

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 12 AUGUST 2015 at 7.30pm**

Present: Councillor R Chambers – Chairman.
Councillors A Anjum, G Barker, J Davey, R Gleeson, J Gordon, E
Hicks and S Morris.

Officers in attendance: M Cox (Democratic Services Officer) and M Perry
(Assistant Chief Executive – Legal).

Also in attendance: Andy Mahoney (24x7 Ltd), Barry Drinkwater, Richard Ellis
(ULODA).

LIC21 PUBLIC SPEAKING

Statement were made by Andy Mahoney, Barry Drinkwater and Richard Ellis,
representatives of the licensed trade.

A summary of their statements is appended to these minutes.

LIC22 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Goddard and Parry.

**LIC23 FEES FOR DRIVERS HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES AND PRIVATE HIRE OPERATORS**

The Assistant Chief Executive – Legal presented the report on the proposed new
fee structure for licences relating to hackney carriage and private hire trades.

This change stemmed from the Deregulation Act 2015, which removed the
discretion for local authorities to issue a licence for a shorter period than the
default option. From 1 October 2015 drivers' licences should be issued for three
year duration and operators' licences for a 5 year period. The Act did however
provide for exceptional circumstances where occasionally it would be appropriate
to issue a driver's licence for less than 3 years.

It was explained that local authorities were entitled to recover their costs but
should not make a profit. The basis of calculating the cost of the licensing
service had until now been based on the cost of the Licensing Team plus
recharges from support services throughout the council. The current best
practice guidance was that the fee should be calculated in respect of each
individual licence depending upon the time and resources required to carry out
the different functions. Officers had drilled down to establish the various
component parts, the time spent on each item, and applied the hourly rate for
those members of staff.

For the last few years the drivers' license fees had been reduced. This was to redress the balance of a surplus that had been discovered in 2010. It had been anticipated that the reduced fee structure would bring the council back to a break even position within a period of three years. However, due to an increase in the number of licences that had been issued in that period the balance of the reserve at the end of the financial year 2014/15 still stood at £30,374. To eliminate this reserve it was suggested that existing drivers, who applied to renew their licences between 1 October 2015 and 30 September 2016 should receive a £20 rebate against the licence fee.

The report set out the detailed figures and explained the proposed fees for each category of licence. For the most part the costs would be less over the three/five year period than at the current annual rates. Also it appeared that Uttlesford would remain the cheapest licensing authority in Essex.

The Assistant Chief Executive – Legal had circulated a supplementary report prior to the meeting which gave details of four representations which had been received from member of the licensed trade and his comments on these representations.

He answered the questions raised by the public speakers. In relation to enforcement he said the cost of monitoring and taking action in relation to the licensed trade was recoverable. However, in relation to the unlicensed trade the position was still unclear and as such any figures relating to this had been taken out of the calculation. He confirmed that a driver who was leading up to retirement would be an appropriate circumstance to warrant issuing a license for a shorter period.

In answer to a member question, it was explained that as the fees were now based on the cost of providing the License, forward planning had been required to respond to the likely variation of workload throughout the period and the Licensing Team had been restructured accordingly.

Councillor Hicks said the report made very good sense and he was impressed with the reaction of the Trade. He congratulated officers on the report.

The Chairman said the new fee structure put the service on a real business footing. He hoped to continue the ongoing positive dialogue with the Trade. .

RESOLVED

1. That save where the circumstances of an individual application warrant the grant of a licence for a lesser period licences for drivers of hackney carriages and private hire vehicles shall with effect from 1 October 2015 be of three year duration.
2. That save where the circumstances of an individual application warrant the grant of a licence for a lesser period licences for private hire operators shall with effect from the 1 October 2015 be of five year duration.

3. That members set a fee for drivers licences at a figure of £140 for the grant of a new three year licence and at £129 for the renewal of a three year licence.
 4. That where the circumstances of an individual application warrant the grant of a driver's licence for a lesser period than three years that the licence fee be £80 for the grant of a one year licence or £110 for the grant of a two year licence or £69 for the renewal of a licence for one year or £99 for the renewal of a licence for two years.
 5. That members set the fee for an operator's licence at £350 for the grant of a new five year licence and £346 for renewal for a period of 5 years.
 6. That members set the fees for vehicle licences (both hackney carriages and private hire vehicles) at £50 for the grant of a new one year licence and £42 for the renewal of a licence for one year.
 7. That the fees for operators and vehicle licences be advertised and in the event that no representations are received they shall be effective with effect from 1 October 2015.
 8. That the fee for the transfer of a licence from one vehicle to another be set at £23.
 9. Drivers renewing their drivers licences during the period commencing on 1 October 2015 ending on 30 September 2016 be given a rebate of £20 against the licence fee.
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The meeting ended at 8.00pm.

Public statements

Barry Drinkwater said the Deregulation Act was had forced a major change to the Licencing fees. Deciding, how to implement this change had involved a lot of work, which had been done under tight time constraints. The trade had only received the documents on 22July with a meeting with officers on 28 July. This had been constructive but there had been little time for proper consultation and this had been acknowledged. However, the proposal had been accepted and sent out for consultation on 31 July. There had been no representations received before the agenda was issued but a few responses had generated through the trade route, which had been reported to the meeting. Most of the trade members had said they trusted their representatives to get it right on their behalf.

Richard Ellis highlighted the representations that had been received recently. He drew attention to two areas. First was the case of a 70 year old driver who was nearing retirement and therefore might not wish to take a licence for 3 years. The second concern was that the legislation did not allow for a rebate on the licence and he felt that the three year payment might discourage drivers from going in for the long haul.

Andy Mahoney said he was pleasantly surprised at the proposals. He wanted to be sure that everything was done correctly and within the law and said he had been in discussion with a specialist lawyer. One matter that was still unclear was the area of enforcement and whether this was recoverable. He had been advised that this was still open to interpretation. The said the method of charging was more substantive than before and he thanked officers for opening up the books. The new regime would personally cause him cash flow problems, with the requirement to pay up-front, but that was a Government decision. He thanked the officers for the report and said he had no objection to the proposals.

Barry Drinkwater said UDC appeared to be ahead of the rest of the country in terms of its charging regime and was setting a standard for others to follow.