

PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2019/2020

Submitted by: **Head of Environmental Health Services**

Portfolio: **Finance, IT & Customer**

Ward(s) affected: **All**

Purpose of the Report

To request the Public Protection Committee to consider the proposed taxi and private hire fees prior to consultation, as referred to in the report.

Recommendations

- a) That the Public Protection Committee considers the proposed fees.
- b) That the proposed fees be sent out for consultation.
- c) That following consultation a further report is brought to Committee.

Reasons

The setting of Private Hire and Hackney carriage fees is a Council function

1. Background

1.1 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.

- 1.2 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators.

Section 10, subsection 2 of the Deregulation Act 2015 changed the law in such a way as to establish a standard duration of three years for hackney carriage and private hire driver licences. The section specifies that a licence may be granted for a period of less than three year but only in circumstances of an individual case, not because of a blanket policy.

Subsection 3 of the Act changed the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of blanket policy.

2. **Proposal:**

- 2.1 The proposed fees and charges for 2019-20 are:

| Private Hire/Hackney Carriage (subject to consultation) | Fee/Charge 2018-19 (£) | Proposed Fee/Charge 2019-20 (£) | Difference (£) |
|--|---------------------------|---------------------------------------|----------------|
| OPERATORS | | | |
| Private hire operators 5 year licence | | | |
| 1 vehicle | 180.00 | 187.00 | 7.00 |
| 2-5 vehicles | 365.00 | 380.00 | 15.00 |

| | | | |
|---|----------|----------|--------|
| 6-15 vehicles | 640.00 | 665.00 | 25.00 |
| 16-25 vehicles | 1,710.00 | 1,780.00 | 70.00 |
| 26-35 vehicles | 2,750.00 | 2,850.00 | 100.00 |
| 36-50 vehicles | 3,810.00 | 3,950.00 | 140.00 |
| Additional vehicle after 50 vehicles | 23.00 | 24.00 | 1.00 |
| DRIVERS | | | |
| Dual Driver Badge (Hackney Carriage and Private Hire) 3 years | 240.00 | 250.00 | 10.00 |
| Change of Address | 20.00 | 21.00 | 1.00 |
| Replacement badge | 16.00 | 17.00 | 1.00 |
| Reissue/Replacement badge (with amended details) | 35.00 | 36.50 | 1.50 |
| DBS (CRB check) | 44.00 | 44.00 | 0.00 |
| DBS (CRB (online)) | 58.00 | 64.50 | 6.50 |
| Safeguarding Training | 35.00 | 36.50 | 1.50 |
| Exemption Certificates | 25.00 | 26.00 | 1.00 |
| Knowledge Test | 45.00 | 45.00 | 0.00 |
| Replacement Safeguarding training certificate (NEW) | N/A | 5.00 | 0.00 |
| VEHICLES | | | |
| Hackney carriage - vehicles | 310.00 | 322.00 | 12.00 |
| Private hire – vehicles | 305.00 | 317.00 | 12.00 |
| Transfer of vehicle | 45.00 | 47.00 | 2.00 |
| Change of Vehicle Registration | 45.00 | 47.00 | 2.00 |
| Failure to attend for vehicle test | 110.00 | 114.00 | 4.00 |
| Retest | 40.00 | 41.50 | 1.50 |
| Replacement plate carrier - front | 10.00 | 10.00 | 0.00 |
| Replacement plate carrier - rear | 15.00 | 15.00 | 0.00 |
| Replacement Vehicle plate - Front | 10.00 | 10.50 | 0.50 |
| Replacement Vehicle plate - Rear | 15.00 | 15.50 | 0.50 |
| Replacement Vehicle Signage (each) | 3.00 | 3.00 | 0.00 |
| Copy of paper part of licence | 11.00 | 11.50 | 0.50 |
| Exception Vehicle Test | 70.00 | 73.00 | 3.00 |
| 6 Monthly Test following an Exception Test | 120.00 | 125.00 | 5.00 |

2.2 It is recommended that a new fee is introduced for issuing a replacement Safeguarding training certificate. Since the training was introduced the Council have received a significant

number of requests to issue a replacement certificate and currently there is no recourse to make a charge for this.

3. **Recommendation**

- 3.1 a) That the Public Protection Committee considers the proposed fees.
- b) That the proposed fees be sent out for consultation.
- c) That following consultation a further report is brought to Committee

4. **Financial and Resource Implications**

- 4.1 The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, section 70
- 4.2 There will be financial implications for the Council if full cost recovery is not achieved.

5. **Links to Corporate Priorities**

- 5.1 In line with the Council's objectives –
 - a) Local services that work for local people.
 - b) Growing our people and places.
 - c) A healthy, active and safe borough

6. **Risks**

- 6.1 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.
- 6.2 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