

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Tuesday 13<sup>th</sup> March 2012 at 6.00 pm in the Reception Suite, Civic Offices, Telford**

#### **PRESENT**

Councillors: C Mason (Chair), L Murray, R Picken, R Scammell, J Seymour and K Tomlinson.

Officers in attendance: Jonathan Eatough – Assistant Director: Law, Democracy & Public Protection, Ian Mercer – Public Protection Service Delivery Manager, Suzanne Fisher – Public Protection Team Leader, Tina Street – Solicitor and Wendy Buckley - Democratic Services Support Officer.

#### **LC-16      MINUTES**

**RESOLVED** – that the minutes of the meetings of the Licensing Committee held on the 29<sup>th</sup> November 2011 and 12<sup>th</sup> December 2011 be confirmed and signed by the Chair.

#### **LC-17      APOLOGIES FOR ABSENCE**

Councillors T Hope and J Thompson.

#### **LC-18      DECLARATIONS OF INTEREST**

Councillor K Tomlinson declared a personal interest as being a neighbour to a Private Hire Operator licensed in the Borough.

#### **LC-19      HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES REVIEW**

The Public Protection Team Leader presented a report of the Service Delivery Manager for Members to consider an increase in the level of Licence Fees and charges affecting the Hackney Carriage and Private Hire trades which were last reviewed in 2009/2010 and implemented on 1<sup>st</sup> March 2011.

Following Members request, Appendix C was clarified by the Public Protection Team Leader regarding the comparison of charges and fees to be implemented for the financial year 2012/13 for Telford & Wrekin in comparison with all other local Councils. It was also explained that loss of trade to Telford & Wrekin had led to an inevitable loss of income. If the increase would have been excessive there could have been a potential loss of licensing trade from Telford & Wrekin and the comparison against other local Councils would not have been favourable.

Members were further advised that once the notice of the fee increase was displayed in the local press there would be 28 days for representations to be made. If no representations were made, the change to the charging structure would be implemented from 1<sup>st</sup> April 2012.

The Chair stated that an excellent job had been achieved by Officers with regard to the potential increase in Licence Fees during this time of economic instability. The amounts were reasonable and effective for cost recovery.

Having considered the information in the report it was:

**RESOLVED** – that the proposed licence fees and charges for the financial year 2012/13, as shown at Column E of Appendix A, be approved with effect from a specified date not less than 28 days from the date on which a notice is published in the press.

#### **LC – 20      LICENSING POLICY – PRIVATE HIRE CONDITION REVIEW**

The Public Protection Team Leader presented the above report and stated that at the Licensing Committee meeting on 29<sup>th</sup> November 2011 Members resolved to introduce an ‘exceptional condition’ criteria for Hackney Carriages in relation to age limits on vehicles. For the purposes of consistency and following a Taxi Forum meeting on 25<sup>th</sup> January 2012, Members were asked to consider introducing a similar criteria for Private Hire Vehicles. A copy of the Council’s ‘exceptional condition’ criteria was appended to the report.

The Public Protection Team Leader advised that following consultation with the Hackney Carriage and Private Hire Associations in relation to ‘exceptional condition’ criteria there had been no response.

Following a general discussion with regard to vehicle makes and the inspection standards made by the testing officers at Telford & Wrekin Services it was:

**RESOLVED** – by unanimous vote –

- (a) that following a consultation with the Trade on an amendment to condition 3.6 of the council’s condition of licence for Private Hire Vehicles, to state that the Council may waive the age restriction where an ‘exceptional condition’ criteria is met so that a vehicle continues to be licensed over the 7 year age limit of the vehicle with 6 monthly compliance tests, a further report be brought back to the Committee.
- (b) that the contents of the ‘exceptional condition’ criteria for Hackney Carriages is also included in the consultation proposed as in (a) above.

Meeting closed at 6.50 pm.

Chairman:

Date:



## Appendix A

### Proposed Licence Fees & Charges – Private Hire/Hackney Carriage

A Licence	B Current Fee	C Cost Recovery in line with Licensing Committee Report December 2010	D Cost Recovery for Financial Year 2012/13	E Proposed Licence Fees for Financial Year 2012/13 Advertised in Shropshire Star on 22 <sup>nd</sup> March 2012	F Proposed Licence Fees for Financial Year 2012/13
Private Hire/Hackney Carriage Driver (6mth licence)	£90	£105	£105	£105	£105
Private Hire/Hackney Carriage Driver (12mth licence)	£148	£170	£170	£170	£170
Private Hire/Hackney Carriage Driver (3yr licence)	NA	£500	£465	£465	£340
Dual Driver (6mth licence)	£132	£160	£155	£155	£155
Dual Driver (12mth licence)	£216	£260	£255	£255	£255
Dual Driver (3yr licence)	NA	£750	£690	£690	£520
Badge Deposit (2 x badges)	£19.50	£20	£20	£20	£20
Badge Cost (2 badges)	£2.50	£5	£3	£3	£3
Street Knowledge Repeat Test	£10	£10	£10	£10	£10
Private Hire Vehicle/Hackney Carriage (6mth licence)	£96	£115	£115	£115	£115
Private Hire Vehicle/Hackney Carriage (12mth licence)	£165	£195	£386	£195	£195
Vehicle Transfer	£25	£25	£40	£40	£40
Front Plate Deposit (PH)	£5	£10	£10	£10	£10
Front Plate Cost	£5	£5	£5	£5	£5
Rear Plate Deposit (PH & HC)	£20	£20	£20	£20	£20
Rear Plate Cost	£5	£10	£5	£5	£5
Internal Plate Cost (PH & HC)	£1.50	£3	£2	£2	£2

Internal Tactile Plate Deposit (HC)	£7.50	£10	£10	£10	£10
Internal Tactile Plate Cost (HC)	£5	£5	£5	£5	£5
Rear Plate Fixing Kit (PH)	£20	£20	£20	£20	£20
Front Plate Fixing Kit (PH)	£10	£10	£10	£10	£10
Magnetic Fixing Kit	£28	£28	£28	£28	£28
Private Hire Operator	£200 plus £23 per Vehicle	£200 plus £45 per Vehicle	£200 plus 43 per Vehicle	£200 plus 43 per Vehicle	£200 plus 43 per Vehicle
Hackney Carriage Compliance Test	£52	£60	£60	£60	£60
Hackney Carriage Retest	£44	£55	£59	£59	£59
Private Hire Vehicle Compliance Test	£44.50	£45	£47	£47	£47
Private Hire Vehicle Retest	£33	£35	£36	£36	£36

# Telford Hackney Carriage Association

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Honorary Life President. Mr E.B.Jones.

Chairman. Brian Smith. Vice Chairman. .... Secretary. A. Tawasin.

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Tele: 07971400069

21/03/2012

With reference to the proposed increase in Taxi Licence Fees.

## **We do object to these increases.**

Below is a copy of an article from today's Shropshire Star regarding the amount that Shropshire Licensing made, an incredible amount which was in the region of 400% increases in their licence revenue mainly from out of town Taxis, as you know most of these are from ex Telford Licences, which should have been in Telfords coffers not Shropshire's, the reason for this was because Telford Licence Fees were increased and Shropshire's is cheaper with longer age limits, surly another increase will drive more licences to Shropshire, (*by the way why was Shropshire Licence Fees not in your Councils list of comparison charges*) if you had retained those lost Licences and worked with the Trade to do so, you would not have the problems you have today, Council Redundancies, less Enforcement Staff than ever and money short falls, I do think that the £105136 or the vast proportion of it would have helped immensely, less staff wages should mean cheaper licences not dearer but alas not in Telford.

Brian Smith

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Figures reveal takings from licensing applications

# Council pockets £600,000 in fees

By Andrew Owen

Shropshire Council pocketed more than £600,000 in fees for licensing applications in just nine months, new figures revealed today.

Licensing officers dealt with more than 1,700 applications in just three months alone. They include 536 taxi applications, 597 requests under the licensing act, which can include alcohol, and 398 permits involving gambling.

Shropshire Council also issued 46 permits for animal boarding establishments, 15 for pet shops, and also licences for performing animals, a zoo and a dangerous wild animal licence that covered wild boars.

There were also 377 applications approved for small society lotteries.

But, 18 private hire or taxi vehicle licences have been revoked in a crack-down on the trade.

A report to today's meeting of the strategic licensing committee at Shirehall says licensing applications brought £600,000 into the council's coffers between April 2011 and January this year, compared to £408,500 the previous year.

## Increase

Almost half of the income came from taxi and private hire licences, which brought in £297,535 - a huge increase on the £105,138 generated the previous year.

This follows a 400 per cent increase in taxi licence applications during 2011, with the majority of inquiries coming from outside the county boundaries to take advantage of Shropshire's cheaper application process.

The cost of applications is set to rise from next month, and Shropshire Council's cabinet, which also meets today, will discuss raising the price for a driver's badge, taxi or private hire licence by about £15 to recover the costs of delivering the service.

Licensing team leader Carol Foster said: "There is an increase in a certain number of licences at this time of year, like street collections, small scale lotteries and pet shops whose licences are based on the calendar year."

The Principal Licensing Officer  
Public Protection  
Telford & Wrekin Council  
Darby House  
Lawn Central  
Telford  
TF3 4JA

Our Ref: DBW  
Your Ref:  
Date: 31 March 2012  
Please ask for: David Wilson

**By First Class post and email to:  
suzanne.fisher@telford.gov.uk**

Dear Sir,

**Objection to the proposal to amend hackney carriage and private hire licensing fees  
Local Government (Miscellaneous Provisions) Act 1976, sections 53(2) and 70**

I am instructed by County Cars Ltd, Diamond Cars (Telford) Ltd and Ultimate Taxis Ltd to object to the proposal to amend hackney carriage and private hire licensing fees, because the proposals would result in the Council charging fees that were not set within the statutory constraints of sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

In that regard, I enclose a redacted copy of the Audit Commission letter of 23 August 2011 in respect of objections made to the accounts of Barnsley Metropolitan Borough Council in relation to the hackney carriage and private hire licensing fees set by that council in 2009.

Like Barnsley Metropolitan Borough Council, I note that nowhere within the report presented to Licensing Committee on 13 March 2012 did officers make any reference to the statutory provisions and constraints. Indeed, even the author of the "legal comment" fails to identify the statutory provisions, let alone their meaning and effect.

I also note that like Barnsley Metropolitan Borough Council, the report, despite its many appendices, fails to show fees calculated on the basis of the amount of time taken to deal with a particular type of licence, subject to only charging for that which may be charged.

With the greatest of respect, may I draw an analogy to cakes? It seems as though officers have decided on the type and size of their cake (large revenue) and then decided how they wish for the cost of that cake to be divided between the different licence types and other fees. Whereas, what they should do, is ascertain the amount of time spent by different grades of officer (quantity and type of ingredient) in dealing with a particular type of licence or fee in order to establish the type and size of the cake.

On the subject of size, it is noted that there are 13 different grades of officer referred to within the report and its appendices, but no indication of the numbers of officers of each grade. Despite the absence of that detail, it cannot be necessary or reasonable to have such a large staff to administer a reasonable small (and decreasing) hackney carriage and private hire fleet. Licensing Committee is respectfully asked to ascertain for itself the number and grades of officers actually working now within hackney carriage and private hire licensing, because it is suspected that the data provided refers to a previous year.

In its letter to Barnsley Metropolitan Borough Council, the Audit Commission stated (page 4, paragraph 1):

“The Council's method of calculating the specific categories of fee made no link to the costs recoverable by those fees as described in the Act. In particular the distinction between control and supervision costs recoverable under s.70, but not provided for under s.53, has not been made when setting each category of fee.”

By way of example, section 70 provides for the costs of “control and supervision” to be recovered as part of the fees charged for vehicle licences, whereas section 50 does not include such a provision in relation to driver licences.

In the circumstances, the fee charged for the grant of a driver’s licence, whether it be to drive a hackney carriage and / or private hire vehicle and whether it is for 6 months, a year or 3 years should all be the same, because the process and costs of issuing a driver licence is exactly the same, irrespective of the period for which it is to be valid.

However, currently the Council proposes to charge fees of between £105 for a 6 month hackney carriage or private hire vehicle driver licence up to £690 for a 3 year dual licence. The difference in charges suggest that the Council proposes to unlawfully charge for “control and supervision” for the duration of the licence, which it cannot do, although it may, if it chooses, carry out such “control and supervision” as it wishes at its own expense.

In relation to vehicle licensing, a council may charge for “control and supervision” for the duration of the licence. It is proposed to increase the 12 month licence fee for a vehicle to £195 and a 6 month licence to £105.

On the basis that the only difference between the two licences is the duration for which they shall be granted, we can back-calculate the fee for the grant of the licences and the amount charged per month for “control and supervision”.

The difference in fee between a 6 month licence and a 12 month licence is £90 (£195 - £105). The £90 difference is only capable of being the costs for the extra 6 months of “control and supervision”, so the cost per month for “control and supervision” is £15 (£90 divided by 6 months).

If we take the charge of £15 per month for “control and supervision” of the cost of the licences for the two periods of 6 months and 12 months, we should be left with the same

charge for the grant of the licence, because, of course, the process is the same irrespective of whether a licence is for 6 months or 12 months.

Therefore, if we take £90 (the cost for 6 months “control and supervision” at £15 per month) off the costs of a 6 month licence, we are left with a cost of £15 (£105 - £90) for the cost of granting the licence.

Likewise, if we take £180 (the cost for 12 months “control and supervision” at £15 per month) off the costs of a 12 month licence, we are also left with a cost of £15 (£195 - £180) for the costs of granting the licence.

With the greatest of respect to officers, do they really spend as much time on “control and supervision” of each vehicle per month as they do in processing an application for the grant or renewal of a vehicle licence? In the absence of a breakdown of officer time to a level that shows how they are spending their time, I suspect no-one will ever know the answer to that question.

Whilst the fees for private hire operator licences are also contained in section 70, and charges may be made for “control and supervision”, the reality is that the majority of a council’s dealings with an operator relates to drivers (for which no charge can be made under section 53) or vehicles (for which a charge can be made of vehicle proprietors under section 70). In the circumstances, unless the Council can identify matters that relate solely to the “control and supervision” of private hire operators, I would suggest the only fee chargeable is that for the grant of the licence. Again, whether a licence permits an operator to invite and accept bookings for one or an unlimited number of private hire vehicles or whether it is granted for one day or the statutory maximum period of 5 years, the charge ought to be the same. However, having allegedly quantified the fee for the grant at £200, officers have then gone on to propose an additional fee of £42 per vehicle.

Furthermore, as the matters to be considered in relation to an application for the grant or renewal of a private hire operator’s licence are fewer than those for a vehicle or a driver, it is difficult to understand why the fee for grant is disproportionately higher than it is for the grant element of the proposed fees for vehicles or drivers.

In conclusion, on behalf of my clients, I respectfully submit that should the Council proceed to implement the charges as proposed, the Council will then (if it is not already) be charging fees that were not set within the statutory constraints of sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

Should the Council not wholly abandon its current proposals to amend hackney carriage and private hire licensing fees, my clients give notice that they may without further reference to the Council proceed to challenge the lawfulness of such charges by asking the Audit Commission to direct an auditor to conduct an extraordinary audit of the accounts of the Council, pursuant to section 25 of the Audit Commission Act 1998.

In the event that it is possible for an objector to address Licensing Committee when it consider this matter further, I would be obliged if you would kindly note that my clients would wish for me to do so on their behalf.

Yours faithfully,

A handwritten signature in black ink that reads "David B. Wilson". The signature is written in a cursive, slightly slanted style.

**David B Wilson**

Licensing Consultant, Mediator and Trainer

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

**Workings for Taxi Licensing fees**

	10/11 Licence numbers for last review	11/12 Estimated License Numbers	Total cost (sals + overheads) £	Other adjustments £	Total apportioned charge £	12/13 Full cost recovery - Fee per License £	Current charge £	Proposed full cost recovery As per 11/12 report
<b><u>Combine drivers license</u></b>								
Private Hire & HackneyDriver	573	321	58,377		54,553	170	148	170
Dual Driver	38	15			3,824	255	216	260
		<b>344</b>	<b>58,377</b>		<b>58,377</b>			
<b><u>Vehicle fee's</u></b>								
Private Hire & Hackney Carriage Vehicle	459	150	57,934		57,934	386	165	195
<b><u>Staged recovery based on number of vehicles</u></b>								
Private Hire Operator	20	15	17,558	-	17,558	200	200 each	200
No of vehicles	344			-	-	42	23 per driver	45
					14,558			
					17,558			

**Workings for Total costs**

HC/PH Driver	HC/PH Vehicle	PH Operator	
<b>45,322</b>	<b>44,979</b>	<b>13,632</b>	<b>Salary costs based on hours worked on Taxi Licensing</b>
2,967	2,945	893	Apportionment of Supplies & Services
10,087	10,010	3,034	Apportionment of CEC's
13,054	12,955	3,926	<b>Overheads costs</b>
<b>58,377</b>	<b>57,934</b>	<b>17,558</b>	<b>Total costs (sals + overheads)</b>

Grade of post	hours per year to work out salary costs		
	HC/PH Driver	HC/PH Vehicle	PH Operator
P025	312	156	156
P010	520	364	156
P010	26	104	52
S02	120	540	48
S02	0	48	12
P01-P03	0	48	0
P01-P03	0	24	0
S02	0	36	0
Scale 4	52	52	26
S01	52	104	12
Scale 4	364	208	12
Scale 4	754	286	52
S02	12	42	0
	<b>2212</b>	<b>2012</b>	<b>526</b>
	<b>Total hours</b>		<b>4750</b>

## Appendix E

We are reviewing our PH/HC licence fees. Please can you complete the table below.

**Do not** include time spent on the following :

1. Plying Exercises
2. Investigating complaints in relation to licensed drivers.
3. Investigating alleged driver offences/breaches of driver licence conditions including preparing legal files.
4. Responding to FoI/DPA requests in relation to drivers, vehicles or operators.

**Do** include time spent on the following :

1. All administration of driver/vehicle and operator licences including reminder letters regarding expiry dates of licences, medicals, CRBs, insurance, compliance tests etc.
2. Answering telephone/written enquiries from applicants and licence holders about driver/vehicle and operator licences.
3. Driver Awareness Training
4. Inspection of vehicles/operator premises.
5. Enforcement exercises involving inspection of vehicles/operators records and systems
6. Issue of improvement and/or suspension notices
7. Investigation of offences and breach of conditions in relation to vehicle and operator licences.
8. Preparation of legal files in relation to vehicles/operators.

**Name of Officer** .....

Type of Licence	Average Hours per Week/Month (please specify per week or month)
PH/Dual/HC Driver	
HC/PH Vehicle	
PH Operator	

## **Appendix F - Community Impact Assessment**

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

**You will find the information from this assessment useful for the Equality Implications section of any report you are completing.**

### **Section 1 – Overview**

1. What is the title of the policy?

Increase in Hackney Carriage and Private Hire Licence Fees

It is quite legitimate for a local authority to recover as much of their costs as they are able to when administering Hackney Carriage and Private Hire Licences. A Council when setting fees, should have regard to the impact that any increase may have upon the livelihood of licence holders. However, the regulation of Hackney Carriage and Private Hire Vehicles, Drivers and Operators is costly in respect of resources. Licences are processed individually as each application must be considered on its own merits. Each licence has a set of conditions attached to it and it is the Local Authority's statutory duty to ensure that conditions of licence of complied with together with the requirements of the law surrounding the Hackney Carriage and Private Hire trade. The overriding aim must be to protect the public and to provide an efficient and effective service to licence holders, residents, business and visitors to the Borough of Telford & Wrekin.

The level of fees and other charges for Hackney Carriage/Dual and Private Hire were last reviewed by the Licensing Authority in 2009/2010. On 1<sup>st</sup> December 2010 Members of the Council's Licensing Committee approved an increase in the level of fees based on actual cost recovery via a staged increase over a period of time.

Following the publication of a notice advertising the proposed increase in fees and charges, which resulted in no representations being made to the Council, 50% of the proposed increase was duly implemented on 1<sup>st</sup> March 2011.

A further review has been carried out twelve months later and a new level of fees and charges proposed based on cost recovery of administering Hackney Carriage and Private Hire Licences.

2. This policy affects

- Customers/service-users
- Partners
- Licence holders

3. What period does the policy cover?

The increase in licence fees will cover the next financial year and comes into effect on 1<sup>st</sup> April 2012.

4.

Name of person completing impact assessment and their post	Suzanne Fisher
Telephone	01952 383261
Date	1 <sup>st</sup> March 2012

DRAFT

## Section 2 – Impact Assessment

### a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?  
Yes (go to Q2)
2. The policy contributes to the Priority Plan for Community, Protection and Cohesion.

Provide information and advice on new legislation/guidance to regulated trade and businesses.

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages  
[Helpbox - Age](#)

People with ill health or people with a disability  
[Helpbox - Disability](#)

People of different gender  
[Helpbox - Gender \(Sex\)](#)

People who are transgender  
[Helpbox - Transgender](#)

Different racial groups  
[Helpbox - Race](#)

People with different religion or beliefs  
[Helpbox - Religion or Beliefs](#)

People of different sexual orientation  
[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding  
[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership  
[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation  
[Helpbox - people affected by deprivation](#)

	Impact (X)		
	Positive	Negative	None
People of different ages <a href="#">Helpbox - Age</a>		X	X
People with ill health or people with a disability <a href="#">Helpbox - Disability</a>	X	X	
People of different gender <a href="#">Helpbox - Gender (Sex)</a>		X	
People who are transgender <a href="#">Helpbox - Transgender</a>			X
Different racial groups <a href="#">Helpbox - Race</a>		X	X
People with different religion or beliefs <a href="#">Helpbox - Religion or Beliefs</a>			X
People of different sexual orientation <a href="#">Helpbox - Sexual Orientation</a>			X
Women who are pregnant or breast-feeding <a href="#">Helpbox -Pregnancy and Maternity</a>			X
People that are married or in a civil partnership <a href="#">Helpbox - Marriage or Civil Partnership</a>			X
People affected by deprivation <a href="#">Helpbox - people affected by deprivation</a>		X	

#### 4. What is the expected impact?

##### **People of Different Ages**

###### Community

The expected impact is that licence holders will pay an increased licence fee which may lead to a **negative impact** of an increase in taxi fares for the community. We have no local data, however, national data, according to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, says that low-income young women are one of the largest groups of users of taxis and private hire vehicles.

###### Licence Holders

The equality data collected by the Licensing Service shows that there is a variety of ages across the numbers of licence holders and an increase in licence fee will therefore not impact on any particular age group.

##### **People with Ill Health or People with a Disability**

###### Community

The expected impact is that licence holders will pay an increased licence fee which may lead to an increase in taxi fares for disabled communities. Hackney Carriages and Private Hire Vehicles provide a door to door service for those disabled members of the community who are not able to use other forms of public transport. An overall increase in fares resulting from an increase in licence fee will have a negative impact on this characteristic.

##### **People of Different Gender**

The expected impact is that licence holders will pay an increased licence fee which may lead to an increase in taxi fares for men and women. According to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, low-income young women (amongst whom car ownership is low) are one of the largest groups of users of taxis and private hire vehicles.

The equality data collected by the Licensing Service shows that 97% of licensed drivers are male and therefore, those licence holders who are the only income earner in households will be paying an increased licence fee to the Council, therefore this increase could have a negative impact of men who are the only earner within a household.

##### **Different Racial Groups**

The equality data collected by the Licensing Service shows that there is a variety of ethnicities across the numbers of licence holders who will be paying an increase in licence fees. The numbers of licence holders from minority backgrounds (predominantly Asian) is around 64% of the total number of licence holders as against 5% of the population of the Borough. The policy could have a negative impact on this group of people if the increase sees a reduction in the numbers of drivers continuing with employment. This will need to be monitored.

I have no evidence which indicates that this policy will impact on racial groups within the community as users of licensed vehicles.

I have no evidence which indicates that this policy will impact on the following characteristic

##### **People who are Transgender**

##### **Religion or Beliefs**

##### **People of Different Sexual Orientation**

**Women who are Pregnant or Breastfeeding  
.Marriage of Civil Partnership**

**People affected by Deprivation**

This policy will have a negative impact if taxi/private hire fares are increased as a result of the increase in licence fees. According to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, low-income young women are one of the largest groups of users of taxis and private hire vehicles.

5. What engagement and consultation have you already carried out?

The Licensing Service has carried out a benchmarking exercise with other local authorities in Telford & Wrekin Council's family group. This information will be attached to a public report which will be considered by the Council's Licensing Committee on 13<sup>th</sup> March 2012.

<http://www.telford.gov.uk/apps/demservice/DisplayDocument.asp?type=doc&ref=13108>.

At a meeting of the Taxi and Private Hire Forum held at Civic Offices on 25<sup>th</sup> January 2012, members of the Forum were informed of the review being carried out on the costs of administering Taxi and Private Hire Licences and that a report would be going to the Council's Licensing Committee on 13<sup>th</sup> March 2012.

There will be a further consultation following the meeting on 13<sup>th</sup> March 2012 should Members resolve to increase the Licence fees.

**You are at the end of Section 2 - have you completed all questions in this section?**

**Please ensure all questions are answered and then send your information to;**  
[Equalityanddiversity@telford.gov.uk](mailto:Equalityanddiversity@telford.gov.uk)

The Equality and Diversity Team will help you address/respond to any issues in  
**Section 3 – Mitigating Actions**

### Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?

By consulting with both customers and service users and by taking their objections into consideration before implementing an increase will reduce the negative impact on licence holders.

2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

The policy will have a positive impact by improving access to users, particularly for the disabled community.

3. How do any of the above actions contribute to aims of the General Equality Duty;

- **eliminate unlawful discrimination, harassment and victimisation**
- **advance equality of opportunity**
- **foster good relations between different groups**

The actions taken during and after the consultation process will ensure that members of the community who might be affected by negative impacts will have their concerns listened to and acted upon. This will also contributed to fostering good relations between different groups. By setting a review date of licence fees before the end of the next financial year, the negative impacts will be monitored and reviewed.

### Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

1<sup>st</sup> April 2012

2. When will the actual impacts of the policy be monitored and reviewed?

Date . December 2012

3. How will the actual impact of the policy be monitored and reviewed?

The increase in licensing fees was calculated at a cost recovery level from the financial year 2011/12. Licence fees will be further reviewed by the Council in December 2012 by the Public Protection Service Manager and the Council's Finance Officer in relation to the financial year 2012/13, the numbers of licences issued and the effects of the increase of 1<sup>st</sup> April 2012.

The impact that these changes will have on the community will also be monitored by reviewing the numbers of licensed vehicles in the Borough.

Ensure that appropriate confirmation has been given by your line manager.

DRAFT

## **Line Manager/Head of Service Agreement**

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; [equalityanddiversity@telford.gov.uk](mailto:equalityanddiversity@telford.gov.uk)

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

**Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail [equalityanddiversity@telford.gov.uk](mailto:equalityanddiversity@telford.gov.uk)**

**Telford & Wrekin Council**

**Licensing Committee 27<sup>th</sup> June 2012**

**Hackney Carriage and Private Hire Licence Fees Review**

**Report of the Service Delivery Manager – Public Protection**

**1. Purpose**

- 1.1 For Members to consider a proposed increase in the levels of Licence Fees and charges affecting the Hackney Carriage and Private Hire trades in light of representations received by the Principal Licensing Officer.

**2. Recommendations**

- 2.1 Having considered the representations to the proposed increase in fees and charges, it is recommended that Members approve the level of proposed fees for the Financial Year 2012/13, at Column F of Appendix A to this report, to come into force on 1<sup>st</sup> August 2012.

**3. Summary**

- 3.1 The level of fees and other charges for Hackney Carriage/Dual and Private Hire Licences were last reviewed in 2009/2010 and new fees and charges were implemented on 1<sup>st</sup> March 2011.
- 3.2 An annual review has been carried out and proposed new fees and charges were advertised in the Shropshire Star on 22<sup>nd</sup> March 2012.
- 3.3 Representations have been received regarding the proposed increase in fees.

**4. Previous Minutes**

- 4.1 LC-19- Licensing Committee 13<sup>th</sup> March 2012.

**5. Information**

**5.1 Background**

- 5.1.1 The level of fees and other charges for Hackney Carriage/Dual and Private Hire were last reviewed by the Licensing Authority in 2009/2010.
- 5.1.2 It is quite legitimate for a local authority to recover as much of their costs as they are able to when administering

Hackney Carriage and Private Hire licences. A Council, when setting fees, should have regard to the impact that any increase may have upon the livelihood of licence holders. However, the regulation of hackney carriage and private hire vehicles, drivers and operators is a time-consuming and costly exercise. The overriding aim must be to protect the public and to provide an efficient and effective service to licence holders and stakeholders.

- 5.1.3 The setting of fees and charges must be calculated and reasonable. It must be limited to an amount that recovers the costs of carrying out the functions of the Local Authority under the Acts of Parliament listed at paragraph 7 of this report.

Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A1976] allows a Local Authority to “demand and recover for the grant to any person of a licence to drive a hackney carriage or a private hire vehicle ...such a fee as they consider reasonable with a view to recovering the costs of issue and administration....”. This means that for the purpose of charging licence fees for a Private Hire or Hackney Carriage driver, the Council may recover administrative costs only.

Section 70 LG(MP)A1976 allows a Local Authority to “charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time...” These charges may be sufficient to cover entirely or partly the reasonable costs of carrying out inspections of hackney carriages and private hire vehicles for the purpose of determining whether the vehicle is fit for purpose; the costs of providing hackney carriage stands; any reasonable administrative or other costs in relation to the above and in relation to the control and supervision (enforcement) of hackney carriages and private hire vehicles.

- 5.1.4 On 13th March 2012 Members of the Council’s Licensing Committee approved proposed fees and charges for Hackney Carriage and Private Hire Licences for the Financial Year 2012/13 to take effect from a specified date not less than 28 days from the date on which a notice was to be published in the press. Column E of Appendix A attached to this report.
- 5.1.5 Following the publication of a notice on 22<sup>nd</sup> March 2012 in the Shropshire Star, advertising the proposed increase in fees and charges, the Principal Licensing Officer has received representations on behalf of the Telford Hackney Carriage Association and Private Hire Operators. The

representations are attached at Appendix B and Appendix C respectively.

- 5.1.6 The Hackney Carriage Association's response compared Telford & Wrekin Council's fees with Shropshire Council's fees and said that another increase would lead to more drivers and vehicles being licensed by Shropshire Council.
- 5.1.7 The objection on behalf of three Private Hire Operators is because the proposal would result in "the Council charging fees that were not set within the statutory constraints of sections 53(2) and 70 of the Local Government (Miscellaneous Provisions) Act 1976." The report which was considered by Members on 13<sup>th</sup> March 2012 states that the setting of fees and charges must be limited to an amount that recovers the costs of carrying out the functions of the Local Authority under the Local Government (Miscellaneous Provision) Act 1976 and Town Police Clauses Act 1847. However, for clarification this has been further explained in this report at paragraph 5.1.3 above.

Fees were calculated on the amount of time taken to deal with each type of licence by individual officers and these figures are attached at Appendix D to this report. Each officer was asked to complete a template (attached at Appendix E to this report) which detailed the average time over a 12 month period each officer spent on each licence and instructed officers as to what costs could and could not be recovered.

"PH/Dual/HC Driver" fees fall within section 53(2) LG(MP)A1976 and "HC/PH Vehicle" and "PH Operator" fees fall within s70 LG(MP)A 1976.

- 5.1.8 Following representations received, the Service Delivery Manager has amended the proposed fee for a 3 year Private Hire and a 3 year Dual Driver Licence. The amended proposed Hackney Carriage and Private Hire fees and charges are shown at Column F of Appendix A attached to this report. Although this amended fee for a three year badge falls below the current cost of administering the licence, it is anticipated that a decrease in the proposed licence fee will lead to an increase in the numbers of licences applied for.
- 5.1.9 Likewise, although the recommended proposed fee for vehicles falls below the current cost of administering the licence and the control and supervision of licensed vehicles, it is similarly anticipated that a decrease in the proposed licence fee for vehicles will lead to an increase in the

numbers of licences applied for. This will, in turn, lead to an increase in the numbers of licences issued and by economies of scale will so reduce the costs of administering the licences.

5.1.10 Improved efficiencies already undertaken within the Licensing Service have been passed on to the drivers as reported to Members on 13<sup>th</sup> March 2012 and further efficiencies have now been passed on to Private Hire Operators as shown at Appendix A. The proposed fee for cost recovery for Private Hire Operators shown in column F is lower than the proposed licence fee for cost recovery which Members considered on 1<sup>st</sup> December 2010 and is shown in column C.

5.1.11 A further review of Hackney Carriage and Private Hire licence fees will be undertaken by the Service Delivery Manager in December 2012.

## 5.2 **Equal Opportunities**

5.2.1 A draft Community Impact Assessment has been carried out on the review of Hackney Carriage and Private Hire Licence fees and charges review. A copy is attached at Appendix F.

## 5.3 **Environmental Impact**

5.3.1 Not applicable for the purposes of this report.

## 5.4 **Legal Comment**

5.4.1 Hackney carriage and private hire licence fees are at the discretion of the authority but should be reasonable and proportionate.

5.4.2 Section 53(2) Local Government (Miscellaneous Provisions) Act 1976 deals with licence fees. A council may demand and recover for the grant to any person of a licence to drive a hackney carriage or a private hire vehicle such a fee as they consider reasonable with a view to recovering the cost of issue and administration.

Section 70 Local Government (Miscellaneous Provisions) Act 1976 deals with fees for vehicle and operators' licences. A council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in aggregate to cover in whole or in part

a) the reasonable cost of carrying out by or on behalf of

the council inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

- b) the reasonable cost of providing hackney carriage stands; and
- c) any reasonable administrative or other costs as above and with the control and supervision of hackney carriages and private hire vehicles.

## **5.5 Links with Corporate Priorities**

5.5.1 This report has links to community protection and cohesion.

## **5.6 Financial Comment**

5.6.1 At the end of 2011/12 there was an income shortfall of £92k against the licensing budget. The reduction in income from taxi licenses represented a significant proportion of this shortfall.

The license fees detailed in appendix A have been calculated on the basis of full cost recovery. This has been based on the budgeted cost of delivering the service for 2012/13 assuming that the number of licenses would be at similar levels to 2011/12. Should the number of licenses increase above 2011/12 levels the additional income will contribute to the shortfall in income for licensing.

The costs of issuing licenses and associated administrative tasks were allocated between the different license types as shown in Appendix A in order to calculate the individual license fees. This included allocating individual time per licensing officer against the different types of license. The fees for plates, fixing kits, badges and vehicle testing have been set based on actual costs.

MLB 30.05.12

## **5.7 Risks and Opportunities**

5.7.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) a failure to publish Licence Fees as prescribed by Regulation could give rise to a judicial review of the process leading to that failure.
- (ii) The level of fees set being unreasonable arising to a challenge by judicial review.

5.7.3 Having identified this risk, processes and procedures have been put in place to ensure that Regulations are complied with.

## **6. Ward Implications**

6.1 This report has Borough wide Implications.

## **7. Background Papers**

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
- 7.2 Town Police Clauses Act 1847
- 7.3 Transport Act 1981
- 7.4 Equality Act 2010

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**Telford & Wrekin Council**

**Licensing Committee 27<sup>th</sup> June 2012**

**Police Reform and Social Responsibility Act 2011**

**Report of the Service Delivery Manager – Public Protection**

**1. Purpose**

- 1.1 To inform Members of the Licensing Committee of the implications of the Police Reform and Social Responsibility Act 2011.

**2. Recommendations**

- 2.1 Members are asked to note the content of this report.
- 2.2 Members are asked to :
- 2.2.1 Delegate authority to suspend a licence following non-payment of fee to the Principal Licensing Officer and Service Delivery Manager, Public Protection.
- 2.2.2 Approve a period of 7 days, following the holder being notified in writing, for the suspension to take effect.
- 2.3 That Members delegate authority to make representations as a Responsible Authority to the Principal Licensing Officer and Service Delivery Manager, Public Protection.
- 2.4 That Members delegate authority to issue notices imposing conditions on Temporary Event Notices to the Licensing Technical and Principal Licensing Officers (where agreement has been reached by all parties).

**3. Summary**

- 3.1 The Home Office conducted a public consultation exercise on the Rebalancing of the Licensing Act 2003 from July to September 2010.
- 3.2 Proposals outlined in the Rebalancing the Licensing Act consultation were taken forward in the Police Reform and Social Responsibility Bill which received royal assent on 15 September 2011 and is now the Police Reform and Social Responsibility Act 2011 (PRSRA 2011).

#### **4. Previous Minutes**

4.1 There are no previous minutes.

#### **5. Information**

##### **5.1 Background**

5.1.1 The Police Reform and Social Responsibility Act 2011 (PRSRA 2011).received Royal Assent in Parliament on 15 September 2011. Part 2 of the Act introduces new measures which bring changes to the Licensing Act 2003, under which Telford & Wrekin Council has statutory powers and duties as a licensing authority.

5.1.2 The majority of these measures came into force on 25 April 2012. Some of the alcohol provisions introduced in the Act require substantive changes to secondary legislation prior to commencement and these will, therefore, be brought in at a later date (October 2012 or April 2013).

5.1.3 The new measures in the Act include:

- doubling the fine for persistent underage sales to £20,000
- introducing a late night levy to help cover the cost of policing the late night economy
- increasing the flexibility of early morning alcohol restriction orders
- lowering the evidential threshold on licensing authorities
- removing the vicinity test for licensing representations to allow wider local community involvement
- reforming the system of temporary event notices (TENS)
- suspension of premises licences due to non-payment of annual fees

5.1.4 The late night levy, early morning alcohol restriction orders and locally set fees measures will require secondary legislation and a further report will be brought before Members of the Licensing Committee once Regulations have been laid later this year or early next year.

5.1.5 The Changes which came into effect on 25<sup>th</sup> April 2012 are as follows :

#### 5.1.5a Licence Applicants To Give Greater Consideration to The Local Area When Making Their Application

Applicants will be required to provide contextual information as part of the licence application form on issues such as the local area's social demographic characteristics, specific local crime and disorder issues and an awareness of the local environment which will be of benefit to the licensing authority when determining the application. Specific local issues, such as crime and disorder issues, are likely to influence the steps that applicants will need to take to promote the licensing objectives in their own premises and applicants will therefore be required to demonstrate an awareness of such issues when setting out why particular steps will be taken to promote the licensing objectives.

#### 5.1.5a Making Local Health Bodies Responsible Authorities

Responsible authorities are public bodies that must be notified of new licence applications, reviews and other licensing functions. They are entitled to make relevant representations to the licensing authority in relation to the application for the grant, variation or review of such a licence.

Current responsible authorities in the Licensing Act 2003 are:

- The chief officer of police
- The fire authority
- The health and safety authority
- The local planning authority
- The environmental health authority
- Bodies recognised as being responsible for protection of children from harm.
- The trading standards authority

Local health bodies have been made responsible authorities. This will include a Primary Care Trust or, in Wales, a Local Health Board for an area any part of which is in the licensing authority's area.

#### 5.1.5b Making Relevant Licensing Authorities Responsible Authorities

Licensing Authorities have been made responsible authorities under the Licensing Act. This will enable

them to make representations in respect of applications.

A licensing authority also acting as responsible authority must achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will still be made by the Licensing Sub Committee. A separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority. The officer advising the Licensing Sub-Committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person to the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority.

#### 5.1.5c Interested Parties – Removing “Vicinity” Test

The “vicinity” test is removed. Given that interested parties are defined with reference to ‘vicinity’, the term interested parties has been removed from the Licensing Act 2003.

Anyone person who lives, or is involved in a business, in the Licensing Authority area and may be affected by an application will be able to make Representations.

#### 5.1.5d Replacing “Necessary” with “Appropriate

The wording has been amended throughout the Licensing Act 2003 to lower the evidential threshold which licensing authorities must meet when making licensing decisions by requiring that they make decisions which are ‘appropriate’ rather than necessary for the promotion of the licensing objectives.

#### 5.1.5e Suspending Licences Due To The Non-payment of Fees

Provision has been made for licensing authorities to suspend licences due to non-payment of fees. This will provide a much stronger incentive for

businesses to pay their fee in a timely manner and save licensing authorities the time and cost of pursuing non-payment. This measure will not impact on responsible businesses that pay their licence fees on time. It is suggested that this function is delegated to the Principal Licensing Officer and Service Delivery Manager as it is purely an administrative function.

There will be a grace period of 21 days for licence holders to pay their fee. The licence will be reinstated as soon as the fee is paid and the licensing authority must notify the licence holder when their licence has been reinstated. If an administrative error has occurred or there is a dispute about liability to pay a fee, a licence cannot be suspended under this provision.

If a licensing authority suspends a licence or certificate, it must notify the holder in writing and specify the date on which the suspension takes effect. The Home Office guidance states that this date must be at least two working days after the day the authority gives the notice. Members are requested to approve that a licence will be suspended if payment has not been received within 7 days of the holder being notified in writing.

#### 5.1.5f Temporary Event Notices

- The right to object to a Temporary Event Notice has been extended to the environmental health authority.
- The police and environmental health officers can now object to a Temporary Event Notice on the basis of all of the licensing objectives.
- The police and environmental health officers now have three working days to object to a Temporary Event Notice.
- Licensing authorities now have discretion to apply existing licence conditions to a Temporary Event Notice if there are objections from the police or environmental health authority. Where agreement has been reached by all parties on imposing conditions on a Temporary Event Notice, Members have been requested to delegate the issue of the Notice to the Licensing Technical and Principal Licensing Officers.
- Late Temporary Event Notices (i.e. those submitted less than ten working days but at least 5 days before the beginning of the event), unless the police or

- environmental health officers object are now allowed.
- The statutory limits on the duration of a single temporary event have been relaxed from 96 hours to 168 hours, and on the total annual availability covered by a Temporary Event Notice in relation to a single premises from 15 days to 21 days.

#### 5.1.5g Persistently Selling Alcohol to Children

The maximum fine for persistently selling alcohol to Children has increased from £10,000 to £20,000.

Previously the police or trading standards authority could impose a period of voluntary closure for up to 48 hours, as an alternative to prosecution. Now a minimum closure period of 48 hours and maximum closure period of two weeks can be imposed.. The intention behind setting a minimum and upper limit for the period of voluntary closure is to give police the flexibility to decide upon an appropriate period of voluntary closure as an alternative to prosecution based on the type of premises being sanctioned.

#### 5.1.5h Licensing Policy Statements

Now reviewed every 5 years as opposed to the current 3 years.

- 5.1.6 The statutory guidance issued under [section 182 of the Licensing Act 2003](#) has been revised to reflect the changes introduced by the PRSRA 2011.

## 5.2 Equal Opportunities

- 5.2.1 None – statutory provisions being implemented only.

## 5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this report.

## 5.4 Legal Comment

- 5.4.1 Section 7(1) Licensing Act 2003 provides that all licensing functions (except approval of licensing policy) rest with the Licensing Committee.
- 5.4.2 Section 10 (1) Licensing Act 2003 provides that functions can be delegated to a Sub-Committee or officers unless a specified function. The two delegations sought are not

within the specified functions and therefore can be delegated to officers.

- 5.4.3 Officers will implement appropriate measures to ensure functions are exercised with the necessary separation of powers i.e. the same officer will not make a representation and then act as officer for the licensing authority.

## 5.5 **Links with Corporate Priorities**

- 5.5.1 This report has links to community protection and cohesion.

## 5.6 **Financial Comment**

- 5.6.1 Costs arising from the Police Reform and Social Responsibility Act are mainly in the form of officer time which will be met from existing resources. The ability to suspend premises licenses due to non payment of fees should improve cash flow and the level of debt against the licensing service. Debt levels in respect of licensing are currently £15.4k with the majority of this being in respect of premises licenses.  
MLB 30.05.12

## 5.7 **Risks and Opportunities**

- 5.7.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.
- 5.7.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
  - (i) A legal challenge by way of Judicial Review should the Council resolve not to implement the changes brought about by the PRSRA 2011.
- 5.7.3 Having identified this risk, processes and procedures have been put in place to ensure that Regulations are complied with.

## 6. **Ward Implications**

- 6.1 This report has Borough wide Implications.

## **7. Background Papers**

- 7.1 Police Reform and Social Responsibility Act 2011
- 7.2 Licensing Act 2003
- 7.3 Home Office Amended Guidance Issued Under Section 182 of The Licensing Act 2003
- 7.4 Licensing Authorities As Responsible Authorities  
Preliminary Guidance: April 2012 – Home Office
- 7.5 Rebalancing the Licensing Act Consultation – Home Office

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