

Licensing & Regulatory Committee

29 September 2015

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Not applicable

Title:

Objection to Hackney Carriage and Private Hire Licensing Fee Review 2015 – Three yearly drivers' licences & five-yearly private hire operators' licences

Is this a key decision?

No

Executive Summary:

At a Licensing & Regulatory Committee meeting on the 25 August 2015 as a result of the Deregulation Act 2015 requiring local authorities to generally issue drivers' licences for a three year period and private hire operators' licences for a five year period Coventry City Council decided to adjust and re-structure some of the fees for hackney carriage and private hire licensing.

The fee increases were advertised on the 27 August 2015 for introduction, subject to objections, on the 1 October 2015. This objection period ended on the 25 September 2015 subsequent to the publication of the agenda for this meeting and any further objections received between the submission date of 21 September 2015 and the 25 September 2015 will be reported at this meeting.

Recommendations:

The Licensing & Regulatory Committee is recommended to approve that;

1. That the objection at Appendix B is overruled for the reasons explained in this report, and the objector informed accordingly.
2. Any objections submitted since the publication of this report are considered.
3. The proposed fee changes are introduced as advertised or in amended form having regard to any objections received since the publication of this report.

List of Appendices included:

Appendix A – Proposed fees

Appendix B – Objection

Other useful background papers:

None

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Objection to Hackney Carriage and Private Hire Licensing Fee Review 2015 – Three yearly drivers' licences & five-yearly private hire operators' licences

1. Purpose of Report

At a Licensing & Regulatory Committee meeting on the 25 August 2015 as a result of the Deregulation Act 2015 requiring local authorities to generally issue drivers' licences for a three year period and private hire operators' licences for a five year period Coventry City Council decided to adjust and re-structure some of the fees for hackney carriage and private hire licensing.

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2. Recommendation

It is recommended that the Licensing & Regulatory Committee:

The Licensing & Regulatory Committee is recommended to approve that;

1. That the objection at Appendix B is overruled for the reasons explained in this report, and the objector informed accordingly.
2. Any objections submitted since the publication of this report are considered.
3. The proposed fee changes are introduced as advertised or in amended form having regard to any objections received since publication of this report.

3. Information/Background

3.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that the City Council may charge as fees the reasonable cost of administering and enforcing the hackney carriage and private hire licensing function. The fees charged by the Taxi Licensing Office are intended to enable the service to operate on a self-financing basis.

3.2 A review of fees was carried out in 2009, which involved assessing the resources used for each activity represented by a fee. Any increased costs to taxi licensing since 2009 have been managed within available resources.

3.3 The main issues/points raised by the person objecting are set out below with Taxi Licensing Office concerns in italics where applicable. The objector states that:

- His hackney carriage driver's badge expires on the 25 October 2015 and he wants to retire early in 2016
- He would like a one-year licence

The Deregulation Act 2015 makes it mandatory for local authorities to issue three-yearly drivers' licences from the 1 October 2015, however it also states or "for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case".

- If a one-year licence is not possible then he wishes not to have to undertake a DBS and DVLA check when his licence is renewed. The objector also notes that some Councils are allowing drivers apply for their three year licences when their DBS and DVLA checks expire

The Taxi Licensing Office believes that the renewal must be tied in with undertaking a DBS and DVLA check as the administration required to do otherwise would necessitate increases in the cost of the licence and would not be a robust process.

4. Proposal and Other Option(s) to be Considered

- 4.1 The cost of the current annual renewal of a drivers licence is £110 which over a three year period is a cost to the driver of £330. It has been calculated that moving forward the cost of a three yearly licence, taking into consideration the application process and inflation increases will be £170 (a saving to the driver of £160 over a three-yearly period).
- 4.2 The costs of a current annual first grant licence (when a new applicant driver is initially granted a licence) is £90 which over a three year period is a cost to the driver of £310 (2 x £110 plus £90). It is proposed that the cost of an initial three-yearly licence is £170 (a saving to the driver of £140 over a three-yearly period).
- 4.3 The costs of a current annual re-grant licence (within a six month period after a driver's licence has expired thus not requiring the applicant to undertake all the requirements of a new applicant) is £130 which over a three year period would have been a cost to the driver of £350 (2 x £110 plus £130). It is proposed that the cost of an initial three yearly re-grant licence is £190 (a saving to the driver of £160 over a three-yearly period).
- 4.4 It is City Council policy that a Disclosure & Barring Service (DBS – previously the CRB) enhanced application and also a DVLA check is carried out every three years for existing drivers. In order to tie these three-yearly checks with the three-yearly driver's licence renewal it is proposed that on renewal the driver will have to undertake a three-yearly DBS enhanced application and a DVLA check. This will incur additional charges for drivers who last completed a DBS enhanced application and DVLA check one year and two years ago.
- 4.5 In 2009 the City Council gave a private hire operator the option to opt for a five-yearly licence rather than an annual licence. The cost of the five-yearly licence renewal in 2009 was £1625 and this amount has not been adjusted for inflation since 2009. It has been calculated that a typical private hire operators' renewal will now cost £1668.
- 4.6 The cost of a current five year first grant licence (when a new applicant operator is initially granted a licence) is £1700. It has been calculated that a typical private hire operator's first grant licence will now cost £1668 (a saving to the operator of £32).
- 4.7 The cost of a current five year re-grant licence (within a one month period after an operator's licence has expired) is £1725. It is intended to reduce this fee to £1708 (a saving to the operator of £17).
- 4.8 Currently a private hire operator is not entitled to a surrender refund for their licence. In order not to penalise a private hire operator who may want a licence for a shorter period of time than five years it is intended that an operator will be entitled to a private hire operator's licence surrender refund of £167 per complete six month period remaining on their licence.
- 4.9 The above changes are summarised in Appendix A.

5. Financial implications

The proposed fee structure has been designed to enable the continued operation of the Taxi Licensing Office on a self-financing basis. It is not intended to alter staffing levels in the short term whilst the changes are implemented but fee revisions and staffing levels will be routinely re-evaluated. Any shortfall in licensing income during the implementation period will be managed within existing resources. Fee revisions are explained in section 4 with a detailed list of proposed fees shown in Appendix A.

6. Legal implications

- 6.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the City Council can only charge a level of fees which is sufficient to cover the reasonable costs of administering and enforcing the hackney carriage and private hire licensing function.
- 6.2 The 1976 Act lays down a statutory procedure for varying fees for Hackney Carriage Proprietors (i.e. vehicle) licences, Private Hire vehicle licences and Private Hire Operators' licences. This procedure involves giving public notice of the proposed changes and a 28 day objection period. If objections are made, these must be considered by the Committee before the proposed fees, relating to those types of licences, can be implemented.
- 6.3 The above statutory procedure does not apply to varying fees for Hackney Carriage and Private Hire drivers' licences. However, it is considered simpler and fairer if the whole proposed fee table including drivers' licence fees, is advertised and the trade or public are given an opportunity to object to any item on the proposed fee table.
- 6.4 The issue of Hackney Carriage/Private Hire licences and the amount of any charge for their issue is excluded from being an 'executive function' by Regulation 2(6) and Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- 6.5 Section 10 of the Deregulation Act 2015 requires (from 1st October 2015) Hackney Carriage/Private Hire drivers' licences to be normally issued for a 3 year period and Private Hire Operators' licences to be normally issued for a 5 year period. Shorter licence periods can exceptionally be applied on a case-by-case basis where there are regulatory concerns.

7. Timescale

- 7.1 Subject to the approval of the fees it is intended that they will be introduced on the 1 October 2015

8. Other implications

None

8.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry Sustainable Community Strategy

Ensuring that the public are safe by assessing drivers are fit and proper.

8.2 How is risk being managed?

Ensuring that established procedures are followed.

8.3 What is the impact on the organisation?

None

8.4 Equalities / EIA

Not applicable

8.5 Implications for (or impact on) the environment

None

8.6 Implications for partner organisations?

None

8.7 Human Rights Act Implications

None

Report author(s):**Name and job title:**

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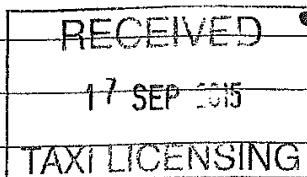
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Hackney Carriage/Private Hire Licensing Proposed Fee Structure 2015 – Drivers’ Licences and Private Hire Operator’s Licences

CURRENT LICENCE TYPE	ANNUAL CURRENT FEE	THREE YEARLY PROPOSED FEE
Drivers (Hackney Carriage and Private Hire)		
First Grant Licence Issue	£90	£170
Renewal of Licence	£110	£170
Re-Grant of Licence	£130	£190
CURRENT LICENCE TYPE	FIVE-YEARLY CURRENT FEE	FIVE YEARLY PROPOSED FEE
Private Hire Operators		
First Grant Licence Issue	£1700	£1668
Renewal of Licence	£1625	£1668
Re-Grant of Licence	£1665	£1708
Private Hire Operator Licence Surrender Refund (£167 per complete six months remaining on licence)	N/A	N/A



TAXI BADGE N. HD 0462.

MY TAXI LICENCE EXPIRES ON 25.10.15.

AS I WANT TO RETIRE EARLY IN 2016

I ASKED THE TAXI LICENSING IF I COULD HAVE
A ONE YEAR LICENCE INSTEAD OF A THREE YEAR
I WAS TOLD THAT IT HAD TO BE THREE YEARS
FROM 1.10.15.

I ASKED IF I GET ALL PAPERWORK MEDICAL DONE
CAN I RENEW THE LICENCE FOR 30.9.15.

I WAS TOLD SORRY BUT NO.

IF I HAD TO HAVE A THREE YEAR LICENCE,
CAN I NOT HAVE TO REAPPLY FOR DBS CHECK
AND DVLA CHECK UNTIL MY EXISTING ONES RUN
OUT IN OCT. 2016 WHEN I WOULD HAVE TO HAND
IN MY MEDICAL THEN.

IN MY CASE I WOULD HAVE RETIRED BY THEN
ANYWAY -

I HAVE NOTICED THAT SOME COUNCILS ARE LETTING
DRIVERS ROPY FOR THEIR THREE YEAR LICENCES
WHEN THEIR DBS AND DVLA CHECKS EXPIRE

I HAVE BEEN IN TOUCH WITH THE GOVERNMENT
OMBUDSMAN - AND TOLD TO COMPLAIN TO WRITING
FIRST. -

IF I GET NO JOY TO GET BACK IN TOUCH WITH
THEM -



12.9.15