



Uttlesford District Council

Chief Executive: Dawn French

Licensing and Environmental Health Committee

Date: Monday, 23rd April, 2018

Time: 7.30 pm

Venue: Committee Room - Council Offices, London Road, Saffron Walden,
Essex CB11 4ER

Chairman: Councillor R Chambers

Members: Councillors A Anjum, G Barker, J Davey, A Gerard, T Goddard (Vice-Chair), J Gordon, E Hicks, S Morris and G Sell

Substitutes: Councillors H Asker, J Freeman, R Freeman, D Jones and
J Loughlin

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of Previous Meetings

5 - 22

To consider the minutes of previous meetings held on 13 March, 21 March and 29 March 2018.

3 Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators 23 - 40

To consider the Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators report.

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held in the COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 10.30am on 13 MARCH 2018**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, J Davey and A Gerard

Officers in
Attendance: A Bochel (Democratic Services Officer), E Smith (Solicitor) and A
Turner (Licensing Team Leader).

Also Present: Councillor B Light, S Barron, J Clarke, H Eden, R Garvey, R
Jones, J Rowe, P Warne

LIC43

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

The Chairman introduced members of the panel to the applicants and public speakers.

The procedure for determining an application for the variation of a premises licence was read to the applicants.

The Licensing Team Leader read out a summary of the report.

The Chairman invited public speakers to give statements to the panel.

R Jones said he had good relations with the hotel but the change in policy was concerning. There had been a particularly loud disturbance on the previous Friday. Smoking and drinking had occurred outside the hotel and was inconsiderate to neighbours. He said his wife was disabled, which meant that they found it difficult to leave the house and lack of parking space meant that cars blocked up the street.

R Garvey said R Jones had summarised many of his points. He had already experienced disturbance from outside the hotel, including noise and debris. A change in the hotel's licencing policy would provide the potential for further future disturbance.

J Rowe said he agreed with points made by the two previous speakers. He would like to see the hotel succeed, but he had experienced disturbance over the past few nights. One particular issue would appear to be the application to serve alcohol to bona fide guests at times when the hotel was not permitted to sell alcohol to the public.

Councillor Light said she had received representations from three residents of Saffron Walden who were not in favour of varying the premises licence. It could create more potential for public nuisance and was not consistent with the quiet and tranquil atmosphere of Saffron Walden. There could also be increased

traffic problems. She welcomed a good venue in Saffron Walden but would not like to see the licence extended.

In response to a question from members, P Warne said that licensing hours were outlined within hotel operating procedures and part of this advised respect for residents. A set of housekeeping rules was a work in progress.

P Warne clarified the meaning of bona fide guests. Legally, they were defined as a guest vouched for by the resident of the hotel. The Solicitor confirmed that this was a correct legal definition of bona fide guests.

P Warne said the point of the application to vary the licence was to give residents the opportunity to come in late and have a drink with a friend, rather than with a large group of people. It would be good for the hotel to offer such a facility.

In response to a question from members, P Warne said Greene King was the owner of the Saffron Hotel, but Messrs Clarke and Eden managed the property on a day to day basis.

Members emphasised that public safety and the potential for public nuisance were very important.

Members and P Warne, on behalf of the applicant, agreed to amend the proposed application to ensure that only hotel residents could purchase alcohol outside of ordinary hours, although their bona fide guests would still be able to consume the alcohol that residents bought for them.

On behalf of the applicant, P Warne proposed that a new condition be added to the application which would ensure that the Saffron Hotel created a Dispersal Management Policy.

At 12.10, the Committee adjourned so applicant could draft proposed changes to the application. At 12:30 the Committee returned.

At 12:32, the Committee retired to make its decision. At 12:50, the Committee returned.

Decision:

The application before the Panel today is for a variation in the terms of the premises licence of the Saffron Hotel extending the non-standard timings for the sale of alcohol to permit hotel residents and their bona fide guests to purchase and consume alcohol at times other than when the premises is licensed to sell alcohol to the general public, currently 12.00noon to 1.00 AM, the premises remaining open till 1.30AM. It is stated clearly within the application that the cost of the alcohol must be debited to the resident's room account.

The application has been served upon the statutory bodies none of which have any comments. However, representations have been received from eight interested parties raising concerns based upon licensing objective number three, namely the prevention of public nuisance, especially noise nuisance, should residents step outside onto the pavement to take the air.

We have had sight of a detailed report and have considered the extensive background papers, including:-

- Variation application form (Appendix A)
- Current premises licence (Appendix B)
- Plan of premises (Appendix C)
- Location map of premises (Appendix D)
- Representations from interested parties (Appendix E)

We have also been provided with some supplementary documentation this morning, including a copy of a letter written by Greene King's solicitors to the interested parties.

In carrying out the statutory function, the Licensing Authority must promote the licensing objectives as set out in the 2003 Act, namely:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The decisions that are available to this Committee are to

- Grant the application
- Modify the application by inserting conditions
- Reject the whole or part of the application

When determining an application due regard should be given to the Council's licensing policy and to guidance issued by the Secretary of State under the Act. UDC's policy provides as follows:-

5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that might arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

5.2 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

5.3 Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours, where licensed premises are in or near residential areas and where relevant representations have been received. Conversely, premises which can demonstrate that they have effective

controls and measures in place or proposed to prevent public nuisance, may be suitable for 24-hour opening.

5.6 If representations are made applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

5.7 When addressing the issue of prevention of public nuisance, the applicant should consider those factors that impact on the likelihood of public nuisance. These may include:

the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship

the hours during which the licensable activities will be carried out particularly between 23.00 and 07.00

A “wind down period” between the end of the licensable activities and closure of the premises the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises

the design and layout of premises and in particular the presence of noise limiting features

the occupancy capacity of the premises

the availability of public transport

A last admission time

The relevant sections of the guidance issued by the Secretary of State are:-

2.7 It will normally be the responsibility of the premises licence holder as an employee, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from the premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated

measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden on smaller venues.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address and disturbance anticipated as customers enter and leave.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

16 If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are appropriate and proportionate to promote the licensing objective relative to the presentations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

We have heard from Mr Warne on behalf of Greene King Ltd and from the tenants of the premises, Messrs Clarke and Eden. We have also heard from Cllr Light and from Messrs Jones, Garvie and Rowe who are local residents. There was some dialogue during the course of the hearing before us and the applicant has amended the proposed condition to read as follows:-

“Hotel residents will be able to purchase alcohol and they and their bona fide guests will be able to consume alcohol on the premises during times outside of the ordinary hours for sale of alcohol on the basis that payment for any alcohol is debited to the room number if a guest residing there and paid as part of their bill on checkout”

The applicant has also agreed to submit to a further condition, and this will read as follows:-

“A Dispersal Management Policy (“the Policy”) will be drawn up and implemented. The Policy will cover the following:-

Dispersal from the hotel entrance onto the High Street
House rules for residents and their bona fide guests.
Ensuring bona fide guests are vouched for by a resident.
A complaints system is implemented for neighbours.

The Policy will be available for inspection by responsible authorities and will be revisited and amended from time to time in accordance with best practice: it will further be open to review by the responsible authorities if necessary”

On the basis of these amended and additional conditions, the application is granted.

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 7.30pm on 21
MARCH 2018**

Present: Councillor R Chambers (Chairman)
Councillors A Anjum, G Barker, A Gerard, T Goddard, E Hicks
and S Morris

Officers in
attendance: A Cobden (Environmental Health Manager - Commercial), B
Ferguson (Democratic Services Officer, E Smith (Solicitor), B
Stuart (Accountant), A Turner (Licensing Team Leader) and M
Watts (Environmental Health Manager - Protection)

Also Present: B Drinkwater (representing ULODA)

LIC44 **PUBLIC SPEAKING**

1. Barry Drinkwater gave a public statement to the Committee.

The Chairman thanked Mr Drinkwater for attending and said the review of fees and charges would take the comments from the trade and ULODA into account.

LIC45 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were received from Councillors Davey, Gordon and Sell.

LIC46 **MINUTES**

The minutes of the extraordinary meetings held on the 24 January, 12 February and 19 February 2018 were received and approved as correct records.

LIC47 **FEES FOR DRIVERS, HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES AND PRIVATE HIRE OPERATORS**

The Licensing Team Leader said further work was required following the consultation relating to the revision of fees and charges for hackney carriage and private hire vehicles. She said once the figures had been formulated a further extraordinary meeting would be called for Members to review and approve the revised charges.

LIC48 **ENVIRONMENTAL HEALTH (PROTECTION) UPDATE**

The Chairman brought item 5 forward in proceedings.

The report was presented by the Environmental Health Manager (Protection).

In response to a Member question, the Environmental Health Manager (Protection) said EU directives relating to Air Quality had been adopted nationally and local authorities were responsible for monitoring and enacting action plans for areas perceived to be a problem. In those cases where an Air Quality Action Plan was implemented, the Environmental Health team would report to DEFRA who were empowered to call for additional reviews if air quality was not improved.

With regards to planning applications, the Environmental Health Manager (Protection) said a formal objection would be raised by Environmental Health if modelling data suggested that a new development would push air quality levels towards the unacceptable legal threshold.

The Environmental Health Manager (Protection) said he would report back to the committee with data relating to fly-tipping in the district and would identify any trends. He said additional resources had been allocated and new measures introduced to combat the issue, such as CCTV surveillance on sites known to be a problem.

LIC49

ENVIRONMENTAL HEALTH (COMMERCIAL) UPDATE

The Environmental Health Manager (Commercial) presented his report which updated the committee on work undertaken by the Environmental Health Commercial Service between October and December 2017.

The Environmental Health manager (Commercial) said public health and consumer safety were central to his team's activity and their remit included food hygiene, food control, occupational health and safety and the prevention of infectious diseases.

In response to a Member question, the Environmental Health Manager (Commercial) confirmed that restaurants did not have to display their 'Food Hygiene Rating Scheme' award, although this is something he would like to change. He said food hygiene inspections were mandatory and always unannounced. He added that only one premises in the district had been awarded the lowest rating available.

LIC50

CROSS BORDER OPERATIONS

The Environmental Health Manager (Protection) presented his report on cross border operations work, held in partnership with the police in and around Stansted Airport.

The Environmental Health Manager (Protection) said the exercises had been useful in ascertaining levels of compliance of licensed private hire and hackney carriage vehicles, which on the whole had been good. These operations would continue in future although they were resource intensive and generated a lot of

work for the Enforcement team. He said updates would be provided on the success of future operations in his quarterly enforcement report.

Councillor Barker requested that the data for the total number of cars 'stopped and searched' to be included in the next update report.

The Chairman thanked officers and asked for an update report on the work of the Environmental Health team on a biannual basis.

The meeting ended at 8.40pm.

Public Statements – Licensing and Environmental Health – 21 March 2018

Barry Drinkwater (representing ULODA)

Good evening, Chairman, Members and Officers

My colleagues Doug Perry, Andy Mahoney, Robert Sinnott and Richard Ellis send their apologies for absence.

Amanda Turner's update report on your agenda tonight on fees and charges refers to the consultation which you voted for at your last meeting on 24 January. You will have noted that there have been 9 responses to the consultation and details will be provided at a further extraordinary meeting of the committee. Let me put meat on the skeleton of Amanda's "short and sweet" report.

The proposals were duly advertised on the UDC website and in the local press on 1 February with a deadline for responses to be received within 28 days.

ULODA added its own weight to the public advertisement by placing it on the home page of its website as the FEBRUARY MONTHLY MESSAGE and inviting members to have their say, either directly to Tony Cobden as requested or via executive committee members. Each member received a personal email from the Chairman with a copy of the public advertisement and the original email sent out to operators and proprietors by Julie Howe in the Licensing Team.

We also ran a 12 minute video on YouTube and on the ULODA website. This took the form of a Q and A session with ULODA's Communications Officer, Ryan Cordall, asking the questions and Doug Perry, ULODA's Hon President, and I giving the answers, all scripted and rehearsed. Doug addressed the history of licence fees going back to his time as this committee's appointed leader of the Licensing Task Group in 2009/10, including creating the Licensing Reserve. I was able to build on the work behind the figures and costings by officers including the accountant, as detailed for you in Amanda's report at the last meeting.

The video had over 120 views during the consultation period and comments from operators, proprietors and drivers were gratefully received and considered by the trade delegation when we met together early in March. This meeting was attended by Andy Mahoney from 24x7, Robert Sinnott from Acme Transport, Richard Ellis from Barnston Luxury Travel and ULODA's Vice Chairman, plus Cllr Doug Perry and myself.

By this time, Tony had kindly agreed to meet with us face to face. The meeting took place on 9 March with the trade represented by Andy, Robert and myself and the council by Tony, Amanda, Roz Millership and Brian Stuart (Jo Jones taking notes). It was an excellent meeting, each of the consultation responses was reviewed in detail and there was much discussion and food for thought for all of us. The outcome you (and we!) will have to wait a little longer to see and consider at the further extraordinary meeting of this committee - which is still to be arranged, according to Amanda's report, following officers' further work.

Let me close by reinforcing the trade delegation's bona fides. Below is an enhanced extract from my 1 March email to Tony Cobden following the consultation:

Dear Tony

Doug Perry, Andy Mahoney, Robert Sinnott, Richard Ellis and I met this week to consider and develop our collective response to the consultation. Doug is ULODA's Honorary President and ex-Chairman of UDC's Licensing Committee, and a Saffron Walden Town Councillor. Andy is Managing Director of the 24x7 Group. Robert is Managing Director of Acme Transport. Richard is Managing Director of Barnston Luxury Travel and ULODA's Vice Chairman. I was for some years Managing Partner of Direct Connections before retiring and still am ULODA's Chairman.

Together we ... form the "trade delegation" which meets with the council on behalf of the taxi and private hire trade. With the exception of Doug who at the time was a District Councillor, we met with your predecessor as Lead Licensing Officer and his accountant every year from 2010 to 2016 to review the Licensing Accounts and the Budget for the year ahead and in effect together sign them off. For whatever reason, this annual review meeting was discontinued on your predecessor's retirement in 2016, despite his and our best efforts to continue with it as a valid, reliable and open mechanism....

You heard the public statements made by Andy and myself at the last LEHC meeting on 24 January in anticipation of Amanda's report. Regrettably, we had no knowledge of this document or its contents until the agenda for the meeting was posted on UDC's website a few days beforehand, thus giving us little time to prepare. In earlier years the trade delegation was always consulted on the council's Licensing Accounts and the Budget along with the supporting calculations ahead of their being presented to committee for approval....

[Five responses from the trade delegation detailed will be provided along with 3/4 individual objections to the extraordinary meeting.]

Having volunteered to be the author of this email, I assure you that its content has been agreed with all the trade representatives named in the opening paragraph. We thus choose to be showing what Doug calls "a united front". You can sense, we all hope, that we are looking forward to a full, frank and open discussion [on 9 March} which will allow us to "clarify any issues or address concerns raised as part of the consultation", to quote from your email of 26 February. In your email of 27 February you say "I think it would be beneficial to try and ensure that the meeting is as representative as possible of the Local Trade which will allow the widest spectrum of views to be considered."

I will forward separately one ULODA member's objection and you are thought to have at least one other from a member who has forgotten or chosen not to copy it to us.

Others, who have replied to prompts or the video interview with a one word comment, Richard and I have chosen to exclude on the basis that they haven't specified any grounds for their objections.

Kind regards

Barry Drinkwater
Chairman, ULODA

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held in the COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 10.30am on 29 MARCH 2018**

Present: Councillor R Chambers (Chairman)
Councillors E Hicks and J Loughlin

Officers in

Attendance: A Bochel (Democratic Services Officer), M Chamberlain
(Enforcement Officer), J Jones (Licensing Officer) and C
Nicholson (Solicitor)

Also Present: The applicant in relation to item 3

LIC52

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

LIC53

**DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS
LICENCE**

The procedure for determining a private hire/hackney carriage licence was read to the applicant.

The Committee considered the Licensing Officer's report.

The applicant had the following convictions:

- 10 May 1972, Theft, £10 fine
- 20 December 1973 Assault, Conditional Discharge 12 months
- 8 June 1976 Handling Stolen Goods, 6 month's imprisonment wholly suspended for 2 years
- 21 July 1977, Robbery, 30 month's imprisonment

The applicant did not meet the Council's licensing standards because although the convictions were spent in accordance with the Rehabilitation of Offenders Act 1974, point 5 of the Licensing Standards – Drivers states that an applicant must have "no criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed".

The applicant said he had been a stupid young man at the time of the offences. He had seen the error of his ways and had not committed a crime since he was

given parole. He had secured a high position in a large insurance company and had gone on to run his own successful business.

In response to a question from Councillor Loughlin, the applicant said he believed himself to be a fit and proper person to hold a private hire/hackney carriage drivers licence because he had not committed a crime since 1977.

At 10.45, the Committee retired to make its decision.

At 10.50, the Committee returned.

The decision was read to the applicant.

Decision

The applicant has applied to the Council for a joint private hire/hackney carriage driver's licence. On his application form he disclosed a number of convictions details of which are set out in the officer's report. The convictions were varied but included offences of dishonesty and violence. In respect of these offences he received a range of punishments including custodial sentences. By virtue of the custodial sentence for offences of dishonesty the applicant does not meet the Council's licensing standards.

Where an applicant does not meet licensing standards it is for the applicant to make their case that the Council should depart from its policy and the applicant must demonstrate that notwithstanding the fact that he fails to meet the Council's licensing policy he is a fit and proper person.

Members note the explanations given by the applicant, detailed in the report and here today. The committee also note that the last offence was 40 years ago and that the applicant has had no convictions of any nature since.

The applicant has also had regular employment with a number of different employers for whom he worked a considerable amount of time, including driving as a chauffeur.

In the circumstances, members are satisfied that the applicant is a fit and proper person and that it is therefore appropriate to make a departure from its policy. The applicant will be granted a driver's licence.

LIC54

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The Chairman informed the Committee that the applicant had said he would be unable to attend the hearing.

The Committee considered the Licensing Officer's report.

The applicant had the following convictions:

- 4 June 1976, Obtaining Pecuniary Advantage by Deception, £10 fine
- 6 August 1976, Going Equipped for Theft, Conditional Discharge 2 years
- 24 June 1987, Theft, 2 month's imprisonment wholly suspended for 1 year

The applicant did not meet the Council's licensing standards because although the convictions were spent in accordance with the Rehabilitation of Offenders Act 1974, point 5 of the Licensing Standards – Drivers states that an applicant must have “no criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed”.

At 10:55, the Committee retired to make its decision.

At 11:00, the Committee returned.

The decision was read to those present.

Decision

The applicant has applied to the Council for a joint private hire/hackney carriage driver's licence. On his application form he disclosed a number of convictions details of which are set out in the officer's report. The convictions were for offences of dishonesty. In respect of these offences he received a range of punishments including a custodial sentence, which was suspended. By virtue of the custodial sentences for offences of dishonesty the driver does not meet the Council's licensing standards.

Where an applicant does not meet licensing standards it is for the applicant to make their case that the Council should depart from its policy and the applicant must demonstrate that notwithstanding the fact that he fails to meet the Council's licensing policy he is a fit and proper person.

Members note the explanations given by the applicant, detailed in the report and in the written submissions put before Members today. The committee also note that the last offence was 30 years ago and that the applicant has had no convictions of any nature since.

The applicant has had regular employment before and since his last conviction, working for Scottish and Newcastle for many years, and remaining with them despite the conviction in 1987, within a responsible role, and has carried out other driving work since 2014. He has also carried out voluntary work, and been a foster parent for 10 years, with all the trust and responsibility that entails.

In the circumstances, members are satisfied that the applicant is a fit and proper person and that it is therefore appropriate to make a departure from its policy. The applicant will be granted a driver's licence.

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The driver in relation to Item 5 had not arrived, and had not given notice of her intention to attend the hearing.

The Committee considered the report of the Enforcement Officer.

Uttlesford District Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and then every three years after that. These checks assist the Council in assessing whether an applicant is a 'fit and proper' person to hold a private hire/hackney carriage driver's licence.

The driver had not renewed her medical or DBS checks following the sending of reminder letters. She then informed the Enforcement Officer that she no longer worked as a taxi driver, and despite further attempts at communication by the officer, had not surrendered her licence.

At 11.05, the Committee retired to make its decision.

At 11.10, the Committee returned.

The decision was read to those present.

Decision

Despite the fact that the driver is not currently carrying out driving work, as the licence remains in place, she would have the option to start carrying out driving work at any time. Therefore it is important that whilst the licence is in existence, up to date checks have been carried out. The failure to have a new DBS or medical leads the Council to consider whether the driver remains a fit and proper person to hold a licence.

S61(1)(b) of Local Government (Miscellaneous Provisions) Act 1976 provides that the Council can suspend or revoke a licence for 'any other reasonable cause'.

Members note that the driver's failure to provide an up to date medical or DBS check is a breach of Council policy, the checks are vital to establish that a driver is medically fit enough to drive, and have not received any criminal convictions in the period since their last DBS check. As Members do not have that information, and public safety is of paramount importance, Members are not satisfied that the driver is a fit and proper person, and therefore revoke her licence.

The driver is advised that she has a right to appeal against this decision at the Magistrates Court, and that any such appeal must be lodged within 21 days. The revocation will come into effect following the end of the appeal period.

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The driver in relation to Item 6 had not arrived, and had not given notice of her intention to attend the hearing.

The Committee considered the report of the Enforcement Officer.

Uttlesford District Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and then every three years after that. These checks assist the Council in assessing whether an applicant is a 'fit and proper' person to hold a private hire/hackney carriage driver's licence.

The driver had not renewed her medical or DBS checks following the sending of reminder letters. Despite further attempts at communication by officers, she had not surrendered her licence.

At 11.15, the Committee retired to make its decision.

At 11.20, the Committee returned.

The decision was read to those present.

Decision

The driver holds a current joint private hire/ hackney carriage drivers licence.

Her three yearly medical and DBS check as is required by the Council's policy, were both due to be carried out in October 2017. The driver has been chased by the Council by letter on three occasions and has not contacted the Council or provided any explanation for the failure.

This failure to provide up to date checks leads the Council to consider whether the driver remains a fit and proper person.

S61(1)(b) of Local Government (Miscellaneous Provisions) Act 1976 provides that the Council can suspend or revoke a licence for 'any other reasonable cause'.

Members note that the driver's failure to provide an up to date medical or DBS check is a breach of Council policy, the checks are vital to establish that a driver is medically fit enough to drive, and have not received any criminal convictions in the period since their last DBS check. As Members do not have that information, and public safety is of paramount importance, Members are not satisfied that the driver is a fit and proper person, and therefore revoke her licence.

The driver is advised that she has a right to appeal against this decision at the Magistrates Court, and that any such appeal must be lodged within 21 days. The revocation will come into effect following the end of the appeal period.

The meeting ended at 11.30.

Agenda Item 3

| | | | |
|-----------------------|---|---------------------------|---------------|
| Committee: | Licensing and Environmental Health | Date: | 23 April 2018 |
| Title: | Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators | | |
| Report Author: | Amanda Turner, Licensing Team Leader | Item for decision: | Yes |

Summary

1. On 24 January 2018 the Licensing and Environmental Health Committee approved the proposed fee structure to come into effect on 3 April 2018.
2. This report considers the responses to consultation on the proposed increases to the fees relating to hackney carriage and private hire vehicles and private hire operators licences.
3. As objections have been received on this matter the Committee must consider whether the variation to fees will come into force with or without modification.

Recommendations

4. That the Licensing and Environmental Committee approve the proposed fee structure attached at Appendix B, to take effect on 1 May 2018, notwithstanding the objections received during the consultation period.

Financial Implications

5. There are cost implications to the Council in undertaking this statutory service, but the legislation requires the Council to recover its costs in administering the scheme and ensuring compliance.

Background Papers

6. None

Impact

| | |
|----------------------------|---|
| Communication/Consultation | On 1 February 2018 all Operators and Hackney Carriage proprietors and the Trade Association were emailed and advised of the proposed fee structure. This was also advertised in 2 local newspapers circulating the District of Uttlesford and also on the Uttlesford website. |
| Community Safety | A principle purpose of the licensing of hackney carriages and private hire drivers, vehicles and operators is safeguarding the |

| | |
|---------------------------------|---|
| | public |
| Equalities | None |
| Health and Safety | None |
| Human Rights/Legal Implications | <p>Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) allow the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.</p> <p>In accordance with section 70 of the Local Government (Miscellaneous Provisions) Act 1976, there is a legal requirement for the Council to undertake a public consultation on any proposal to increase hackney carriage and private hire vehicle and Operators fees and charges.</p> |
| Sustainability | None |
| Ward-specific impacts | None |
| Workforce/Workplace | None. The fees that would take effect from 1 May 2018 do not take into account recommendations arising from a review of licensing that is currently taking place. |

Situation

7. The Council is required to review the fees relating to hackney carriage and private hire vehicles and private hire operators licences to ensure full cost recovery of the licensing service in relation to the relevant cost centres.
8. On 24 January 2018, following a review of the Council’s licensing fees and charges, members of the Licensing and Environmental Health Committee approved the fee structure presented to them in Appendix B.
9. There is a requirement for the council to undertake a formal consultation and consider any objections received prior to implementing any increase.
10. Objections were received and the increase in fees which were due to come into effect on 3 April was postponed as it was prudent to seek Counsel’s advice on the matters in paragraph 13 below. The Committee was advised of this on 21 March 2018.

Consultation

11. Emails detailing the proposals were sent to the Chairman of the ULODA Taxi Trade Association, all licensed private hire operators and hackney carriage proprietors. A statutory notice was placed in the Saffron Walden Reporter and Dunmow Broadcaster on 1 February 2018 displaying the proposed fees and advising that any objections should be received by 28 February 2018. A notice was also placed on the Council's website.
12. Nine responses were received of which five were from ULODA, two from individual Hackney carriage proprietors and two from licensed drivers of a private hire operator. The responses received can be seen in Appendix D.
13. A meeting of Officers was held with the trade organisation on 9 March 2018 to go through each of the responses received in detail and answer any questions raised by Members of the Trade.
14. The trade asked for clarification on one point concerning what areas of licensing enforcement can be included in the fees.
15. The trade were informed that no prosecution costs had been included in the calculations. However in additional Legal advice was sought which has confirmed that areas previously calculated in relation to the cost of pre application checks and enforcement administration can be appropriately included in the calculations, continuing the council's previous practice.

Considerations

16. The previous fee increase was approved and came into effect on 1 October 2015. There has been no increase in taxi fees during the years of 2016 and 2017 but the council's costs have inescapably increased to a level that requires the increase in fees proposed.
17. All representations made during the consultation period have been addressed.
18. The legal advice received confirms that the fees have been calculated correctly and that no changes are required to the new fees proposed in the previous report of 24 January 2018 on that ground.
19. Having considered the objections received during the consultation Members are requested to approve the proposed fee structure attached as Appendix B to take effect on 1 May 2018.

Risk Analysis

| Risk | Likelihood | Impact | Mitigating actions |
|---|--|--|--|
| Fees are set at a level in excess of that required to cover the cost of | 1 – in preparing the proposed fees officers have | 2 – a surplus would be generated which could | To minimise the risk of challenge to the fees and charges they are designed to meet, but |

| | | | |
|-------------------------|-----------------------------------|---|--|
| the Licensing Authority | kept costs to an absolute minimum | be countered by a reduction in future years | not exceed, the cost the Council reasonably believes will be incurred in the issuing of licences and the administration of the service |
|-------------------------|-----------------------------------|---|--|

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix A

TAXI LICENSING SPEND AND INCOME FOR 3 YEARS FROM 2016/17 TO 2018/19

Since 1st Oct 2015, driver licences have been issued for a period of 3 years and operator licences for a period of 5 years. Vehicle licences continued to be issued for a period of 1 year. As a result of this change it is necessary when examining the costs and income from taxi licensing to observe them over a number of years to discern the underlying deficit the service operates under. Ideally one would use a duration equal to the lowest common multiple of the licences' durations i.e. 15 years. However, given the relatively low value of the operator licence income stream in comparison with the other 2 income streams it will suffice for our purposes to observe the income and costs of the council's taxi licensing operations over a 3 year period.

| | 2016-17 | 2017/18 Projected | 2018/19 Projected (at current fees) |
|---|-----------------|----------------------|---|
| All figures have been rounded to the nearest hundred | | | |
| Costs relating to the whole of Council's licensing functions (i.e. premises, animal, taxis etc.) | | | |
| Staffing costs | 117,000 | 141,700 | 175,600 |
| Seminars | 2,400 | 4,000 | 4,000 Note 1 |
| Supplies | 600 | 0 | 600 Note 2 |
| Subscriptions | 400 | 500 | 500 Note 3 |
| Management | 40,900 | 41,700 | 42,500 Note 4 |
| Accountancy | 3,100 | 3,100 | 3,200 |
| Legal | 39,200 | 40,000 | 40,800 Note 5 |
| Internal audit | 2,100 | 2,200 | 2,200 Note 6 |
| Human resources | 6,800 | 6,900 | 7,000 Note 7 |
| Printing | 4,000 | 4,100 | 4,200 Note 8 |
| Mailroom | 4,600 | 4,700 | 4,800 Note 9 |
| Customer services section | 17,300 | 17,600 | 18,000 Note 10 |
| ICT | 31,400 | 32,000 | 32,600 Note 11 |
| Accommodation | 15,800 | 16,100 | 16,400 Note 12 |
| Total costs relating to the whole of the licensing function | 285,600 | 314,600 | 352,400 |
| Share of costs relating to taxi licensing =67% (2/3rds) | 191,400 | 210,800 | 236,100 |
| Costs relating exclusively to Taxi licensing | | | |
| Driver CRBs | 16,300 | 15,000 | 15,000 |
| Driver checks | 7,600 | 7,900 | 7,900 |
| Advertising | 100 | 100 | 100 Note 13 |
| Taxi plate materials | 9,800 | 10,100 | 10,200 |
| Legal | 0 | 1,000 | 0 |
| Enforcement | 70,900 | 72,300 | 73,700 Note 14 |
| Total costs relating exclusively to taxi licensing | 104,700 | 106,400 | 106,900 |
| Total costs attributable to taxi licensing | 296,100 | 317,200 | 343,000 |
| Taxi licensing income | | | |
| Taxi Operator licence income | 13,500 | 2,800 | 1,400 |
| Taxi vehicle licence income | 85,100 | 99,400 | 107,600 |
| Taxi driver licence income | 148,800 | 102,300 | 197,000 |
| Reimbursement of CRB costs | 16,600 | 15,000 | 15,000 |
| Total income from taxi licensing | 264,000 | 219,500 | 321,000 |
| Net (deficit)/surplus on taxi licensing | (32,100) | (97,700) | (22,000) |
| <hr/> | | | |
| Balance brought forward on licensing reserve at 1st April 2016 | 17,000 | | |
| Transfer of licensing deficit to licensing reserve | (17,000) | | |
| Balance carried forward on licensing reserve at 31st March 2017 | 0 | | |

Appendix A continued

Note 1: Training related expenses

Note 2: Stationery and equipment

Note 3: Professional Subscriptions to The Institute of Licensing

Note 4: Management - made up of two elements; corporate management and direct service management. Corporate management is apportioned to services on staff numbers and direct service mgmt based on % time allocation

Note 5: Legal Services Team general licensing work - the recharge is based on % time allocation

Note 6: Internal Audit Service - the recharge is based on % average of the 3 year Audit Programme

Note 7: Human Resources Service - the recharge is apportioned to services based on staff numbers

Note 8: In-house Print Service - supplies paper etc

Note 9: Includes Postage costs and admin element

Note 10: Customer Service Centre is the first point of contact with the Council and covers, receptions, telephony and cashiering. The costs are recharged to services based on % time allocation

Note 11: Information Communication Technology Service providing system support - the recharge is based on a combination of the number of PCs and telephones as well as software costs

Note 12: Saffron Walden office premises costs and stewarding - apportioned to services based on floor space occupied

Note 13: Advertising of new fees

Note 14: Enforcement Team - the recharge is based on % time allocation

Appendix B

SUMMARY OF PROPOSED CHANGES IN LICENSING FEES FROM 1ST APRIL 2018

| | Current fee (Oct 2015) £ | Proposed fee £ | Increase | Cost per week for proposed fee (£) | Workings reference |
|---------------------|--------------------------------|----------------------|----------|--|-----------------------|
| Drivers - 3 years | | | | | |
| New licence | 140 | 173 | 23.6% | 1.11 | W1 |
| Renewal of licence | 129 | 160 | 23.7% | 1.02 | W2 |
| Drivers - 2 years | | | | | |
| New licence | 110 | 127 | 15.5% | 1.22 | |
| Renewal of licence | 99 | 114 | 15.2% | 1.10 | |
| Drivers - 1 year | | | | | |
| New licence | 80 | 91 | 13.8% | 1.75 | |
| Renewal of licence | 69 | 77 | 11.6% | 1.48 | |
| Vehicle | | | | | |
| New licence | 50 | 58 | 16.9% | 1.12 | W3 |
| Renewal of licence | 42 | 47 | 12.6% | 0.91 | W4 |
| Transfer of licence | 23 | 40 | 73.9% | 0.77 | W7 |
| Operator | | | | | |
| New licence | 350 | 427 | 21.9% | 1.64 | W5 |
| Renewal of licence | 346 | 420 | 21.3% | 1.61 | W6 |

EFFECT ON TAXI LICENSING OPERATIONAL DEFICIT FROM PROPOSED INCREASE IN LICENCE FEES

| | 2016-17 | 2017/18 Projected | 2018/19 Projected |
|---|----------|----------------------|----------------------|
| Net (deficit)/surplus on taxi licensing at current licence fees | (32,100) | (97,700) | (22,000) |
| Increase in income from proposed rise in fees | 52,100 | 38,800 | 61,800 |
| Net (deficit)/surplus on taxi licensing after proposed rise in fees | 20,000 | (58,900) | 39,800 |

So over a 3 year cycle the proposed increase in licence fees is projected to result in a breakeven position i.e. the costs of running the licensing function are matched by the income generated from taxi licensing.

Appendix C

W1 ANALYSIS OF CHANGE IN DRIVER NEW LICENCE FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|------------------------|-------------|--------|
| Fee | 140 | 173 | 31% | |
| <u>DATA BEHIND CALCULATION OF THE FEE</u> | | | | |
| Total number of minutes work | 253 | 294 | 21% | Note 1 |
| Average employee salary cost per hour | 18.9 | 22.9 | 21% | |
| Average employee admin cost per hour | 2.0 | 1.4 | -29% | |
| Average employee recharge cost per hour | 10.0 | 8.6 | -14% | |
| Total avg employee cost per hour (sum of 3 rows above) | 30.9 | 32.9 | 6% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 130.3 | 161.0 | | |
| Materials/Advertising/Driver checking costs | 12.0 | 12.0 | 0% | |
| Total cost of work | 142 | 173 | | Note 2 |

Note 1: Reason for increase in number of minutes (only tasks where timings differ are shown)

| | Minutes in fee set Oct-15 | Minutes in fee proposed Apr-18 | % change | |
|--|---------------------------------|--------------------------------------|----------|--------|
| Application process | 73.0 | 86.0 | 18% | |
| Case notes | 11.0 | 9.0 | -18% | |
| Committee work | 33.0 | 32.6 | -1% | |
| Work during years 2 and 3 of the licence | 76.0 | 74.0 | -3% | |
| Emails | 14.0 | 25.4 | 81% | Note 3 |
| Letters | 5.0 | 1.0 | -80% | |
| Phones | 19.0 | 20.6 | 8% | |
| Right to work | 0.0 | 5.7 | | Note 4 |
| Pre application checks by enforcement team | 1.0 | 19.0 | 1800% | |

Note 2: Original workings for the Oct 2015 fee indicate fee should have been £142 instead of £140

Note 3: Greater time spent on emails due to taking into account time spent dealing with emails sent as well as received (in the past only time spent on emails received were included in the costing)

Note 4: Time taken undertaking 'Right to work' checks was not included in the costing of the fee set in Oct 2015

Appendix C continued

W2 ANALYSIS OF CHANGE IN DRIVER RENEWAL LICENCE FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|------------------------|----------|--------|
| Fee | £129 | £160 | 24% | |
| DATA BEHIND CALCULATION OF THE FEE | | | | |
| Total number of minutes work assumed | 231 | 270.7 | 17% | Note 1 |
| Average employee salary cost per hour | 19 | 22.9 | 21% | |
| Average employee admin cost per hour | 2 | 1.4 | -30% | |
| Average employee recharge cost per hour | 10 | 8.6 | -14% | |
| Total avg employee cost per hour (sum of 3 rows above) | <u>31</u> | <u>32.9</u> | 6% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 119 | 149 | 25% | |
| Materials/Advertising/Driver checking costs | <u>11</u> | <u>11</u> | 0% | |
| Total cost of work | 130 | 160 | 22% | Note 2 |

Note 1: Reason for increase in number of minutes (only tasks where timings differ are shown)

| | Minutes in fee set Oct-15 | Minutes in fee set Apr-18 | % change | |
|--|---------------------------------|---------------------------------|-------------|--------|
| Application process | 63.3 | 68.0 | 7% | |
| Case notes | 9.7 | 8.7 | -11% | |
| Committee work | 30.0 | 32.6 | 9% | |
| Work during years 2 and 3 of the licence | 69.8 | 74.0 | 6% | |
| Emails | 13.4 | 25.2 | 88% | Note 3 |
| Letters | 4.3 | 1.1 | -75% | |
| Phones | 17.4 | 20.6 | 18% | |
| Pre application checks by enforcement team | 1.5 | 19.0 | 1179% | |

Note 2: Original workings behind the Oct 2015 fee indicate the fee should have been £130 rather than £129

Note 3: Greater time spent on emails due to taking into account time spent dealing with emails sent as well as received (in the past only time spent on emails received were included in the costing)

Appendix C continued

W3 ANALYSIS OF CHANGE IN VEHICLE NEW LICENCE FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|------------------------|-------------|--------|
| Fee | 50.0 | 58.4 | 16.9% | |
| <u>DATA BEHIND CALCULATION OF THE FEE</u> | | | | |
| Total number of minutes work | 102.0 | 103.3 | 1.3% | |
| Average employee salary cost per hour | 14.8 | 18.6 | 25.7% | |
| Average employee admin cost per hour | 1.9 | 1.5 | -21.1% | |
| Average employee recharge cost per hour | 8.8 | 7.1 | -19.3% | |
| Total avg employee cost per hour (sum of 3 rows above) | <u>25.5</u> | <u>27.2</u> | 6.7% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 43.4 | 46.8 | 8.0% | |
| Materials/Advertising/Driver checking costs | 8.6 | 11.6 | 35.2% | Note 1 |
| Total cost of work | 51.9 | 58.4 | 12.5% | Note 2 |

Note 1: Advertising of new fees and equipment (plates etc)

Note 2: Workings behind the Oct 2015 fee indicate cost should have been £51.9 rather than £52

W4 ANALYSIS OF CHANGE IN VEHICLE RENEWAL LICENCE FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|---------------------------|-------------|--------|
| Fee | 42.0 | 47.3 | 12.6% | |
| <u>DATA BEHIND CALCULATION OF THE FEE</u> | | | | |
| Total number of minutes work | 93.9 | 92.3 | -1.7% | |
| Average employee salary cost per hour | 15.1 | 18.7 | 12.4% | |
| Average employee admin cost per hour | 1.9 | 1.5 | -17.9% | |
| Average employee recharge cost per hour | 8.9 | 6.8 | -19.7% | |
| Total avg employee cost per hour (sum of 3 rows above) | <u>25.9</u> | <u>27.0</u> | -1.2% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 40.5 | 41.5 | 2.3% | |
| Materials/Advertising/Driver checking costs | 3.2 | 5.8 | 82.4% | Note 1 |
| Total cost of work | 43.7 | 47.3 | 8.2% | Note 2 |

Note 1: Advertising of new fees and equipment (plates etc)

Note 2: Workings behind the Oct 2015 fee indicate cost should have been £43.7 rather than £42

Appendix C continued

W5 ANALYSIS OF CHANGE IN OPERATOR NEW LICENCE FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|---------------------------|-------------|--------|
| Fee | 350.0 | 426.5 | 21.9% | |
| <u>DATA BEHIND CALCULATION OF THE FEE</u> | | | | |
| Total number of minutes work | 527.0 | 667.9 | 26.7% | Note 3 |
| Average employee salary cost per hour | 27.9 | 26.3 | -5.7% | |
| Average employee admin cost per hour | 1.1 | 1.0 | -9.1% | |
| Average employee recharge cost per hour | 10.4 | 11.0 | 5.8% | |
| Total avg employee cost per hour (sum of 3 rows above) | 39.4 | 38.3 | -2.8% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 346.1 | 426.3 | 23.2% | |
| Materials/Advertising/Driver checking costs | 8.8 | 0.2 | -97.7% | Note 1 |
| Total cost of work | 354.9 | 426.5 | 20.2% | Note 2 |

Note 1: The fall in this cost is due to a fall in the advertising cost which is in turn caused by a combination of fall in cost of placing adverts as well as the costs being shared out among far greater number of vehicle licences than first anticipated (advertising is carried out jointly for change in vehicle and operator licence fees) as well as an assumption of a change in fees every 3 years instead of every year which of course only requires advertising every 3 years rather than annually.

Note 2: Workings for fee set in Oct 2015 indicate fee should have been £355 instead of £350

Note 3: Analysis of the main reasons for increase in the number of mins spent on new operator licence

| | <u>Minutes for the fee</u> | | diff |
|------------------------------------|----------------------------|--------|------------|
| | Oct-15 | Apr-18 | |
| Case notes | 81 | 23 | -58 |
| Committee work | 133 | 110 | -23 |
| Emails | 127 | 71 | -56 |
| Phone calls | 81 | 55 | -25 |
| Pre application enforcement checks | 36 | 338 | 302 |
| | | | <u>140</u> |

Appendix C continued

W6 ANALYSIS OF CHANGE IN OPERATOR RENEWAL LICENCE FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|---------------------------|----------|--------|
| Fee | 346.0 | 419.7 | 21.3% | |
| <u>DATA BEHIND CALCULATION OF THE FEE</u> | | | | |
| Total number of minutes work | 519.0 | 655.0 | 26.2% | Note 3 |
| Average employee salary cost per hour | 28.1 | 26.4 | -6.0% | |
| Average employee admin cost per hour | 1.1 | 1.0 | -9.1% | |
| Average employee recharge cost per hour | 10.4 | 11.0 | 5.8% | |
| Total avg employee cost per hour (sum of 3 rows above) | 39.6 | 38.4 | -3.0% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 342.5 | 419.2 | 22.4% | |
| Materials/Advertising/Driver checking costs | 8.8 | 0.5 | -94.3% | Note 1 |
| Total cost of work | 351.3 | 419.7 | 19.5% | Note 2 |

Note 1: The fall in this cost is due to a fall in the advertising cost which is in turn caused by a combination of fall in cost of placing adverts as well as the costs being shared out among far greater number of vehicle licences than first anticipated (advertising is carried out jointly for change in vehicle and operator licence fees) as well as an assumption of a change in fees every 3 years instead of every year which of course only requires advertising every 3 years rather than annually.

Note 2: Workings for fee set in Oct 2015 indicate fee should have been £351 instead of £346

Note 3: Analysis of the main reasons for increase in the number of mins spent on new operator licence

| | Minutes per fee | | diff |
|------------------------------------|-----------------|--------|------------|
| | Oct-15 | Apr-18 | |
| Application process | 33 | 30 | -3 |
| Case notes | 81 | 23 | -58 |
| Committee work | 133 | 110 | -23 |
| Emails | 127 | 71 | -56 |
| Phone calls | 81 | 55 | -25 |
| Pre application enforcement checks | 36 | 338 | 302 |
| | | | <u>137</u> |

Appendix C continued

W7 ANALYSIS OF CHANGE IN VEHICLE LICENCE TRANSFER FEE

| | Fee set in Oct-15 | Proposed fee Apr-18 | % change | Notes |
|---|----------------------|---------------------------|-------------|-------|
| Fee | 23.0 | 40.0 | 73.9% | |
| <u>DATA BEHIND CALCULATION OF THE FEE</u> | | | | |
| Total number of minutes work | 54.0 | 90.0 | 66.7% | |
| Average employee salary cost per hour | 15.1 | 18.7 | 12.4% | |
| Average employee admin cost per hour | 1.9 | 1.5 | -17.9% | |
| Average employee recharge cost per hour | 8.9 | 6.8 | -19.7% | |
| Total avg employee cost per hour (sum of 3 rows above) | 25.9 | 27.0 | -1.2% | |
| Total employee costs (mins/60 x Total avg employee cost p/h) | 23.3 | 40.4 | 73.5% | |
| | | | | |
| Total cost of work | 23.3 | 40.4 | 73.5% | |

Appendix D

Written responses received to the 28 day fee consultation are shown below:

- A Members have previously insisted on seeing any justification for Increases (or for no increases) based on detailed costings, and on being assured that officers have consulted with the trade delegation. They've wanted to satisfy themselves in advance of the budget year that the proposals have been agreed between officers and the trade to be justified, fair and reasonable BEFORE they finally approve them.

Officers reported that when previous fee increases took place a pre-meeting did take place as this was involving using up the surplus or the Act changing so the period of a licence was different. Now this is not the case ULODA and all other licensed proprietors would have time to make any representations during the 28 day consultation period following the meeting.

- B There are no visible Licensing Accounts to provide the baseline. Is the 2016-17 column in Appendix A the "actuals" for the year? The box in the bottom left hand corner includes a statement about the Licensing Reserve but these are just words, with no supporting figures in transparent Licensing Accounts format - to which we became accustomed.

Our Accountant reported Appendix A gives the base deadline and shows the actual costs. The 2016/17 column is Actuals.

- C The detailed projected costings in Appendix A. The biggest increase is in staffing costs, yet there is no indication of why, or whether this "hides" an increase in staff (likely, we think) and if so what grade or level is anticipated and to what activity will the resource be allocated? It's good to note a continuing emphasis on the containment of costs, but we must ask yet again why is Enforcement charged to the trade when there is case law to support its being borne by a central cost centre/reserve and retained there or allocated elsewhere?

The enforcement issue will be dealt with in point E. Appendix C shows grade of staffing involved and timings. In 2016/17 there was an additional part-time admin post. Appendix C explains that the increase from £117,000 to £175,000 is due to the number of licences being processed.

- D Appendices A and B contain no justification for any of the individual proposed changes. There is no narrative to indicate the assumptions

on which they are based. Why the proposed massive increase (73.9%!) in the transfer fee for vehicle licences? Also, we are used to seeing the council's forecast increase in the numbers of drivers, vehicles and operators to help explain the increases in income. What volume is being assumed in numbers of new driver, vehicle and operator licences? A related question is what "churn" effect has been assumed? This will impact on retained income from licence fees as there is no provision for early repayment.

Transfer fees have the highest percentage increase due to not being included in the last fee increase structure, consequently this fee has not increased since 2010.

- E Both driver and operator new licences and renewals are showing the new elements of prosecution work and cautions in the costings. None of us can remember seeing these elements before and we must challenge their inclusion as inappropriate - at a time when Enforcement Officers are claiming to be sponsoring far fewer committee hearings and prosecutions, with the emphasis moving to informal advice and education, which we have long sought as the preferred, modern and proportionate way of treating offenders.

We have always charged an element for administration pre-checks. We are aware of what we can charge for. The description was incorrect and should have read enforcement administration, eg. going to check if an office is really being used, speaking to drivers who have points on their licence they haven't declared. Was previously shown in a different area under phone calls and e-mails. This figure has gone down and been moved across.

- F Just my input 23% is a bit steep considering even over the past 5 years added up is only about 13% inflation. Plus 5.99% council tax/mortgage's/index retail rises. At 4.1%. Where do they expect people to find the extra money for these increases. I wish i could get between 10-23% increase. Plus we haven't had a increase for 5 years.

This comment relates to Table of Fares increase. The last increase was in October 2012. It was agreed at Licensing Committee in November 2004 the trade can put in a written request anytime they feel it necessary for an increase in fares.

- G (received twice from 2 individuals) Following on from the notice posted recently regarding the increase in Taxi Licensing fee's I would like to object to the proposal. The increase is far in excess of any inflation related increase since 2015 – even if you took a 3.5% annual RPI rise for two years, the increase should only be around 7%. The proposed increases are far in excess of that.

| | Existing fee | Proposed fee | % Increase |
|--------------------------|-------------------------------|-------------------------------|------------|
| Private Hire Vehicle | £50 new (1 year licence) | £58 new (1 year licence) | 16% |
| | £42 renewal (1 year licence) | £47 renewal (1 year licence) | 11.9% |
| | £23 vehicle transfer | £40 vehicle transfer | 73.9% |
| Hackney Carriage Vehicle | £50 new (1 year licence) | £58 new (1 year licence) | 16% |
| | £42 renewal (1 year licence) | £47 renewal (1 year licence) | 11.9% |
| | £23 vehicle transfer | £40 vehicle transfer | 73.9% |
| Private Hire Operator | £350 new (5 year licence) | £427 new (5 year licence) | 22% |
| | £346 renewal (5 year licence) | £420 renewal (5 year licence) | 21.4% |

The increase seems to be based on the requirement to fill a shortfall in funding at the council. Whilst I understand that funding requirements have to be met, I do not agree that the cost of this should be passed disproportionately onto the taxi industry. Costs and budget management exercises, should be utilised within the department so that shortfalls do not occur, and if necessary the use of standard austerity measures currently being implemented across all levels of council and government and business should be utilised, and not merely pass the costs onto the end user. I would strongly like to request a review of the current proposal and a reduction in the increase down to a more suitable and fair level.

The principle is the fees are cost recovery and not capped to RPI.

H My main concern as a stakeholder is that I have not seen or have been made aware of any audited accounts of the costs associated with managing the issue of Taxi Licenses prior to approval of the very significant increase, this is against a backdrop of Hackney tariffs being the same for around 4 years. I well recall a few years ago the debacle caused by trying to force through inaccurate accounts which had been burden with costs associated with taxi licensing by the then incumbent senior enforcement officer, which resulted in the need to reimburse licence holders for over charging which itself was poorly managed and resulted in lower costs to new licence applicants that did not incur the excessive charges. The current proposed increase for new driver licenses represents an increase of 23.5% and renewals 24% is frankly outrageous without audited accounts to support such increases. Plus what is the rationale for increasing renewals at a higher percentage rate? there must be less work to do than for a new applicant.

Looks like my maths was wrong. New calculations are: The increase for new licenses is 16% and for renewals 11%, and for new operator license, 22%. Still very high. May I ask you to forward this correction to Mr Cobden.

The councils accounts are audited annually by our external auditor.

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