

Public Document Pack

Date of meeting Friday, 20th June, 2014
Time 7.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary



Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Cabinet

AGENDA

PART 1– OPEN AGENDA

- 1 Decision in Relation to Private Hire Vehicles and Hackney Carriage Vehicle Licence Fees (Pages 3 - 8)

Members: Councillors Mrs Beech, Turner, Stubbs (Vice-Chair) and Mrs Shenton

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

Contacting the Council:

Switchboard 01782 717717 · Fax 01782 711032 · DX 20959 · Text 07800 140048
E-mail webmaster@newcastle-staffs.gov.uk · www.newcastle-staffs.gov.uk

Britain in Bloom:
National Winner 2005
Silver Gilt Medal 2009
Regional Winner
2003, 2004, 2008,
2009, 2010
Gold Award Winner
2002 - 2010

This page is intentionally left blank

1. **REPORT TITLE** **Taxi and Private Hire Vehicle Fees 2014/2015**
- Submitted by:** **(Democratic Services Manager)**
- Portfolio:** **(Finance and Resources)**
- Ward(s) affected:** **(not specific)**

Purpose of the Report

To request the Executive to consider whether the fees agreed for consultation at the Cabinet meeting held on 15th January 2014 in relation to hackney carriage and private hire vehicles should be implemented in light of representations received from members of the taxi trade.

To recommend to the Executive that implementation of the proposed fee for a Private Hire Operators be put on hold pending further work being carried out by the licensing department and the Taxi and Private Hire Working Group. This will have no detrimental impact on income for the Council as 2014/2015 is not a renewal year for Private Hire Operators.

Recommendations

- a) **That the Executive consider the options available in relation to hackney carriage and private hire vehicle fees.**
- b) **That the option decided upon in a) be implemented with immediate effect**
- c) **That the proposed fee for a Private Hire Operator licence be put on hold pending further investigation.**

Reasons

Representations have been received from members of the taxi and private hire trade in relation to the proposed fees for private hire and hackney carriage vehicles.

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.

2. **Issues**

Representations have been received and have not been withdrawn therefore as stated in point 5 above, the Council must consider the objections which are attached to this report and set a date before 7th June 2014 when the variation with or without modification must come into effect.

3. **Options Considered**

The original option and two modified options are attached and detailed at Appendix C to this report.

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 depending on which option is implemented.

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: Representation received from members of the taxi and private hire trade

Appendix B: List of areas where costs can be recovered.

This page is intentionally left blank

Charging Policy for Private Hire and Hackney Carriage Vehicles

Local Government (Miscellaneous Provisions) Act 1976.

The Council must decide whether it is to achieve full cost recovery or provide a subsidy to licensees.

The Council must not make a profit on the fees but all costs can be recovered.

Calculations on costs must be renewed every year.

Any reduction in costs must lead to a reduction in fees.

What can be recovered?

- Enforcement costs against unlicensed traders must be covered by the general Council fund. Therefore it is useful to make a distinction between enforcement and compliance. Compliance includes monitoring visits (spot checks), suspensions, revocations and prosecution of licence holders. Enforcement is any actions against unlicensed operators.
- Apportioned Officer.
- Officer on-costs – PAYE, Pension etc, accommodation, offices, heating, light, rates, computers, desks, paper, pens etc.
- Equipment costs including testing of equipment.
- Member costs – allowances/expenses, meeting rooms, printing etc.
- Advertising costs if applicable such as public notices.
- Environmental Health compliance
- Lawyers / Solicitors
- Financial / accountants
- Provision for appeals
- Training Costs

This page is intentionally left blank