

Chichester District Council

General Licensing Committee

17th May 2016

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

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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