

Crawley Borough Council

	Report No:PES/61	D
--	------------------	----------

Report to Licensing Committee

5th January 2012

Private Hire & Hackney Carriage

Licence Fees 2012 - 2013

1. Key Points

- 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 **The Committee is asked to approve, subject to consideration of any comments received, the proposed Driver Fees (Appendix A) and the Vehicle and Operator Fees (Appendix B).**
- 2.2 **The Committee authorises the Head of Planning and Environmental Services to make the necessary arrangements to advertise the Vehicle and Operator Fees as part of the statutory consultation process.**
- 2.3 **The Licensing Committee is asked to adopt the fees as laid out in Appendices A & B from 1st April 2012 if no representations are made within the statutory 28 day consultation period.**
- 2.4 **Note that if formal objections are received in response to the statutory notice that a further report will be presented to the Committee**

ANGELA TANNER
Planning & Environmental Services

3. Background

3.1 The Licensing Committee Members have the authority under sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) to charge such fees for the grant of drivers', vehicles' and operators' licences as it may resolve from time to time and to seek to recover the cost of operating the licensing service from the licensees.

3.2 The Licensing Committee is reminded that the fee setting process is divided into categories for Drivers, Vehicles and Operators. The legislation requires different consultation processes: Drivers require no consultation, whereas Vehicles and Operators fees require Public Notice by means of advertising in local media and a 28 day consultation period.

3.3 These fees must be reasonable and imposed for the purpose of recouping the cost of issue and administration. Hence, the fees for Drivers' Licences 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 On the 7th September 2011 Licensing Committee approved the restriction of Hackney Carriage Vehicle Licences and it is a requirement that the Council must consider 'unmet demand' every three years. The cost of the survey if carried out by the Council must be borne by the fees generated through the service. The cost of the survey has, therefore, been included in the proposed fees and charges for 2012/2013.

3.6 The Licensing Committee is asked to take into consideration that 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 124 Hackney Carriages; hence, any costs relating to Hackney Carriages will be apportioned to those licence fees.

4. Proposals

- 4.1 If the Licensing Committee is in agreement with the proposed fee increases as defined in appendices A & B they should be implemented from the 1st April 2012 following the expiry of the 28 day representation period and the subsequent consideration of any representations made for Vehicle and Operator Fees and Charges.
- 4.2 The proposed fees and charges for 2012 - 2013 are listed in Appendix A and B details the proposed fees for Hackney Carriage and Private Hire Drivers' Licences along with a comparison table of the previous year's fees and charges.
- 4.3 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
 - Legal challenges from the trade
 - Administration and issuing the licence
 - Unmet Demand Surveys
- 4.4 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 2012 / 2013.

5. Consultation

- 5.1 The consultation and representation procedure relating to licences is prescribed in section 70 of the 1976 Act is as follows:
- 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.)
 - The notice must indicate that representations may be made but that these must be lodged within 28 days.
 - 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.
 - A copy of the notice must be available at the Town Hall for inspection. (No charge may be levied for inspection.)
 - 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.
 - 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.
 - The new fee should come into effect not more than two months after the date the proposed fee was first published.
- 5.2 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 copy of the notice will also be advertised on the Council's website under public notices.

6. Ward Members' Views

- 8.1. The Council on this occasion has not consulted or sought the views of Ward Members as this matter is not ward specific. There is also a formal consultation process, as described above.

7 Staffing, Equalities, Financial and Legal Implications/Powers

- 7.1 The increase in the Licence Fees proposed in this report is necessary to recover the costs of issuing the licences listed.
- 7.2 The 1976 Act clearly stipulates the statutory responsibility of the Council 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.

An Equality Impact Assessment has been completed

8 Risk Implications

- 8.1 There are no risks

9 Environmental Impacts

- 9.1 None

10. Other Implications

- 10.1 If adequate funding provision is not provided the licensing function that Crawley Borough Council has a statutory obligation to provide will run at a financial loss

11 Links to the Sustainable Community Strategy and Corporate Plan

- 11.1 The proposals contained in this report relate to the following key areas of the Sustainable Community Strategy

Community Cohesion	y	Community Safety	y
Young People and Children	y	Health and Well Being	y
Older People	y	The Environment	y
The Local Economy	y	Social Inclusion	y

The following key principles are applicable:-

- | | | |
|-------|--|---|
| (i) | Working together | y |
| (ii) | Dignity, respect and opportunities for all | y |
| (iii) | Involving People | y |
| (iv) | Making it last | y |

The report relates to the following areas in which the Council operates to enhance the town and the quality of life of local people:-

- | | | |
|-------|-----------------|---|
| (i) | Prosperity | y |
| (ii) | Community | y |
| (iii) | Environment | y |
| (iv) | Value for Money | y |

12 Reasons for the Recommendation

- 12.1 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.
- 12.2 To comply with the relevant legislation; namely the provisions of sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

13 Background Papers

All papers are attached as appendices

Contact Officer:- Bill Nailen
Direct Line:- 01293 438734

Appendix A

CRAWLEY BOROUGH COUNCIL		
PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE FEES TABLE		
	CURRENT CHARGE 2011/12	PROPOSED CHARGE 2012/13
Licence fees and charges	£	£
Private Hire Driver		
New Application Drivers Licence	85.50	91.70
Driver Renewal	60.50	61.70
New Drivers Application Admin Fee		30.00
Knowledge Re-Test	25.00	30.00
Replacement Badge	10.00	11.00
Criminal Records Bureau Enquiry	36.00	46.00
DVLA Licence Check	7.50	8.00
Hackney Carriage Driver		
New Application Drivers Licence	85.50	91.70
Driver Renewal	60.50	61.70
New Drivers Application Admin Fee		30.00
Knowledge Re-Test	25.00	30.00
Replacement Badge	10.00	11.00
Criminal Records Bureau Enquiry	36.00	46.00
DVLA Licence Check	7.50	8.00

Appendix B

CRAWLEY BOROUGH COUNCIL		
VEHICLE AND OPERATOR LICENCE FEES TABLE		
	CURRENT CHARGE 2011/12	PROPOSED CHARGE 2012/13
Licence fees and charges	£	£
Private Hire vehicles		
New vehicle - no meter	265.10	271.00
New vehicle with a meter	274.30	280.00
Vehicle renewal - no meter	241.80	247.00
Vehicle renewal with a meter	251.00	256.00
Vehicle transfer of ownership		31.00
Vehicle licence transfer	30.00	125.00
Replacement Paper Licence	5.00	5.00
Replacement Bracket	23.30	23.80
Replacement External Plate	10.00	10.20
Replacement Internal Plate	5.00	5.10
Private Hire Operator		
1 - 5 vehicles	150.00	153.50
6 - 10 vehicles	300.00	306.00
11 - 20 vehicles	600.00	615.00
21 - 50 vehicles	1140.00	1165.00
51 - 100 vehicles	1500.00	1535.00
101 + vehicles	2250.00	2300.00
Replacement paper licence	5.00	5.10
Hackney Carriage Vehicles		
New vehicle	313.00	370.00
Vehicle renewal	274.30	325.00
Vehicle licence transfer	30.00	125.00
Vehicle transfer of ownership		31.00
Replacement Paper Licence	5.00	5.00
Replacement Bracket	23.30	23.80
Replacement External Plate	10.00	10.20
Replacement Internal Plate	5.00	5.10