee structure will come into effect on **1 May 2016**. If any objections are made and not withdrawn the Council will set a further date, not later than two months after 1 May 2016, when the new fees will come into effect, with or without modification as decided by the Council after consideration of the objections.

In accordance with Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976, a copy of this Notice shall, for a period of 28 days from the date of this publication, be deposited at the address given above, and be open to public inspection on any weekday during normal office hours.

PUBLIC NOTICES

Local Government (Miscellaneous Provisions) Act 1976
Hackney Carriage / Private Hire Licence Fees
Proposed change in fees and charges from 1 May 2016

In accordance with Section 53(2) and Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976, that with effect from 1 May 2016, it is proposed that the fee specified in respect of Hackney Carriage and Private Hire Driver and Vehicle Licences, as well as, Private Hire Operator Licences will be as follows.

Driver Licence

Hackney Carriage or Private Hire Application Fee (New)	1 year	£140.00
Hackney Carriage or Private Hire Renewal Fee	1 year	£113.00
Hackney Carriage or Private Hire Application Fee (New)	3 year	£312.00
Hackney Carriage or Private Hire Renewal Fee	3 year	£285.00
Knowledge Test (Hackney Carriage)		£22.00
DBS Application Fee (Criminal Record Check – Paper)		£44.00
DBS Application Fee (Criminal Record Check – Electronic system)		£56.00
DLA Driving Licence Verification Fee	1 year	£7.00
DLA Driving Licence Verification Fee	3 year	£21.00

Vehicle Licence

Hackney Carriage or Private Hire Application Fee (New) includes plate	£116.00
Hackney Carriage or Private Hire Renewal Fee includes plate	£116.00
DLA at Westhampnett Depot	£54.50
Vehicle Fitness Test	£25.50
Taximeter Test – If meter installed in vehicle	£21.00
Private Hire Door Signs (adhesive – two required per vehicle) each	£6.00
Private Hire Door Signs (magnetic – two required per vehicle) each	£12.00
Transfer of Vehicle Ownership	£23.50

Private Hire Operator's Licence

Application Fee (New)	1 year.....	£182.00
Renewal Fee	1 year.....	£154.00
Application Fee (New)	5 year.....	£696.00
Renewal Fee	5 year.....	£670.00

Sundry Charges

Replacement copy of paper licence	£10.50
Driver badge replacement	£9.00
Vehicle plate replacement (Normal plate/Exemption plate)	£15.50

Any person wishing to object to the proposed new fee structure should do so in writing (**Licensing Manager, Licensing Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, W Sussex, PO19 1TY**) or by email (licensing@chichester.gov.uk) giving full grounds for objection. All objections must be received by the Licensing Section no later than **5.00 pm on 28 April 2016**. If no objections are received, or if any objections made are withdrawn, the proposed new fee structure will come into effect on **1 May 2016**. If any objections are made and not withdrawn the Council will set a further date, not later than two months after 1 May 2016, when the new fees will come into effect, with or without modification as decided by the Council after consideration of the objections.

In accordance with Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976, a copy of this Notice shall, for a period of 28 days from the date of this publication, be deposited at the address given above, and be open to public inspection on any weekday during normal office hours.

PUBLIC NOTICES

CHICHESTER DISTRICT COUNCIL
BUILDINGS OF SPECIAL INTEREST OR IN A
CONSERVATION AREA

Notice is hereby given of the following applications made to the Council and having special significance because they relate to works affecting the character and/or setting of buildings of special architectural or historic interest, or affecting the character and appearance of the conservation area.

PS/16/00366/DOM

Mrs Jane Nathan
 Adams Cottage Loxwood Road Plaistow West Sussex
 Single storey side extension.

BX/16/00941/DOM

Mr & Mrs Eliot Hayward
 Temple House Stane Street Strettington Boxgrove
 Proposed garage and workshop/annexe/studio.

BI/16/00985/DOM

Mr D Segel
 Chaffinches Farm Main Road Birdham Chichester
 Amendments to BI/13/01197/DOM to include brick patio area to east of extension and patio doors in lieu of 2 no. windows.

BI/16/00987/LBC

Mr D Segel
 Chaffinches Farm Main Road Birdham Chichester
 Amendments to BI/13/01198/LBC to include brick patio area to east of extension and patio doors in lieu of 2 no. windows.

O/16/00896/FUL

Westbourne House School
 Westbourne House School Coach Road (South) Shopwhyke Oving
 2 storey extension to the existing Millennium Hall drama department to create a new music department with extended access and overflow car park.

CC/15/03194/LBC

Dr Peter Coburn
 24 West Street Chichester West Sussex PO19 1QP
 Replacement windows and doors.

TG/16/00354/FUL

Mr Jonathan Randall
 Hazelhurst Chestnut Walk Tangmere Chichester
 Conversion of detached garage into 1 no. 2 bedroom chalet bungalow.

BO/16/00545/FUL

Mr Richard & Nicola Sells
 Cedarcroft Sunnyway Bosham West Sussex
 Demolition of existing bungalow and construction of a new dwelling comprising 1 and 2 storey elements. Ancillary accommodation to comprise pool house, integral garage and garden summer house with associated hard landscape.

BO/16/00849/DOM

Mr Nick Chapman
 1 Adelaide Terrace Bosham Lane Bosham Chichester
 Removal of existing extension and reconstruction of extension at ground floor.
 O.S. Grid Ref. 480564/103995

CC/16/00850/DOM

Mr Darren Godfrey
 13 Wellington Road Chichester West Sussex PO19 6BB
 Proposed dropped kerb.

WE/16/00752/DOM

Mr & Mrs Les Gabb
 The Old Rectory Westbourne Road Westbourne West Sussex
 Extend garage pitched roof and removal of utility roof and install new windows and doors to east elevation.

BX/16/00942/LBC

Mr And Mrs Eliot Hayward
 Temple House Stane Street Strettington Boxgrove
 Proposed garage and workshop/annexe/studio.

Any representations on the application must be submitted to me in writing by Thursday 21 April 2016. Any representations will become publicly available.

The applications and accompanying plans may be inspected by visiting the Council's web site or at my office, Development Management Services, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY between 8.45am to 5.10pm on Monday to Thursday, and 8.45am to 5.00pm Friday.

Andrew Frost,
 Head of Planning Services,
 Chichester District Council



Public & Legal Notices

Email address

publicnotices@jpress.co.uk

Telephone

Summary of Objections to consultation re proposed new fees policy
(31st March 2016 to 28th April 2016)

App Ref.	Respondent	Comment	Licensing Authority Appraisal	Licensing Authority Response
App 5	David Harwood Abigail Exelby Roy Pearse Niwsor Burws Craig W Fox Richard Cobden Jeffary Spreadbury	(a) Object to the increase in PH Driver Licences. Increase should be over a longer period. Propose stepped increase over 3 years.	(a) Noted that drivers who do not own their vehicles will not be able to offset increase with reduction in vehicle fee. Point made that by taking 3 year licence there will only be an increase of £10 a year, although acknowledged that this will require a lump sum to be paid up front. It is felt that the fees accurately reflect the costs that are associated with 'issuing and administering' driver licences.	(a) Consideration could be given to offering a 5% discount on the fees proposed to drivers?
		(b) Drivers already having to absorb a 10% increase in parking charges.	(b) Fees can only be set based on the cost of delivering the taxi and private hire licensing regime.	(b) No Policy change.
	Drivers From Starline	(c) 3 year licence cannot be obtained by those who are 60 years of age and over, as have to have an annual medical check.	(c) This is incorrect. Permissible for someone 60 or over to obtain a 3 year licence, but a medical will be requested annually by the Licensing Team. If there are any significant medical issues then the driver can be placed before Committee to determine their fitness.	(c) Clarification provided to objectors.
App 6	Graham Price Hackney Carriage Driver	(a) The cost of a 3 year driver licence should be the same as that for an annual licence	(a) It is believed that there can be an increase over the annual fee. Jim Button News Bulletin from Dec 2015 (Page 2) states 'Whilst there can be some increase over the basic annual fee, it must be carefully calculated to fall within the limitations imposed'.	(a, b, c & d) Consideration could be given to offering a 5% discount on the fees proposed to

**App 6
(Cont)**

Graham Price
(Cont)
Hackney
Carriage Driver

- (b) The cost of issuing a licence (the administration cost) is the same whether that licence runs for a day or 3 years.
- (c) I was under the impression that drivers badges were ring fenced and they could only charge what it cost to produce that licence.
- (d) The Law Commission report stated that a 3 year badge should not cost more than a 1 year one

- (b) For calculating the 3 year driver licence fee, there are some tasks that are a flat rate, linked solely to the application itself, that will not change regardless of the duration of the licence i.e. the production of the licence, badges etc. There will be some tasks where the costs need to be multiplied as these will be annual costs that need to be extended across the full duration of the licence, such as dealing with technical issues with applications, complaints and any conduct issues that result in a Hearing or officer involvement etc.
- (c) One element of taxi licensing cannot be used to subsidise another i.e. the vehicle fee cannot be increased to reduce the driver fee. In terms of what can be charged for in relation to drivers, the legislation states the 'issue and administration'. A broad interpretation of the term 'administration' has been made to include the maintenance of the licence to include compliance with the terms of the licence i.e. complaints, conduct issues etc.
- (d) The law commission report has been checked and states at Para 10.8 'The change is aimed at reducing the financial and administrative burden associated with shorter licence periods'. It does not expressly state that a 3 year licence should cost the same or less than a 1 year licence. No statutory guidance has been issued by

drivers?

			Central Government to give Local Authorities a steer on how to implement these changes. At 10.11 of the LC Report it states – ‘It (Legislation re driver’s licence fee) does not expressly allow fee revenue to be applied to cover enforcement costs in respect of drivers and operators... This may be regarded as an anomaly’.	
App 7	Malcolm Cannon Manager at Starline	(a) Objecting to the ‘extortionate’ increase in driver’s fee. Believes that renewal fee increase of 33% and new app fee increase of 65% is not justifiable. <i>‘As someone that has held a Chichester District Council licence for 28 years I find this completely unacceptable and will certainly have to consider carefully whether to renew if these huge hikes are implemented’.</i>	(a) Officers are satisfied that a realistic and accurate calculation of the costs associated with a driver’s application have been made.	(a) Consideration could be given to offering a 5% discount on the fees proposed to drivers?

Proposed New Fees-Consultation15th April 2016Objection to rises in drivers fees.

We the undersigned wish to object to the new proposals on the following :

1. The increase of 33% in drivers fees.

We feel that whilst an increase may be necessary any increase should be done over a longer period of time e.g. Spread over 3 years.

There are many drivers who are employed without their own car who will make no saving as you suggest and have already been faced with a 10%plus rise in car park fees as from the start of this month.

2. 3 year driving licence.

The over 60 drivers of which there are many will not be able to have this as they have to have an annual medical unless they are able to take the medical each year and submit within an allowable period. If not they are being discriminated against which is ageism and we think is illegal.

Many are prepared to pay the 3 years to save £54.

Abigail Exelby-763 Roy Pearse - 165 David Harwood-725

Niwsor Burws-1282 Craig W Fox-469 Richard Cobden-628

Jeffary Spreadbury-427

Contact: davidmh65@googlemail.com



Alex Barson

From: Alex Barson
Sent: 26 April 2016 16:31
To: 'davidmh65@googlemail.com'
Cc: Laurence Foord
Subject: Response to Fees Objection - David H

Dear Mr Harwood,

Local Government (Miscellaneous Provisions) Act 1976 **Re: Proposed new fees**

I note the content of your objection, which is also signed by 6 other licensed drivers.



abarson_18-04-2...

Please be reassured that we have undertaken a comprehensive review of our taxi and private hire licensing fees as part of this process. This is to ensure that we are as accurately as possible charging for costs solely attributable to delivering each element of the licensing regime, in terms of drivers, vehicles and Private Hire Operators. This has led to a reduction in the vehicle fees, as less officer time is spent on that aspect, partly due to the requirement for vehicles over 5 years to be tested on a 6 monthly basis, whereas the driver's fee has increased due to the amount of time spent by officers dealing with specific driver related matters. It is appreciated that if you are only paying a driver's fee each year, then this will not be offset against the saving made through a reduced vehicle licence fee.

In terms of your second point. Licence holders, or applicants aged over 60, are more than welcome to apply for a 3 year licence if they so wish. It is our intention to send out a reminder letter for the medical each year to any driver aged 60 or over. This will also be the case in relation to the Criminal Record Check, if a check is required outside of the year of renewal for a 3 year licence.

As you point out in your letter, if you opt for a 3 year licence, then this would result in a £30 increase to what is currently being paid. This would work out at £10 extra a year.

Existing Licensing Fee - $3 \times £85 = £255$
Proposed 1 year fee over a 3 year period - $3 \times £113 = £339$
Proposed 3 year licence - £285

I would be most grateful if you could please advise me by close of office hours this Thursday (**28th April**) as to whether the above information is sufficient to allay your concerns and enable you to withdraw your objection. If not and you still wish for the objection to stand then your comments will be referred to our General Licensing Committee where they will be considered further. The Committee will also set a date, not later than two months after 1 May 2016, when the new proposed fees will come into effect, with or without modification after consideration of the objections. I would also respectfully mention that it is worth noting we are in receipt of only one other objection at this time.

Many thanks,

Alex Barson

Licensing Technician

Licensing Team

Chichester District Council

Tel: 01243 53 4744 | Fax: 01243 776766 | abarson@chichester.gov.uk | <http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

Alex Barson

Subject: FW: Response to Fees Objection - David H

From: David Harwood [<mailto:davidmh65@googlemail.com>]

Sent: 27 April 2016 18:19

To: Alex Barson

Subject: Re: Response to Fees Objection - David H

Dear Alex

Thank you for your reply to our letter of objection which we have discussed today. We are not just 7 people but represent over 60 drivers and still feel that the increase to us is much to large in one hit.

Therefore we would like the council to consider a stepped increase over 3 years.

Kind regards

David Harwood

Alex Barson

From: Alex Barson
Sent: 19 April 2016 15:11
To: Alex Barson
Subject: Objection - 15/00753/HCDRR

From: Graham Price [gjprice@talktalk.net]
Sent: 19 April 2016 13:13
To: Licensing; 'Steve wernham'
Subject: RE: Chichester District Council Proposed New Fees Public Consultation March to 28 April 2016 - 15/00753/HCDRR

Re: Proposed New Fees - Public Consultation 31st March 2016 to 28th April 2016
19/04/16

Dear Sir/Madam,

I would like to forward my objection to the proposed licence fees.

It is my opinion that the original purpose of the issue of the three year licence, as the government intended, was as they saved an administrative and financial burden on councils.

The parliamentary debate was that the idea was to reduce the red tape and make licenses cheaper, because the cost of a 3 year license should be no more than the cost of a one year license.

My objection is therefore based on the following:

- 1, The cost of a 3 year driver licence is the same as that for an annual licence
- 2, The cost of issuing a licence (the administration cost) is the same whether that licence runs for a day or 5 years.
3. I was under the impression that drivers badges where ring fenced and they could only charge what it cost to produce that licence.
4. The Law Commission report stated that a 3 year badge should not cost more than a 1 year one

I trust this objection will be given due consideration, and replied to prior to the imposition of the proposed fee increase.

Regards

Graham Price
Hackney driver Badge No: 169

Alex Barson

From: Alex Barson
Sent: 26 April 2016 16:31
To: 'gjprice@talktalk.net'
Cc: Laurence Foord
Subject: Response to fee objection - Graham Price

Dear Mr Price,

Local Government (Miscellaneous Provisions) Act 1976
Re: Proposed new fees

I note the content of your objection.



Objection -
15/00753/HCDRR

It is acknowledged that the overall intention of the change in legislation is to help reduce the financial and administrative burden on drivers as stated at paragraph 10.8 of the Law Commission Report. It is unfortunate that by reviewing the cost associated with the driver's licence that it has resulted in the driver's fee being proposed seeing an increase.

Please be assured that we have undertaken a comprehensive review of our taxi and private hire licensing fees. This is to make certain, as far as reasonably possible, that we are accurately charging for costs solely attributable to delivering each element of the licensing regime, in terms of drivers, vehicles and Private Hire Operators. I feel it is important to highlight that this has led to a reduction in the proposed vehicle licence fees, as it is often the case that less time is spent on that aspect, partly due to the requirement for vehicles over 5 years to be tested on a 6 monthly basis. However, the proposed driver's fee has increased owing to the amount of time spent by officers dealing with driver related matters.

The term 'issue and administration' (Section 53(2) of the LG(MP)A) has been interpreted to include the maintenance of the licence and ensuring compliance with its terms. This view is based on case law, *R v Manchester City Council, ex p King 1991* and *R v Westminster City Council, ex p. Hutton 2013*.

The areas that cannot be charged for in relation to applications for driving licences are as follows:

- Recovering costs in relation to unsuccessful applications for the grant of new licences i.e. new applications that are refused by Committee;
- Recovering enforcement costs associated with unlicensed drivers;
- Recovering costs associated with Freedom of Information and Data Protection Act requests as separate provision is made for this; and
- Appeals against decisions made by the Committee. With enforcement action there is the possibility to recover some or all of the cost through the court process, however, this would be at the court's discretion.

These elements have not formed part of the calculation.

For calculating the 3 year driver licence fee, there are some tasks that are a flat rate, linked solely to the application itself, that will not change regardless of the duration of the licence i.e. the production of the licence, badges etc will be the same cost regardless of whether a licence is issued once a year or every 3 years. There will be some tasks where the costs need to be tripled as these will be annual costs that need to be extended across the full duration of the licence, such as dealing with technical issues with applications, complaints and any conduct issues that result in a Hearing or officer involvement etc.

It is accepted that the fee for a 3 year driver licence cannot simply be triple the 1 year fee. However, it is believed that there can be an increase over the annual fee. Unfortunately, no formal guidance has been issued by Central Government to help provide a steer on how they envisaged these changes to be instigated by Local Authorities.

I would be very grateful if you could please advise me in writing, by no later than close of business on Thursday **28th April**, as to whether the above information is sufficient to allay your concerns and withdraw your objection. If not and you still wish for the objection to stand then your comments will be referred to our General Licensing Committee for further consideration. At that meeting the Committee will set a date, not later than two months after 1 May 2016, when the new proposed fees will come into effect, with or without modification. I would respectfully also wish to mention that we are in receipt of only one other objection at this time with whom I have also liaised.

Many thanks,

Alex Barson

Licensing Technician

Licensing Team

Chichester District Council

Tel: 01243 53 4744 | Fax: 01243 776766 | abarson@chichester.gov.uk | <http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

Alex Barson

From: Tia Menecier on behalf of Licensing
Sent: 28 April 2016 15:38
To: Alex Barson
Subject: FW: Proposed fee increase

Licensing Team
Chichester District Council
Tel: 01243 534734 | Fax: 01243 776766 | licensing@chichester.gov.uk | <http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

From: Malcolm Cannon [malcolmdcannon@aol.com]
Sent: 28 April 2016 15:26
To: Licensing
Subject: Proposed fee increase

To Whom it May Concern

I am emailing to object to the extortionate proposed increase in Private Hire driver licences.

The fee amounts to an increase of 33% at a time when cost of living is at such a low point this is a ludicrous rise to implement and will definitely prevent some drivers from renewing.

This increase despite the fact that there will actually be less administration involved over the 3 year period.

I note there is still a significant increase even for those that will be able to afford the 3 year fee.

I also note that the New Application Fee is rising by around 65%, again I cannot see how this is justified.

As someone that has held a Chichester District Council licence for 28 years I find this completely unacceptable and will certainly have to consider carefully whether to renew if these huge hikes are implemented.

Personally it looks as though drivers are paying for the reductions given to vehicle operators.

Regards

Malcolm Cannon

LEGAL DISCLAIMER

Communications on or through Chichester District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.