

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 were 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>

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