



DISTRICT COUNCIL

Despatched: 19.03.13

LICENSING COMMITTEE

27 March 2013 at 6.00 pm

Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Pett

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Cooke, Davison, Mrs. Dawson, Fittock, Orridge, Mrs. Parkin, Piper, Raikes and Walshe and one vacancy

	<u>Pages</u>	<u>Contact</u>
Apologies for absence		
1. Minutes Minutes of the meeting of the Committee held on 30 January 2013	(Pages 1 - 4)	
2. Declarations of interest Any interests not already registered		
3. Actions from the previous meeting None		
4. Hackney Carriage And Private Hire Licensing - License Fees 2013/14	(Pages 5 - 16)	Claire Perry Tel: 01732 227325

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

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The Democratic Services Team (01732 227241)

LICENSING COMMITTEE

Minutes of the meeting held on 30 January 2013 commencing at 6.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Fittock, Orridge, Mrs. Parkin, Piper, Raikes and Walshe

Apologies for absence were received from: Cllrs. Cooke, Davison and Mrs. Dawson

Order of the Agenda

The Chairman announced that, with the permission of the Committee, the minutes would be considered as the final item of business to allow as many Members of the Sub-Committees to be present as possible.

16. Declarations of interest

No declarations of interest were made.

17. Actions from the previous meeting

There were no actions from the previous meeting.

18. Licensing of Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy

The Licensing Committee had formally resolved on 6 September 2012 to adopt additional powers to regulate Sexual Entertainment Venues under the Local Government (Miscellaneous Provisions) Act 1982. It was felt appropriate to adopt a policy, to be called the Sex Policy, before any application for a licence was made.

A draft version of the policy had been shown to the Committee on 10 October 2012 and a consultation was held between 30 October 2012 and 11 January 2013. The feedback from the consultation was available to Members in an appendix to the report but the Licensing Partnership Manager clarified that no changes had been made to the policy since it was last considered by the Committee.

Public Sector Equality Duty

An Equality Impact Assessment had been held on the policy. The recommended action arising was to ensure all Members were given appropriate training. The training should address the impact of licences on more vulnerable age groups when determining a licence application. Officers were intending to provide some training soon but would refresh this training in the future if an application were likely to be submitted. Members noted the equality impacts.

Resolved: That the consultation responses be noted and the policy be recommended for adoption by Full Council.

Agenda Item 1 Licensing Committee - Wednesday, 30 January 2013

19. Gambling Act 2005 – Fees for 2013/14

The report set out the proposed fees under the Gambling Act 2005 for the year 1 April 2013 to 31 March 2014. The fees continued to be based on cost-recovery plus inflation. Officers had used the Local Authorities Coordinators of Regulatory Services (LACORS) toolkit to calculate the costs for the Licensing Team over the year while assessing the risk of any additional costs. It was clarified that inflation on the fees was generally set at 2% and rounded to 5 or 0. Although the Council had based its budget on a higher level of inflation at 2.5%, it was explained that Officers limited the fees strictly on a cost recovery basis.

Seven betting shops were currently subject to fees within the District and it was estimated this would generate £3,500 if each were charged the proposed annual fee of £500.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That the Gambling Act 2005 fees for 2013/14 as set out in Appendix A of the report be approved.

20. Hackney Carriage And Private Hire Licensing - License Fees 2013/14

The Licensing Partnership Manager explained that the Hackney Carriage and Private Hire Licensing fees had been set on cost recovery basis with an inflationary increase of 2.5%, in line with the Council's budget, on the existing fees. The taxi licensing service was required to be self-financing and the recommended fee increases would ensure this.

She advised that the joint Licensing Partnership had helped to keep fees lower. The medical fee for driver licences had reduced by £5 since the service had been retendered to The Cedars Surgery. There had been no increase for three years in the fee for vehicle compliance testing carried out by the Council.

A Member raised concern at the large number of vehicles at Sevenoaks Station plying trade and whether the situation was sustainable. The Licensing Partnership Manager advised that the Council had continued to receive applications from drivers seeking to work in the District and that the number of Hackney Carriage licence holders had not significantly increased from when the number of licenses was delimited, but the number has remained at approximately 205. The station was, however, private land and parking arrangements had been outsourced to Meteor Parking by Southeastern Railways. Meteor intended to reduce the number of permits from 90 to 60 through natural wastage. The Council was in discussions with Southeastern Railways to provide more taxi-ranking space but there was no immediate opportunity and there would be cost implications for Southeastern Railways.

If approved, Officers would then inform all Hackney Carriage proprietors, Private Hire Operators and drivers to allow comment.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: that from 1 April 2013 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as per the report, subject to the responses received following consultation with the trade.

21. Minutes

A Member proposed some additional wording for the minutes of the Licensing Sub-Committee hearing on 10 December 2012 at which that Member had been speaking on behalf of residents who objected to the application. Members who had sat on the panel were asked for their views. Following discussion and with minor alteration, most of the proposals were agreed.

Resolved: That the minutes of the meetings of the Committee held on 10 October 2012 and of the Sub-Committees held on 12 November 2012, 10 December 2012 as amended and 14 January 2013 be approved and signed by the Chairman as a correct record.

Chairman's Announcements

The Chairman noted it was his last meeting of the Committee as Chairman and thanked all past and present Members of the Committee for their support, encouragement and advice. He also thanked the Officers who supported the Committee.

THE MEETING WAS CONCLUDED AT 6.37 pm

Chairman

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES 2013/2014

Licensing Committee – 27 March 2013

Report of the: Community and Planning Services Director

Status: For Decision

Key Decision: No

Executive Summary:

This report considers the appropriate licence fees and associated costs of Hackney Carriage and Private Hire licensing for the 2013/14 financial year to ensure that the 'Taxi Licensing' service remains self-financing, in accordance with the Council's Service and Budget Plan.

This report supports the Key Aim of safe communities and effective management of Council Resources.

Portfolio Holder

Head of Service Head of Environmental and Operational Services – Richard Wilson

Recommendation: It is RESOLVED that:

From 1 April 2013 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as follows:

	Existing Fees	New Fees
Hackney Carriage Driver's Licence		
On initial application	£159 for three years	£163 for three years
Criminal Records Bureau Search Fee	£44	£44
On renewal	£115 for three years	£118 for three years
Criminal Records Bureau Search Fee	£44	£44
Hackney Carriage Vehicle Licence	£280 for one year	£290 for one year

Private Hire Operator's Licence

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On initial application	£294 for three years	£300 for three years
On renewal	£94 for three years	£96 for three years
Private Hire Driver's Licence		
On initial application	£159 for three years	£163 for three years
Criminal Records Bureau Search Fee	£44	£44
On renewal	£115 for three years	£118 for three years
Criminal Records Bureau Search Fee	£44	£44
Private Hire Vehicle Licence		
	£280 for one year	£290 for one year
Additional Costs		
Change of Hackney Carriage to Private Hire	£66	£68
Change from Private Hire to Hackney Carriage	£88	£90
Replace Vehicle Plate	£23	£23
Replace Identification Badge	£8.70	£9
Vehicle Re-test	£54.85	£54.85
Vehicle Partial Re-Test	Half the current MOT fee	Half the current MOT fee
Change of Ownership of Licensed Vehicle	£65	£67
Attempting "Knowledge Test" after two failures	£48 for each attempt	£49 for each attempt
Vehicle Tests –		Owner turning up without their insurance documents will be charged half the fee (£27.42) and the test will not go ahead.

Copies of existing licences	£8 each	£8 each
Change of address details for a replacement licence or for change of name for vehicle/operator licence	£10.50	£10.50
Change of name and address for a driver's badge	£20	£20

Replacement Vehicles

If a licensed vehicle is replaced during the valid licence period then the cost of licensing the replacement vehicle will be £290. However, if the vehicle is replaced within six months of the issue of the licence then the fee will be reduced by £100 in the first of those six months; £90 in the second; £80 in the third; £70 in the fourth; £60 in the fifth and £50 in the sixth month.

If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £99 to test and licence the replacement vehicle and a further £99 to test and re-licence the original vehicle.

Medical Fee for new and renewal driver licences for Hackney Carriage and Private Hire payable directly to The Cedars Surgery	£55 for three years	£50 for three years
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Introduction

- 1 The Council's taxi licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 2 The licence fees and associated costs of taxi licensing are increased in line with generally a 2.5% inflation rate in accordance with the Council's Service and Budget Plan.
- 3 Careful monitoring of income and expenditure has been carried out over the current financial year to minimise the need for additional increases and the income from licence fees and associated costs, together with expenditure has been in accordance with the objectives laid out in the budget plan.
- 4 In the report to the Licensing Committee on 30 January 2013 the details of the other charges levied by other agencies were outlined.
- 5 Since the last Licensing Committee meeting the Licensing Committee have written to all Hackney Carriage proprietors and drivers, Private Hire operators, drivers and proprietors on 11 February 2013 to allow all licensees the opportunity to make a comment on the proposed fees. The comments from those that responded are attached as Appendix A for Members consideration.

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Officer's responses to adverse comments to the consultation (consultation responses are printed in italics)

- 6 *18% increase rather high over 4 years. £24 per month. How many hackney licensed vehicles are there? Not a bad profit margin.*

There are currently 205 Hackney Carriage vehicles. The taxi licensing function must be self financing and should not be a burden on the Council tax payer.

- 7 *The authority should always vigourously try to keep fees down. It is noticeable that the C.R.B fees have not increased yet the councils' have.*

The taxi licensing function must be self financing and should not be a burden on the Council tax payer.

- 8 *I still believe fare increases should be in line with council fee increases each year. We have not had a fare increase for several years and this should be automatic as with train and bus fares increasing each year.*

It is for the trade to propose an increase in maximum fares to the Licensing Authority. The Licensing Authority will then consult with the trade and report the responses to the Licensing Committee for their decision on whether to increase the maximum fares a Hackney Carriage can charge. No proposal has been received from the trade.

- 9 *Is there anyway you can reduce costs by sending information in small letters, not large letter format and address to multiple names at one address. This waste of postage and paper is frustrating.*

We will certainly explore this and where there is no need to use larger envelopes documents will be sent out in smaller envelopes. We are also exploring the possibility of using on line application forms and text messaging reminders directing applicants to use the electronic route.

- 10 *Happy with all fee's. Prices going up everywhere. But there are too many taxi's on the road, so I think the numbers should be capped.*

The Law Commission carried out a consultation regarding the reform of taxi legislation in 2012. We are currently awaiting the results of this consultation and the recommendations. It is thought that they are going to propose the derestriction of vehicles and until the recommendations are released the Council is not proposing to make any changes to the current regime operated.

- 11 *All increases are well over the rate of inflation. Why do they need to increase it all? 01/04/2013 will be less than a year since the last increase. Don't do it!*

The taxi licensing function must be self financing and should not be a burden on the Council tax payer. The United Kingdom's rate of inflation in January 2013 was 2.7%.

- 12 *HC (and PH) Vehicle Licence increase from £280 per year to £290 per year is an increase of 3.57% and is NOT justified. Other HC fees are being increased by*

2.51% and 2.60%. The largest cost in any service industry (and you are a service provider) is staffing costs. You have NOT had a 3.57% pay increase-or have you? ALL FEES- You are legally obliged to only recover to costs of providing Hackney Carriage Licensing. Inflation may be running at 2.5% - 3.00% but you must evidence that your costs have risen by the percentage that you are using to increase your revenue. You cannot just assume that you have the right to increase fees by a level of inflation. Taxi drivers have had to absorb and suffer enormous rises in operating costs (fuel, insurance, maintenance and tyres etc.) throughout this economic recession whilst at the same time seeing revenues fall. The Council should show restraint and cancel any proposed increase to fees.

The proposed fees will only keep the taxi licensing budget covering its costs and although the increase for vehicle licensing is a 3.7% increase, it's only £10 year increase.

- 13 *What is the point of asking for my feedback when the prices are going to go up anyway. It is a waste of both paper and stamps.*

There is a requirement for the Licensing Authority to consult with stakeholders.

How can you justify charging £290.00 for what is a glorified M.O.T test. The only extras are the meter test and the plate being made. There is no time difference as both should take one hour.

The proposed fees will only keep the taxi licensing budget covering its costs and although the increase for vehicle licensing is a 3.7% increase, it's only £10 year increase.

It is about time we had some form of increase in fares or maybe some kind of fuel surcharge to help keep pace with the huge increase in fuel, as it has been three years since we had any form of increase.

It is for the trade to propose an increase in maximum fares to the Licensing Authority. The Licensing Authority will then consult with the trade and report the responses to the Licensing Committee for their decision on whether to increase the maximum fares a Hackney Carriage can charge. No proposal has been received from the trade.

It would help if yourself's were seen to be doing more to deal with any complaints and requests made by the taxi drivers, maybe then you would be able to justify any increase in taxi fees.

All complaints are logged and investigated by the Licensing Officers. Where possible and in the public interest Officers will take the appropriate action regarding licensees.

In the mean time I think it is just another way of taking more money off of the taxi drivers as I cant see how it is justified as I thought that taxi licensing was meant to be a non profit side of the council.

The Council is currently pursuing a project to introduce on line application forms which after the initial capital investment allow the Council to make savings to the

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service if the ability to make an online application is embraced by the trade. Processes are also being scrutinised across the Licensing Partnership to enable time savings to be made in processes. Actions are being outlined and will be reported to a later Licensing Committee once the necessary steps have been confirmed.

If any thing I think that charges should be reduced rather than going up

The taxi licensing function must be self financing and should not be a burden on the Council tax payer.

I would be interested in what you have to say on this and wait a reply.

The Licensing Partnership Manager will send a copy of this report and the minutes of the meeting to the licensee.

- 14 *Fail to see how you can increase the fees by more than inflation and not offer a fare rise. Not impressed at service to charge ratio.*

Since the Licensing Partnership formed there are now 3 Licensing Officers available to work within the taxi licensing regime and 6 administrators which allows for a service from 08:30 am until 5:30 pm. There has also been an increase in the number of enforcement checks carried out on vehicles and visits to operators bases.

Key Implications

Financial

- 15 The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this.

Community Impact and Outcomes

- 16 Taxis are an important part of the local transport offer. The proposed fees ensure that the taxi service is appropriately regulated for the benefit and safety of its users.

Legal, Human Rights etc.

- 17 Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed fees will apply to all licensees and therefore will not discriminate against any different group within the community.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Hackney Carriages and Private Hire vehicles are available to all groups within the community.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

Conclusions

- 18 The Members of the Licensing Committee having considered the responses from the taxi trade must decide whether to accept the proposal outlined above or make amendments.
- 19 If a decision is made not to accept the proposed changes the service will not be 'self-financing'.

Risk Assessment Statement

- 20 If the proposed licence fee increases are not agreed, as proposed, then financial support to the Taxi Licensing Service will have to be born from within the Council's budgets.

Appendices

Appendix A – Consultation responses

Background Papers:

Local Government (Miscellaneous) Provisions Act 1976.

Taxi Licensing Policy

Contact Officer(s):

Claire Perry 7325

Kristen Paterson

Community and Planning Services Director

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Fee Consultation Responses 2013

Date	Plate Number	Badge Number	Comments
20.02.2013	68	359	18% increase rather high over 4 years. £24 per month. How many hackney licensed vehicles are there? Not a bad profit margin.
20.02.2013		597	All seems reasonable
21.02.2013	41		The authority should always vigourously try to keep fees down. It is noticeable that the C.R.B fees have not increased yet the councils' have.
21.02.2013	31	1092	No comment
21.02.2013	73	338	No comment
21.02.2013	49	226	I still believe fare increases should be in line with council fee increases each year. We have not had a fare increase for several years and this should be automatic as with train and bus fares increasing each year.
22.02.2013			Is there anyway you can reduce costs by sending information in small letters, not large letter format and address to multiple names at one address. This waste of postage and paper is frustrating.
22.02.2013	16	872	Happy with all fee's. Prices going up everywhere. But there are too many taxi's on the road, so I think the numbers should be capped.
22.02.2013		334	No Comment
22.02.2013	80		All increases are well over the rate of inflation. Why do they need to increase it all? 01/04/2013 will be less than a year since the last increase. Don't do it!
22.02.2013		1019	HC (and PH) Vehicle Licence increase from £280 per year to £290 per year is an increase of 3.57% and is NOT justified. Other HC fees are being increased by 2.51% and 2.60%. The largest cost in any service industry (and you are a service provider) is staffing costs. You have NOT had a 3.57% pay increase-or have you? ALL FEES- You are legally obliged to only recover to costs of providing Hackney Carriage Licensing. Inflation may be running at 2.5% - 3.00% but you must evidence that your costs have risen by the percentage that you are using to increase your revenue. You cannot just assume that you have the right to increase fees by a level of inflation. Taxi drivers have had to absorb and suffer enormous rises in operationg costs (fuel, insurance, maintenance and tyres etc.) throughout this economic recession whilst at the same time seeing revenues fall. The Council should show restraint and cancel any proposed increase to fees.

25.02.2013	138	1049	No comment
27.02.13	24	905	<p>What is the point of asking for my feedback when the prices are going to go up anyway. It is a waste of both paper and stamps.</p> <p>How can you justify charging £290.00 for what is a glorified M.O.T test. The only extras are the meter test and the plate being made. Their is no time difference as both should take one hour.</p> <p>It is about time we had some form of increase in fares or maybe some kind of fuel surcharge to help keep pace with the huge increase in fuel, as it has been three years since we had any form of increase.</p> <p>It would help if yourself's were seen to be doing more to deal with any complaints and requests made by the taxi drivers, maybe then you would be able to justify any increase in taxi fees.</p> <p>In the mean time I think it is just another way of taking more money off of the taxi drivers as I cant see how it is justified as I thought that taxi licensing was meant to be a non profit side of the council</p> <p>If any thing I think that charges should be reduced rather than going up</p> <p>I would be interested in what you have to say on this and wait a reply.</p>
28.02.13	195	380	All seems acceptable
01.03.13		715	Fail to see how you can increase the fees by more than inflation and not offer a fare rise. Not impressed at service to charge ratio.