



Please ask for Brian Offiler
Direct Line: 01246 345229
Email committee.services@chesterfield.gov.uk

The Chair and Members of Appeals
and Regulatory Committee

8 September 2015

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 16 SEPTEMBER 2015 at 2.00 pm in Committee Room 1, Town Hall, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Review of Taxi Licensing Fees for Private Hire Operators and Hackney Carriage/Private Hire Drivers (A410) (Pages 3 - 12)

Yours sincerely,

A handwritten signature in black ink, appearing to be "B. Offiler".

Local Government and Regulatory Law Manager and Monitoring Officer

FOR PUBLICATION

Review of Taxi Licensing Fees for Private Hire Operators and Hackney Carriage/Private Hire Drivers (A410)

MEETING: APPEALS AND REGULATORY COMMITTEE

DATE: 16th September 2015

REPORT BY: LICENSING OFFICER

WARD: ALL

COMMUNITY FORUM: ALL

FOR PUBLICATION

1. PURPOSE OF REPORT

- 1.1 To consider objections that have been received to the proposals agreed by committee to increase taxi drivers licences to three yearly and operators licences to five yearly.
- 1.2 The original committee report from 22 July 2015 is attached at Appendix A.

2. BACKGROUND

- 2.1 The Deregulation Act 2015 requires councils to set the length of a taxi driver's licence at three years and an operators' licence at five years. The measures come into force on 1 October 2015.
- 2.2 On 22 July 2015 the Appeals and Regulatory Committee approved a move to three and five year licences and set appropriate fees.
- 2.3 The proposals were subject to a period of statutory consultation from which, at the time of writing, two objections have been

received. The consultation does not end until 10 September 2015; any further objections will be circulated as late items.

- 2.4 The objections are attached at Appendix B but are summarised below:
- 2.5 Objection from Mr Wilkes: Does not feel the change to an operators' licence is necessary and thinks it should have been more widely publicised.
- 2.6 Objection from Mr Brookbank: Does not feel the proposed changes to drivers' licences are legal, particularly the ongoing charge for drivers for years two and three.
- 2.7 With regard to Mr Wilkes's objection, the proposals were discussed at the Taxi Consultative Committee on 15 July 2015, at which operators were represented. It was then debated at the Appeals and Regulatory Committee on 22 July 2015 with the agenda being made public via the website and finally publicised as required by law in the Derbyshire Times.
- 2.8 With regard to Mr Brookbank's objection, section 10 of the Deregulation Act 2015 extends the life of a taxi driver's licence to three years, although provision is made for shorter periods in exceptional circumstances (such as a probationary licence). The fees schedule in the original report of 22 July 2015 outlines how the three-yearly fee is calculated; these figures have been made available to Mr Brookbank.

3.0 RECOMMENDATION

- 3.1 The original committee decision of 22 July 2015 is upheld and the measures for three and five year licences commence as planned on 1 October 2015.

For more information on this report contact Emma Marriot or Trevor Durham on 01246 345230 / licensing@chesterfield.gov.uk

FOR PUBLICATION

**Review of Taxi Licensing fees for Private Hire Operators and
Hackney Carriage/Private Hire Drivers (A410)**

MEETING:

APPEALS AND REGULATORY
COMMITTEE

DATE: 22nd July 2015

REPORT BY: LICENSING OFFICER

WARD: ALL

COMMUNITY FORUM: ALL

FOR PUBLICATION

1 PURPOSE OF REPORT

- 1.0 To inform members of changes to Taxi Licensing under the Deregulation Act 2015 that comes into force from the 1st October 2015;
- Section 10 of the Act extends the standard duration of a hackney carriage/private hire driver's licence to three years whilst a Private Hire Operators licence is extended to 5 years.
 - Section 11 of the Act allows private hire operators to sub contract bookings to each other across licensing boundaries.
- 1.1 To request members approve the associated fees.

2. **BACKGROUND**

2.1 The Deregulation Act provides for the removal or reduction of burdens on businesses.

The Act also provides for a duty on those exercising specified regulatory functions to have regard to the desirability of promoting economic growth. The extension of the length of licences will reduce administrative burden and lower costs, whilst the sub-contracting gives the ability for businesses to work more flexibly.

2.2 Currently Chesterfield Borough Council issue an annual combined hackney carriage/private hire driver's licence and private hire operator's licence. The extension in licence years requires the licence fees to be re-calculated.

2.3 The Council currently has 533 combined hackney carriage/private hire vehicle drivers and 31 Private Hire Operator's. The application must be accompanied by a fee.

2.4 The Local Government (Miscellaneous Provisions) Act 1976 sets out how a Council may calculate the fee;

- s 53 (2), sets out that the fee for a Hackney Carriage/Private Hire driver's licence can be any that the Council considers reasonable with a view to recover the costs of issue and administration of the licence application.
- S 70 sets out that the fee for a vehicle licence or private hire operator's licence can be any that the Council considers reasonable for ;
 1. Carrying out inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 2. The reasonable cost of providing hackney stands;
 3. Any reasonable administrative or other costs in connection with the ongoing control and supervision of hackney carriages and private hire vehicles.

2.5 Since the 1st April 2015 the fees for the annual hackney carriage/private hire drivers licence and private operators licence are;

Drivers Licences/Badges	Grant - £79.00 Renewal - £79.00
Private Hire Operators Licence (core fee plus cost per vehicle)	Core Fee - £136.00 Cost Per Vehicle - £25.00

The fee cannot include the cost of investigating unlicensed activity which remains at a cost to the Council.

2.6 The existing fees have been recalculated to take into the account the extension of the years of licence and calculated based on the table below;

2.6.1 Drivers – Proposed 3 years Licence Fee.

Process of Application	1year Drivers licence/badge	2 year Drivers Licence/badge	3 rd Drivers Licence/badge	Total for 3 year badge
Process Application (issuing renewal form, , check DBS form, review any medical issues, update records, check right to work, issue licence)	£31.70	31.70	31.70	95.10
Administration Costs Licence for driver Badge(x2) Dash card badge holder Lanyard	£13.00 £4.00 £1.00 £1.00	No admin costs for 2 nd year	No admin costs for 3 rd year	19.00
Referral to Committee (20% possibility)	£23.08	23.08	23.08	69.24
Legal Advice (20% possibility)	£5.98	5.98	5.98	17.94
Total	£79.76 (rounded down to £79.00)	£60.76 (rounded down to £60.00)	£60.76 (rounded down to £60.00)	£199.00 (rounded down)

The cost of a 3 yearly Hackney Carriage/Private hire driver's licence is £199.00

2.6.2 Operators – Proposed 5 Yearly CORE licence fee

Process of Application	1 year Grant/Ren Operators CORE fee	2 year Grant/Ren Operators CORE fee	3 year Grant/Ren Operators CORE fee	4 year Grant/Ren Operators CORE fee	5 year Grant/Ren Operators CORE fee	Total for 5 year Operators licence.
Process Application (issuing renewal form, , check DBS form, review any medical issues, update records, check right to work, issue licence)	£35.60	35.60	35.60	35.60	35.60	178.00
Administration Costs Licence	13.00	No admin cost	No admin cost	No admin cost	No admin cost	13.00
Referral to Committee (20% possibility)	23.08	23.08	23.08	23.08	23.08	115.40
Legal Advice (20% possibility)	5.98	5.98	5.98	5.98	5.98	29.90
Compliance Annual operator checks, Review of vehicle numbers when necessary	57.53	57.53	57.53	57.53	57.53	287.65
Total	135.19 (rounded down to £135.00)	122.19 (rounded down to £122.00)	122.19 (rounded down to £122.00)	122.19 (rounded down to £122.00)	122.19 (rounded down to £122.00)	623.95 (rounded down to £623.00)

The cost of the 5 yearly Private Hire Operator’s Core Licence Fee would be £623.00.

2.6.3 Cost per vehicle within Operators licence.

Cost per vehicle	
Compliance of vehicles (vehicle checks, drivers, signage, complaints)	27.21 (rounded down to 27.00)

2.6.4 The number of vehicles per operator's base varies. Although there is no statutory provision within the legislation to allow payment by instalments, it is proposed that private hire operators should be allowed to pay the vehicle element of their licence every 12 months.

On the first year of the 5 year licence the operator pays the entire core fee and the number of cars that he/she has for the first year only. On the anniversary of the licence each year, the operator would pay the vehicle fee for the number of vehicles they have that year;

e.g. Core fee for 5 years = £623.00

Per vehicle 1st year @ (125 cars x £27.00) = 3375.00) + £623.00 = £ 3998 for the first year of operator's licence

2nd year anniversary with a reduction of cars to 100 = 100 x£27.00 = £2700. Operator would pay £2700.

Appendix 4, of Schedule 3 of the Hackney Carriage and Private Hire Licensing Policy would be amended to introduce 12 points +Committee for non-payment of the annual vehicle fee for Private Hire Operators.

2.6.5 Currently the legislation only allows a private hire operator to subcontract bookings to a private hire firm licensed by the same Licensing Authority or based within the same area. The change in Section 11 of the Deregulation Act allows private hire vehicle operator's to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. Passengers will be able to rely on their local operator, rather than being turned away when the operator cannot directly fulfil the booking. The triple licence requirement, that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same local authority as granted their operator's licence, remains.

3.0 **Taxi consultative**

The next meeting of the Taxi Consultative meeting is to be held on the 15th July 2015 and it is intended that the taxi trade are advised of the future changes to the legislation.

4.0 **Recommendation**

4.1 That the members consider the changes to drivers licence and Private Hire Operators fees.

4.2 Should the fees be approved for the three yearly and 5 yearly licence amendments, they would be subject to advertisement giving a period of 28 days for objections. If any objections are made then the committee will have to consider them at a further meeting. If no objections were received, the newly amended fees would take immediate effect on the date of expiration specified in the advertised notice.

4.3 That approval is given to Officers to amend the Hackney Carriage and Private Hire Licensing Policy in respect of changes due to the Deregulation Act 2015.

July 2015

Grace Dowson, Licensing Officer, telephone 345740
grace.dowson@chesterfield.gov.uk

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Derbyshire
S45 8HY

jimbrookbank@hotmail.com

26th August 2015

Licensing Section
Environment Services
Customer Service Centre
85 New Square
Chesterfield
Derbyshire
S40 1AH



Dear Sir,

RE: Proposed Fees for Private Hire & Hackney Carriage Driver Licences.

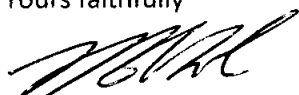
I wish to object to the proposed Private Hire and Hackney Carriage Driver Licence fees, based on the fact that I do not believe that what you are proposing is legal.

The Local Government (Miscellaneous Provisions) Act 1976 allowed these licences to be issued for a period of three years, unless a Council wished to set a shorter period. Chesterfield has up to now licensed for one year at a time, which it is perfectly entitled to do. The Deregulation Act 2015 now forces Councils to issue three year licences with the proviso that, exceptionally, an individual driver can be treated differently. So from 1st October this year Chesterfield Borough Council will be issuing three year licences. So far, so good.

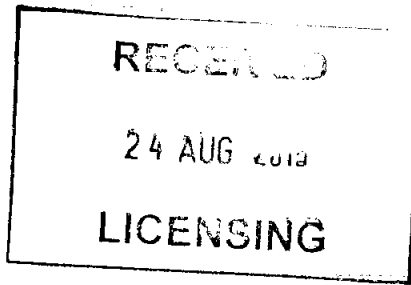
The 1976 Act allows a council to charge a fee which recovers the cost of issue and administration of the licence, and Chesterfield charges £79.00 per year. What you are now proposing is a £199.00 fee to cover three years.

The issue of a one year licence currently involves your staff checking a driver's paperwork and DVLA licence, and possibly processing a DBS disclosure and a medical. I don't see that the cost of issuing a three year licence is going to be that dramatically different, and therefore the fee should be roughly the same. You say in your notice that a fee of £60.00 is payable for years two and three, paid up front in year one. You need to provide information on exactly what that £60.00 is intended to cover otherwise I believe that your 252% increase is illegal.

Yours faithfully



Jim Brookbank (licence CD1192)



MR ALAN WILKES

1,GRANVILLE CLOSE

HASLAND

CHESTERFIELD

S41 0DP

18.8.12

DEAR SIR/MADAM

Regarding proposed changes to current badge and operator licence fees.

I object to the proposes because they are unaffordable especially operator licence.

What was wrong with the old system anyway. I renewed my operator licence last week and there was no notices up in the revenues hall no word from licencing staff about proposed changes. Every operator should have been given a copy of the letter which was published in the derbyshire times as not everyone buys the paper. I would not have seen it myself if it was not pointed it out to me by a friend. I will be 66 years old next year and I hope to retire before the age of 71. Would I get a refund for the lost years I am only a one man small business like many others £623 in one go come on be realistic

MR A WILKES OPP LICENCE No PO 0630