

Crawley Borough Council

	Report No: ES/181	B
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Report to Licensing Committee

15 February 2007

Private Hire and Hackney Carriage Licence Fees 2007/08

1. Summary

- 1.1 The purpose of this report is to secure the Committee's agreement to the proposed revision of fees for hackney carriage and private hire driver, vehicle and operator licences.

2. Recommendations

- 2.1 Agree the proposed vehicle and operator fees as set out in Appendix 2 to this report for purposes of consultation.
- 2.2 Adopt the fees as laid out in Appendices 1 & 2 from 1st April 2007 if no representations are made within the statutory 28 day consultation period.

ANGELA TANNER
Head of Environmental Services

3. Background

- 3.1 Members will be aware that sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976 [Hereinafter referred to as the 1976 Act] provide that the Council, as the Licensing Authority, may charge such fees for the grant of drivers', vehicles' and operators' licences as it may resolve from time to time. These sections of the 1976 Act also lay down the principle that it is legitimate for the Council to seek to recover the cost of operating the licensing service from the licensees.
- 3.2 The previously mentioned sections of the 1976 Act do not give the Council discretion to levy these fees arbitrarily; the cost of a licence has to be related to the cost of operating the licensing service.
- 3.3 The fees for hackney carriage and private hire drivers' licences are set under the provisions of section 53(2) of the 1976 Act. These fees must be reasonable and imposed for the purpose of recouping the cost of issue and administration. Hence, the fees can only cover the Council's costs in relation to:
- (i) Assessing an applicant's suitability; including Criminal Record Bureau (CRB) checks and knowledge tests.
 - (ii) The cost of issuing a badge and other associated administrative tasks.
- 3.4 The fees for hackney carriage and private hire vehicle licences together with private hire operators' licences are set under the provisions of section 70 of the 1976 Act, as are the fees for private hire operators' licences. The Council may seek to recover the cost of, amongst other things:
- Vehicle inspections.
 - Provision and maintenance of hackney carriage stands (taxi ranks)
 - Administration of vehicle records
 - Enforcement
 - Legal proceedings
- and anything else connected with the administration and enforcement of regulations covering hackney carriage and private hire vehicle operations.
- 3.5 The provisions of section 70 of the 1976 Act lay down a prescriptive procedure requiring both consultation and public notice if the proposed fee exceeds £25.00. This procedure is detailed below under the heading 'Consultation'.
- 3.6 Under the provisions of Section 53 of the 1976 Act, which covers hackney carriage and private hire drivers' licence fees, there is no requirement for consultation, public notice, and consideration of representations.
- 3.7 The Council's constitution delegates to the Licensing Committee the power to determine the fees for hackney carriage and private hire licences; as these fees are required to cover the costs to the Council of operating the licensing regime.

4. Content

- 4.1 The proposed fees for 2007 - 2008 are listed in Appendices 1 & 2 of this report. Appendix 1 details the proposed fees for hackney carriage and private hire drivers' licences and includes the fees charged for these licences in 2006 - 2007 in comparison. Appendix 2 lists the proposed fees for hackney carriage & private hire vehicle licences and private hire operators' licences together with those currently charged for the respective licences by way of comparison.
- 4.2 Officers have given due consideration to the rising costs associated with the Licensing function and the proposed fees have been set at an appropriate level to recoup the estimated cost of providing the service. Included in these ongoing costs are the following:
- Enforcement
 - Prosecution of offenders
 - Legal challenges from the trade
 - Administration and issuing the licence
 - Materials

Officers are of the opinion that the estimated cost of providing the service will be covered by the proposed hackney carriage and private hire licence fees for 2007 / 2008.

- 4.3 A breakdown of the cost relating to expenditure and income is attached as Appendix 3. For ease of reference, the stated percentage increases have been rounded up to the nearest decimal point.

5. Hackney Carriage and Private Hire Drivers' Licence Fees

- 5.1 The proposed fees for hackney carriage and private hire drivers' licences have been calculated to recover the costs incurred in the issue and administration of the licences. The proposed increase in the fee reflects the increase in these costs. The fees for drivers' licences will increase by approximately 5% from £52.00 to £54.50. Statutory regulation, as mentioned above, does not require the council to undertake a consultation and representation process.
- 5.2 If these fees are agreed then they should take effect at the same time as the proposed new vehicle and operator licence fees; i.e. on the 1st April 2007 following the expiry of the 28 day representation period and the subsequent consideration of any representations made.

6. Private Hire Operators, Hackney Carriage and Private Hire Vehicle Licence Fees.

- 6.1 Officers have reviewed the current fees for these licences and have proposed an increase of approximately 2.5% for 2007 /2008. (A table of both the current fees and the proposed increased fees is attached as Appendix 2.)

- 6.2 Fees for new hackney carriage and private hire vehicle licences, which include the cost of the bracket, licence plate and, for hackney carriages only, the door signs, are slightly higher than fees for renewal of these licences.
- 6.3 If the bracket, plate or door sign is lost or stolen there will be a charge to the licensee for replacement. This charge will cover the cost of reproducing the plate, the materials used and officer's labour.
- 6.4 The fee for new licences for those private hire vehicles which are exempt from displaying licence plates will be equivalent to the private hire vehicle licence renewal fee due to there being no costs associated with producing and supplying a licence plate and bracket.
- 6.5 Private hire vehicle licence fees are less than the fees charged for hackney carriage vehicle licences as they do not include the costs associated with the maintenance of hackney carriage stands and fare increases. There are currently only 97 hackney carriages; hence, any costs relating to hackney carriages will be apportioned to those licence fees.

7. Consultation

- 7.1 The consultation and representation procedure relating to licences is prescribed in section 70 of the 1976 Act is as follows:
- i. A notice must be published in a local newspaper giving details of the proposed vehicle and operator fees and the date on which they will take effect. (This date must be set to allow for the consideration of possible representations.)
 - ii. The notice must indicate that representations may be made but that these must be lodged within 28 days.
 - iii. The notice must also make clear the procedure for making representations; specifying that these should be made in writing and that they may be delivered-by-hand, sent by post or fax or via E-mail.
 - iv. A copy of the notice must be available at the Town Hall for inspection. (No charge may be levied for inspection.)
 - v. Following the expiry of the 28 day representation period, if no representations have been received, the new fees will come into effect on the advertised date.
 - vi. If representations are made within the 28 day period, and are not subsequently withdrawn, then the Council must give due consideration to these representations. It is pertinent to note that although the Council must consider these representations it is not obliged to consequently vary the original proposal.

vii. The new fee should come into effect not more than two months after the date the proposed fee was first published. [see i above]

7.2 The consultation process will start from the date the proposed fees are advertised in the local press. If the Committee agrees to consult on these proposals the notice can be placed in the next edition of the local press. A draft of the required advert is attached to this report as Appendix 4. A copy of the notice will also be sent directly to representatives of each trade likely to be affected.

8. Ward Members' Views

8.1. The Council has not on this occasion consulted or sought the views of ward members as this matter does not come under any one particular area.

9 Staffing, Financial and Legal Implications/Powers

9.1 Staffing implications: none

9.2 The increase in the licence fees proposed in this report is necessary to recover the costs of issuing the licences listed.

9.3 The estimated annual net cost of running the hackney carriage and private hire licensing service for the next financial year (2007 /2008) is £200,320. The estimated income obtained through the proposed increase of licence fees will enable the Council to recover the full cost of operating the service.

9.4 It should be noted that these are estimated figures based on the number of licences, total income and cost incurred in the current financial year. These figures exclude variable costs such as plate transfers, new licences etc.

9.5 The 1976 Act clearly stipulates the statutory responsibility of this authority to approve any fees or charges and the procedure that must be followed. If the Council does not comply with the Act it will be acting unlawfully and could be open to legal challenge.

10 Links to the Community Strategy and Corporate Plan

10.1 The proposals contained in this report relate to the following key areas of the Community Strategy

Local Economy	Health and Social Care	
Affordable Housing	Community Safety	y
Lifelong Learning	Local Environment	

The following key principles are applicable:-

(i) Working together	y
(ii) Dignity, respect and opportunities for all	y
(iii) Leaving no-one behind	y
(iv) Making it last	y

This report achieves the following aims as set out in the Corporate Plan

Providing high quality services	Giving exemplary customer service and satisfaction
Being financially efficient and well managed	Developing motivated, positive and empowered staff

11 Reasons for the Recommendation

- 11.1 To provide adequate funding for the proposed level of service and to fulfil the statutory requirement to set hackney carriage and private hire driver and vehicle licence fees together with private hire operator licence fee.
- 11.2 To comply with the relevant legislation; namely the provisions of sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

12 Background Papers

Licensing Committee Report ES/154 dated 15/02/2006

Contact Officer:- David Packham
Direct Line:- 01293 438733

APPENDIX 1

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE FEES TABLE	CURRENT CHARGE 2006/07	PROPOSED CHARGE 2007/08	INCREASE	COMMENTS
	£	£		
Private Hire				
New application for driver's licence	64.00	65.50	2.5%	Includes 1st knowledge test fee. CRB and DVLA fees to be additional charges
Driver's licence renewal	52.00	54.50	5%	
Replacement paper licence	5.00	5.00	0%	
Replacement badge	8.00	8.00	0%	
Knowledge retest	12.00	12.00	0%	
Criminal Records Bureau Enquiry	36.00			As charged by the CRB at the time of the application
DVLA Disclosure Enquiry	5.00			As charged by the DVLA at the time of the application
Hackney Carriage				
New application for driver's licence	64.00	65.50	2.5%	Includes 1st knowledge test fee. CRB and DVLA fees to be additional charges
Driver's licence renewal	52.00	54.50	5.0%	
Replacement paper licence	5.00	5.00	0%	
Replacement badge	8.00	8.00	0%	
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Increase is the staff cost allowance from the budget pack as cost recovery only is allowed.

Staff forms the larger part of the cost.

Drivers licence renewal process is due to change and will incur additional cost.

APPENDIX 2

PRIVATE HIRE VEHICLE, PRIVATE HIRE OPERATOR AND HACKNEY CARRIAGE VEHICLE LICENCE FEES TABLE	CURRENT CHARGE 2006/07	PROPOSED CHARGE 2007/08	INCREASE	COMMENTS
	£	£		
Private Hire Vehicles				
New vehicle - no meter	238.00	244.00	2.5%	Includes bracket & plate Includes bracket & plate
New vehicle with a meter	245.00	251.00	2.5%	
Plate exempt vehicle	218.00	223.50	2.5%	
Vehicle renewal - no meter	218.00	223.50	2.5%	
Vehicle renewal with a meter	226.00	232.00	2.5%	
Vehicle licence transfer	27.00	28.00	2.5%	
Replacement plate and/or bracket	21.00	21.50	2.5%	
Replacement paper licence	5.00	5.00	0%	
Private Hire Operator				
1 - 5 vehicles	135.00	138.50	2.5%	
6 - 10 vehicles	269.00	276.00	2.5%	
11 - 20 vehicles	536.00	549.50	2.5%	
21 - 50 vehicles	939.00	962.50	2.5%	
51 - 100 vehicles	1,334.00	1,367.50	2.5%	
101+ vehicles	2,016.00	2,066.50	2.5%	
Replacement paper licence	5.00	5.00	0%	
Hackney Carriage Vehicles				
New vehicle		290.50		Includes bracket, plate & door signs
Vehicle renewal	283.50	253.00	2.5%	
Vehicle licence transfer	247.00	28.00	2.5%	
Replacement plate and/or bracket	27.00	21.50	2.5%	
Replacement door signs	21.00	15.00	0%	
Replacement paper licence	15.00	5.00	0%	
	5.00			

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CRAWLEY BOROUGH COUNCIL

**PRIVATE HIRE VEHICLE, PRIVATE HIRE OPERATOR AND
HACKNEY CARRIAGE VEHICLE LICENCE FEES
TABLE 2007/2008**

Notice is hereby given that Crawley Borough Council intends to vary the hackney carriage vehicle, private hire vehicle and operators' licence fees in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976

**PRIVATE HIRE VEHICLE AND
OPERATOR AND HACKNEY
CARRIAGE VEHICLE
LICENCE FEES TABLE 2006/07**

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2006/07**

**PROPOSED
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2007/08**

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Replacement paper licence	5.00	5.00

Copies of the proposed variation of fees are available for inspection at the Town Hall, The Boulevard, Crawley between 9.15 hrs till 16.30 hrs Monday to Thursday and 9.15 hrs till 15.30 hrs on Fridays.

Any person who wishes to make any objections or representations relating to the above fees may do so in writing to the Licensing Officer, Licensing Section, Environment and Housing Directorate, Town Hall, The Boulevard, Crawley, West Sussex, RH10 1UZ by Wednesday 21st March 2007. If no objections are made within the 28 day objection period the proposed fees will come into force on the 1st April 2007.

Mrs Angela Tanner
Head of Environmental Services