

Public Document Pack

Date of meeting Monday, 3rd November, 2014
Time 7.00 pm
Venue Civic Offices, Merrial Street, Newcastle Under
Lyme, Staffordshire ST5 2AG
Contact Geoff Durham

Public Protection Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

a Taxi and Private Hire Vehicle Fees 2015/2016 (Pages 3 - 8)

Members: Councillors Bailey, Mrs Braithwaite, Eastwood, Hailstones, Mrs Hailstones, Matthews, Naylor, Miss Olszewski, Proctor (Vice-Chair), Robinson (Chair), Miss Walklate, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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1. **REPORT TITLE** **Taxi and Private Hire Vehicle Fees 2015/2016**
- Submitted by:** **(Democratic Services Manager)**
- Portfolio:** **(Finance and Resources)**
- Ward(s) affected:** **(not specific)**

Purpose of the Report

To request the Public Protection Committee to consider the proposed taxi and private hire fees prior to their consideration by the Cabinet.

Recommendations

- a) **That the Public Protection Committee considers the proposed fees.**
- b) **That any comments and recommendations from the Committee be fed back to Cabinet.**
- c) **That the proposed fees be sent out for consultation.**

Reasons

The setting of Private Hire and Hackney carriage fees is a function of the Cabinet.

1. **Background**

The Local Government (Miscellaneous Provisions) Act 1976 states the following in relation to Operator and Vehicle licence fees:

- (1) Subject to the provisions of subsection (2), a district 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 the aggregate to cover in whole or in part:
 - (a) the reasonable cost of the carrying out by or on behalf of the district council of 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 in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
- (2) The fees chargeable under this section shall not exceed—
 - (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
 - (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
 - (c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

- (3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.
- (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.
- (4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.
- (6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

3. Options Considered

Private Hire/Hackney Carriage	Current £	Proposed £
Private hire operators (plus £100 per additional vehicle up to a maximum 50 vehicles)	85	85
Hackney carriage - drivers badge (3 years)	210	214
Private hire - drivers badge (3 years)	210	214
Replacement badge	13	13
DBS (CRB)	44	44 – Set Fee
Hackney carriage - vehicles	275	280
Private hire - vehicles	270	275
Private hire - vehicles 8+ seats	275	280
Transfer of vehicle	36	37
Failure to attend for vehicle test	97	100
Retest	33	35
Replacement plate and carrier - front	0	5
Replacement plate and carrier - rear	0	5

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity

7. **Legal and Statutory Implications**

The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, section 70.

9. **Financial and Resource Implications**

There will be financial implications for the Council if full cost recovery is not achieved.

10. **Major Risks**

The Council will be open to challenge in the High Court should the calculation of the fees and areas charged for prove to be contrary to the Act.

Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

11. **List of Appendices**

Appendix A: Current Taxi licensing budgets for 2014/2015

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2014 - 2015	Description	Budget (£'s)
Income	Totals	-32,700
	Vehicle Recharges from depot	61,870
	Equipment - Purchase	3,500
	Recharges - Print Room Printing	700
	Other Fees for Services - DBS Service	20,000
	Recharges from Accountancy	820
	Recharges from Audit	560
	Recharges from ICT Services	2,300
	Recharges from Financial Mgmt System	490
	Recharges from Central Services	106,700
	Recharges from Legal Services	3,220
	Recharges from Research Section	650
	Recharges from Communications	890
Expenditure	Reimbursements - DBS Service	-20,000
	Hackney Carriage Vehicle Licences	-55,000
	Private Hire Vehicle Licences	-108,000
	Hackney Carriage Driver Licences	-20,000
	Hackney Carriage/Private Hire Fees - Pla	-400
	Private Hire Driver Licences	-30,000
	Private Hire Operator Licences	-1,000
	Totals	33,000
Bus Station and General Compliance	Other Fees for Services	33,000
		300

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