

Crawley Borough Council

	Report No: PES/065	C
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Report to the Licensing Committee

7 March 2012

Private Hire & Hackney Carriage

Licence Fees 2012 – 2013 Objections

1 Key Points

- 1.1. The purpose of this report is to enable the Licensing Committee to consider the objections received to the proposed fees and charges for Hackney Carriage and Private Hire Vehicle and Operator Licences for 2012 – 2013 in accordance with 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act)..
- 1.2. On the 5th January 2012 the Licensing Committee met, considered and accepted the proposed fees and charges for Hackney Carriage and Private Hire Driver, Vehicle and Operator Licences for 2012 – 2013. A copy of the report presented at that meeting is attached as **Appendix A**. These fees are set in accordance with powers vested in the Council pursuant to the Act.

2 Recommendations

- 2.1. **The Committee is requested to give due consideration to the objections received from members of the Hackney Carriage Trade. Copies of the objections are attached at Appendix B**

ANGELA TANNER
Head of Planning and Environmental Services

3 Background

- 3.1 On the 5th January 2012 the Committee accepted the proposed fees and charges for hackney carriage and private hire fees and charges for 2012 -2013. Approval was also given to advertise the proposed changes to the fees and charges in the local paper as required by legislation.
- 3.2 Accordingly, the proposed fees and charges for 2012 - 2013 were published in the form of a public notice in the local press. A statutory period of 28 days is allowed for any objection to be submitted. The Council received two objections to the approved fees and charges for 2012 - 2013 within that specified time period and these are attached as **Appendix B**
- 3.3 The objections received included matters separate to the representations made, relating to the fees and charges increase and these other matters are being investigated by the Licensing Officer accordingly.

4.0 Ward Members' Views

- 4.1. 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.

5.0 Staffing, Financial and Legal Implications/Powers

- 5.1. The increase in the Licence Fees proposed is necessary to recover the costs of issuing the licences listed.
- 5.2. The legislation sets out a statutory period regarding the time period allowed for objection. Unlike other sections of the Act which allow for objectors or aggrieved persons to appeal to a magistrates court, Section 70(5) requires all objections to the proposed table of fares to be referred to the licensing authority which made the original decision.
- 5.3 The charges have been increased in part to cover the cost of the possibility of an unmet demand survey being undertaken in 3 years time further to the decision to return to having a limitation policy for hackney carriage vehicles. It is reasonable to increase the charges to ensure the Council recovers its costs of issue and administration.
- 5.4. Article 1 of the First Protocol of the Human Rights Act 1998 entitles every person to the right to peaceful enjoyment of their possessions, which includes their livelihood or their means of earning it. The impact of a fare tariff may affect a person's livelihood or their means of earning it. In setting a fare tariff the Council must consider the impact on both the public and those whose livelihood may be affected.

6.0 Risk Implications

- 6.1 Reduction in the proposed charges may result in the Council incurring costs.

7.0 Environmental Implications

7.1 None.

8.0 Links to the Sustainable Community Strategy and Corporate Plan

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

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

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	n
(iv) Value for Money	y

9.0 Reasons for the Recommendation

9.1. The Act requires members to consider any objections received regarding the proposed fees and charges for 2012-2013. On 8th February 2012 a public notice was placed in the local papers and within the 28 days period allowed for objections the Council received two objections from members of the trade.

10.0 Background Papers

10.1 Report to Committee on 5th January 2012

Contact Officer: Bill Nailen
Direct Line: 01293 438734

Crawley Borough Council

	Report No: PES/61	
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Report to Licensing Committee

5th January 2012

Private Hire & Hackney Carriage License 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 agree the proposed Driver Fees (Appendix A) and the Vehicle and Operator Fees (Appendix B).**
- 2.2 **The Committee is asked to permit the advertisement of the Vehicle and Operator Fees as part of the 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.**

ANGELA TANNER
Planning & Environmental Services

3.0 Background

- 3.1 The Licensing Committee Members have the authority under sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976 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 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

6.1. 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 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.

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 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:-

(v) Prosperity	y
(vi) Community	y
(vii) Environment	y
(viii) 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 (to report PES/61)

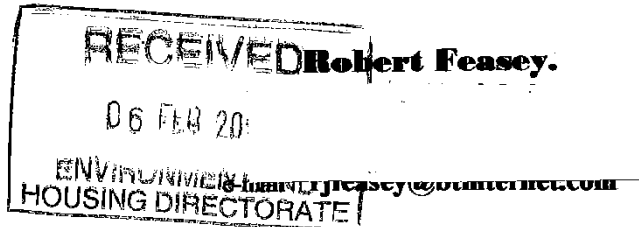
CRAWLEY BOROUGH COUNCIL		
PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE FEES TABLE		
	CURRENT CHARGE 2011/12	PROPOSED CHARGE 2012/13
Licence fees and charges	£	£
Private Hire Driver		
New Application Drivers Licence	85.50	91.70
Driver Renewal	60.50	61.70
New Drivers Application Admin Fee		30.00
Knowledge 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 (to report PES/61)

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



**Wheelchair accessible
Taxi. Transport Professional.**



To whom it may concern,

04 .02.12.

I wish to object to the proposal the Licensing office is attempting to implement.
The reasons for my objection are

1. The Local Gov'. Misc Act 1976 section 70 states :- "Authorities may charge fees to reimburse themselves the costs involved with the issue of Licensing". No more?
2. No mention is made of collecting expenses in advance of a foreseeable expense that may or may not materialise.
3. How are you able to charge existing proprietors costs that are not a reality but speculative?
4. Crawley Borough Council (CBC), despite having held meetings with The Crawley Taxi Association (CTA), (for which they hold the minutes), within the year 2005. At that time Angela Tanner & the CTA spoke of the need for more transparent accounting for both Hackney Carriage and Private Hire. Best practices mention they should have separate accounts to clearly differentiate between the two provisions which we are not able to do from looking at the expenditure and budget account for last year and this year.
5. Other costs are being charge for where CBC responsibility is not being maintained. i.e. The pavement area along the side of Marks & Spencer's up towards Queens Sq sometime in the early 2000's was reworked and altered. The CTA spoke often to Licensing regarding the fact that the contractors at that time removed a Taxi Stand sign which has never been replaced to this day. The Law states if a Taxi Stand is not signed correctly then it is not a stand.

Supplementary to these issues I should like to add,

- a) when Licensing started to make the Laminated License plates it was to reduce costs.
- b) Licensing no longer meet expenses from the Medway Depot for vehicle inspection's.
- c) the Laminated License plates are now only issued once for the life time of the licensed vehicle.
- d) Drivers Licenses are issued only once every three years now.

These facts all relate to saving time and expense within the Licensing Office yet the Taxi trade has not ever felt the benefit in a reduction of fees.

These are my reasons why I am objecting to the increases to Hackney Carriage License fees.
I await your reply.

Regards Robert Feasey. Hackney Carriage License Plate number 105.

Licensing Section.
Planning and Environment Services.
Town Hall. Crawley.

From: ray@pamment.org [<mailto:ray@pamment.org>]
Sent: 07 February 2012 19:33
To: Licensing
Subject: licence fee objection

Dear sir

Please can you accept this email as my official objection to the suggested increase in our Hackney Carriage vehicle licences.

My objection to the said rise centers around the fact the majority of this £50 increase is supposedly due to the fact we may have to have surveys carried out in 3 years time.

The misc act governing our fees is quite clear the council are only able to recoup costs they incur in the administering of our vehicle licence and no more. As this survey is a cost that may or may not happen in the future it is not reasonable for the council to collect money from licence vehicle holders in advance.

Even if the council was legally able to accumulate funds from our licence fees in advance it would again not be reasonable to expect all current hackney carriage vehicle licence holders to pay towards the cost of a survey that may need to take place in 3 years time. As it is unknown now how many of those licence holders will actually still be in the trade in 3 years time as many may have retired, left due to ill health or even died, had their licences revoked, or gone bankrupt to name but a few reasons why it is obviously not reasonable to expect present licence holders to pay in advance.

It must also be recognised that 3 years is a long time and anything could happen between then and now for instance it is widely known that the legislation governing our trade is currently being reviewed by government and it maybe that a change in legislation makes it unnecessary to even have a survey in 3 years time.

As I understand members of our trade paid for the first survey independently of the councils need to fund it and there is no legal requirement for the council to fund any future survey. So it would seem sensible of the council to carry on in that vain and make it the responsibility of those members who want a survey in 3 years time to pay for it at that time as they indeed did for the first one, there is no reasonable reason why the council should burden all hackney carriage vehicle licence holders with that cost before that time.

I would also like to add weight to my objection about any increase in our licence fees by stating that over the last 12 years we have had to endure a vast number of changes to our licensing system all done at the promise that it will eventually make it more economic and lead to our fees becoming cheaper. A change to plastic annual plates from the permanent metal ones (cost of original equipment to print them was given as an excuse for a rise and we were promised the cost would be reduced the following year... It never did or has, we are now back to a permanent plastic plate so a saving has to be made by licensing as no need to print them yearly yet no decrease in fees, the change of vehicle inspections undertaken at county oak we was told was a reason for an increase a few years back yet now no one from the council undertakes these vehicle checks as they are now undertaken by the garage at the time of our compliance tests. Yet no decrease in fees, yet again it must

have resulted in a decrease to the costs of our trade to the licensing dept.

We were informed by A Tanner a number of years ago that the distribution of funds from our fees will become more transparent. Yet that hasn't happened and even after continually requesting under the freedom of information act a detailed breakdown of the costs covered by our fees none is forthcoming. In any other industry this would not be acceptable and one can only come to the conclusion that our fees actually go into a big pot and cover a wide number of costs that are not hackney carriage related (and that would included any cost involved in licensing private hire which should not be funded by any part of the hackney carriage fees) otherwise the Council would be more than happy to supply the correct information and not just a blanket cost for the licensing dept. For instance if a licensing officer spends 2 hours on a Hackney issue and 3 on Private hire 1 on both and 1 on street licensing then the hackney cost for that day for that particular officer should be 2 and 1/2 hours only. This I am sure is not the case instead it is all lumped together which means the council could and probably are acting illegally by charging us more than they can for our licenses as again at some point we should have had a decrease in fees as the government cut backs over the years have reduced the number of officers dealing with our trade and there is now no enforcement in the evening as overtime is not paid, yet still no decrease in our fees so where is the money going?? Maybe the councillors can find out for us as we in the trade are not able to find the answers.

So for those reasons I feel I have enough grounds to strongly object to the proposed rise in our fees.

Kind Regards

Ray Pamment
Hackney vehicle licence 102