

**Committee:** Scrutiny 2  
**Date:** 3 December 2003  
**Agenda Item No:** 12  
**Title:** Work Programme - Licensing  
**Author:** Richard Secker (01799) 510580

### **Summary**

- 1 This report advises Members of the procedures and policies used or proposed in respect of taxi and liquor licensing activities respectively.

### **Background**

- 2 As a result of the recent increase in some taxi licensing fees, the Licensing Committee received a petition objecting to the increases and the procedure which had been followed on that occasion. However, as the actual level of fee increases had been properly considered by Members in July 2003, this Committee has been requested to look at the procedures used.
- 3 The transfer of liquor licensing from the Magistrates Court system to local authorities is planned for next year and a draft policy document has been produced.

### **Taxis**

- 4 In general taxis licensing is expected to recover the costs incurred by the local authority albeit over more than one year. Fees and charges are set by each local authority to reflect their structure and systems.
- 5 Additionally, the local authority sets the maximum fare tariffs for hackney carriages which can be charged to the public. There is a statutory process which must be followed including consultation with the public and trade before any increases are resolved. The last increase was applied from January 2003 following initial representations from the trade.
- 6 On 31 July 2003, the then Development Control and Licensing Committee received a report (copy attached) advising of the need to increase some Hackney Carriage and Private Hire fees to cover a budget deficit for this service. It had become clear earlier in 2003/04 that there would be a deficit but because of factors mentioned in the July 2003 report, this was likely to rise to some £15,000 and therefore an increase from September 2003 was required.

- 7 The need for an increase had been raised by officers at their quarterly meeting with the trade. In fact, the actual fees likely to be effected were mentioned by the Head of Environmental Services.
- 8 The Committee resolved to implement the increases from 1 September 2003 and noted that the increased fees were still at or below the Essex average. As there is no statutory requirement to consult on these particular fees, public notices were placed in the local newspapers and 'Taxi Chat', which is this Council's trade newsletter to all drivers and operators.
- 9 Clearly had the Criminal Records Bureau not changed their policy and charging structure in such an abrupt way the increases would have been introduced later and probably at a lower level. This would also have permitted more dialogue with the trade although it is unlikely that the agreed increases would have been avoided.
- 10 As with any increase in fees or charges for services there is inevitably and understandably resistance from the specific customer base. However these increases have been decided and applied in a way similar to any other Council service fees and charges

### **Liquor Licensing**

- 11 The modernisation of the archaic licensing laws in England and Wales has finally been given Royal Assent. This will, through the Licensing Act 2003, transfer the responsibility for licensing all premises in which a licensable activity takes place to the local authority.
- 12 Broadly licensable activities will include one or more of the following:-
  - (a) the sale or supply of alcohol
  - (b) the provision of regulated entertainment
  - (c) the provision of late night refreshment (the sale of hot food or drink between 11.00 pm and 5.00 am)
- 13 The major change regarding the sale of alcohol will mean that all public houses, restaurants, clubs, off-licences, supermarkets and corner shops will no longer have their licences dealt with by the Magistrates Court, but instead will apply to their local authority.
- 14 Local authorities will be responsible basically for two types of licences for:-
  - (a) premises where any licensable activity takes place
  - (b) person responsible for the supply of alcohol

Additionally, there is provision for temporary event notices for small, occasional events which must be administered by the local authority.

- 15 Although the Act has been passed, the regulations and guidance notes will not be available until November or December 2003 as these must be presented to both Houses of Parliament for agreement. This rather unusual situation does make the transition from the Magistrates system to an as yet uncertain local authority system difficult for implementation planning and funding. The fees and charges are to be set by Government, who wish to decriminalise the process, reduce bureaucracy, extend opening hours/availability and generally to increase tourist and family use. Therefore, generous funding for the transition is not anticipated.
- 16 Attached as Appendix A is a copy of a draft Licensing Policy that has been jointly produced by the Essex Licensing Group which consists of officers from all Essex local authorities and Essex Police. Some informal consultation by the Group has already taken place with various trade groups, specialist solicitors, LACORS and DCMS and generally the reaction has been good. A final version will be produced by the end of 2003, but few changes are anticipated.
- 17 Members views are invited on the attached draft Licensing Policy which should form the basis of the Uttlesford Licensing Policy for adoption by the full Council in 2004.

RECOMMENDED that Members comments are considered in respect of future taxi licensing fee increases and the draft liquor licensing policy.

Background Papers: Papers attached.

**Committee:** Development Control and Licensing  
**Date:** 31 July 2003  
**Agenda Item No:** 6  
**Title:** Hackney Carriage and Private Hire Fees  
**Author:** Richard Secker (01799) 510580

### **Summary**

- 1 This report advises Members of the need to increase the scale fees in respect of driver's licences, vehicle transfers and vehicle testing to recover the costs incurred and recommends the revised fees to be charged from 1 September 2003.

### **Background**

- 2 The licensing function of local authorities does generally require that fees and charges are set to recover the costs associated, albeit over a period exceeding a single year.
- 3 Hackney Carriage and Private Hire fees are set by each local authority individually to achieve this objective. Over the last few years although the charges made by the trade to the users have increased this local authority has not needed to adjust their fees as the rapid increase in the numbers of both drivers and vehicles offered economies of scale. However this advantage has now been eroded by external charges and costs, which make a revision of fees essential.

### **Drivers Licence Fees**

- 4 The licence fee of £50 year is common to both hackney carriage and private hire drivers with £70 year being the fee for a joint licence. Originally criminal records checks were carried out free of charge via Essex Police but in 2002 the Criminal Records Bureau (CRB) was established and charged £12 for each enquiry. This did not directly impact on the local authority, as the driver was able to pay the CRB direct by either cheque or credit card.
- 5 Recently the CRB have without any consultation introduced a payment on account system whereby the local authority will be invoiced direct and the fee has increased to £29.
- 6 This significant change also increases the administration work/interviews now required to complete the documentation previously undertaken by the CRB. Therefore in order to cover the costs of increased administration and CRB fee (payable in first and every third year) it is suggested that the drivers licence fees are increased to £80 year for a single licence and £100 for a joint licence.

## **Vehicle Transfers**

- 7 All hackney carriage and private hire vehicles are licensed annually with distinctive rear plates issued using white/black and yellow/black colours respectively. Each plate is vehicle specific giving vehicle details of registration number, model, colour and licence expiry date. However there is provision in the licence conditions for plates to be transferred to replacement vehicles to use any unexpired licence period. This option has over the last few years become more popular, often with some vehicles being replaced at 6 months from first registration.
- 8 This does involve the production of a new rear plate and supporting documentation equivalent to the original licence issued. Currently Uttlesford charges a fee of £20.50 whereas other Essex districts charge between £35 and £75 per transfer. Therefore it is suggested that the Uttlesford fee be increased to the Essex average fee of £50, which would then reflect the true costs incurred.

## **Vehicle Inspections**

- 9 All hackney carriage and private hire vehicles are inspected for mechanical condition and safety by the council's vehicle workshop at Great Dunmow. Inspections are annually for vehicles under 5 years and six monthly for vehicles over 5 years.
- 10 This requirement ensures a consistent standard of vehicle inspection and one which recognises the higher than average use and mileage covered. Most vehicles licensed are basically normal family saloon/estate cars and not black cabs. Stretch limousines can also potentially be licensed and are often older vehicles imported from the USA.
- 11 The current inspection fee is £23 and does not now represent the time/costs involved. Other Essex districts charge between £30 and £50 per inspection with an average of £36. It is therefore suggested that the inspection fee be increased to £35, which again reflects actual costs.

**RECOMMENDED** that as from the 1 September 2003:

- (i) The hackney carriage and private hire drivers licence fee be increased to £80 year and the joint drivers licence be increased to £100 year.
- (ii) The vehicle transfer fee be increased to £50.
- (iii) The vehicle inspection fee be increased to £35.

Background papers: none.