

Title of meeting: LICENSING COMMITTEE

Date of meeting: 13 JANUARY 2015

Subject: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 - REVIEW OF VEHICLE AND OPERATOR
LICENSING FEES - CONSIDERATION OF OBJECTIONS

Report by: LICENSING MANAGER

Wards affected: ALL

Key decision: No

Full Council decision: No

1. Purpose of report

The purpose of this report is for the Committee to consider objections that have been made to the Licensing Authority in response to the proposed variation to the level of fees payable in respect of private hire and hackney carriage licences.

2. Recommendations

(1) That the Committee consider the objections received in response to the proposed variation to licensing fees; and

(2) That the Committee determine the level of fees to be set in respect of hackney carriage and private hire vehicle licences and private hire operator licences, and for such fees to come into immediate effect.

3. Background

3.1 The Committee considered an annual review of licensing fees at its meeting on 21st November 2014. A copy of that report is attached as Appendix A.

3.2 The Committee noted the contents of the report and agreed to an immediate increase in fees to achieve full cost recovery (as per Option 1 of that report) and that the approved fees be implemented with immediate effect. The Head of Health, Safety and Licensing was granted delegated authority to advertise (where appropriate) such fees and charges that were subject to any formal public statutory consultation.

3.3 A table summarising the existing fees and approved fees is attached as Appendix B.

- 3.4 A table summarising the existing fees and alternative options put forward for consideration by the Committee at its meeting on 21 November 2014 is attached as Appendix C.
- 3.5 The proposed fees for hackney carriage and private hire vehicle licences and private hire operator licences are subject to formal public consultation for a period of 28 days by virtue of section 70 of the Local Government (Miscellaneous Provisions) Act 1976 ("The 76 Act").
- 3.6 There is no statutory requirement to advertise the increase in licensing fees in respect of hackney carriage and private hire driver's licences and consequently, the fee increase for driver's licences came into effect on 21 November 2014.
- 3.7 A public notice was published in The News on 27 November 2014. Following such notice being given, a number of objections to the proposed increase in fees have been received and are attached as Appendix D.
- 3.8 Sections 53 and 70 of the 76 Act permits a licensing authority to charge such fees as may be sufficient to cover and reasonable administrative and compliance costs associated with the private hire and hackney carriage licensing regimes.
- 3.9 It has always been the aim of the Committee to work towards total cost recovery, where possible, in undertaking the various licensing functions.
- 3.10 However, members will be aware that the EU Services Directive 2009 and recent case law (Hemming v Westminster City Council) prohibits the Licensing Authority from using licence fees as a form of raising general revenue for the Council and prevents the recovery of costs associated with the cost of enforcement activity in relation to unlicensed traders.

4. Reasons for recommendations

The reason for the recommendations are to ensure that the Committee have due regard to the objections received in response to the proposal to increase fees as per Option 1 of the report considered on 21 November 2014 and to determine the level of fees to be charged in respect of Hackney Carriage and Private Hire licences.

5. Equality impact assessment (EIA)

No equality impact assessment is required as the review of the annual fees does not represent a change in policy or provision of service.

6. Legal Implications

The legal implications are embodied within the report.

7. Finance Comments

- 7.1 The Licensing Committee have been made aware of the three options in terms of cost recovery and the amounts required to reduce/eliminate the current deficit on the licensing budget in respect of hackney carriage and private hire licences.
- 7.2 The options put forward for consideration were based upon a thorough analysis of the costs associated with each of the licensing functions.
- 7.3 Option 1 was selected by members which was to introduce an increase in fees to achieve full cost recovery immediately.
- 7.4 Members should be cognisant that any decision as regards the setting of fees that cannot be shown to be justified or reasonable could give rise to legal challenge by licence holders.

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Signed by:

Appendices:

- Appendix A - Copy of the report to the Licensing Committee dated 21 November 2014;
- Appendix B - Table showing existing and approved fees;
- Appendix C - Table summarising the existing fees and alternative options put forward for consideration by the Committee on 21 November 2014;
- Appendix D Objections received in response to public consultation.

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: