

<b>Committee:</b>	<b>Licensing and Environmental Health</b>	<b>Date:</b>
<b>Title:</b>	<b>Fees for Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operators</b>	29 January 2019
<b>Report Author:</b>	<b>Amanda Turner, Licensing Team Leader</b>	<b>Item for decision:</b> Yes

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## Summary

- 1 On 6 November 2018 the Licensing and Environmental Health Committee approved the proposed fee structure to come into effect on 1 April 2019.
- 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 A, to take effect on 1 April 2019, 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 15 November 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	Environmental Health – Licencing Team

## 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. At present these costs are not being met in full from licence fees. This is not a sustainable position as it means that funding is required from other council budgets to maintain essential licencing activities which are in the interests of public safety.
9. On 6 November 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 A.
10. There is a requirement for the council to undertake a formal consultation (for vehicle and operator fees) and consider any objections received prior to implementing any increase.

## 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 15 November 2018 displaying the proposed fees and advising that any objections should be received by midnight on 13 December 2018. A notice was also placed on the Council's website.
12. A meeting was held between officers and the trade organisation on 23 November 2018 to go through the figures in more detail and answer any questions raised by Members of the Trade.
13. Three responses were received of which one was from ULODA, and two from private hire companies. The responses received can be seen in Appendix B
14. Replies from Officers relating to these individual responses are also shown in Appendix B.

### **Considerations**

15. Licence fees cover the costs of licencing administration process and compliance and enforcement activities associated with regulation of the licenced taxi and private hire trades where these cost can be legitimately recovered through the licence fees.
16. The previous 2 fee increases came into effect on 1 October 2015 and 1 May 2018. No increase took place during the years of 2016 and 2017.
17. A major piece of work has been undertaken by officers to establish the activities and costs relating to each licence type. This work was necessary as there have been significant changes with regard to the administration of licencing in recent years and this is reflected in the cost information provided by officers.
18. The rise in costs reflects the need for additional pre-application processes and checks to safeguard the public. Effective regulation of the Taxi and PHV trade ensures, in the overriding public interest, that standards are high and the public are protected.
19. The cost of doing so, provided they are proportionate to the activities in respect of which they are charged, can be recovered through licence fees.
20. All costs in assessing an application are compliant with regulations. As part of the process of calculating fees officers have taken legal advice and ensured that the costs of each licencing, regulatory and compliance activity is properly attributed to the licence type generating that cost.
21. Having considered the objections received during the consultation Members are requested to approve the proposed fee structure attached as Appendix A to take effect on 1 April 2019.

### **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Fees are set at a level in excess of that required to cover the cost of the Licensing Authority	1 – All costs in assessing an application have been accurately assessed and are compliant with regulations	2 – a surplus would be generated which could be countered by a reduction in future years	Costs of providing the service are accurately monitored to minimise the risk of challenge

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.