



TAXI AND GENERAL COMMITTEE – 23RD SEPTEMBER 2019

SUBJECT: HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE & PRIVATE HIRE VEHICLE OPERATOR FEES – 2019/20

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To consider any objections received from the statutory consultation on the proposed Hackney Carriage / Private Hire vehicle and Private Hire Operator fees and approve the fees for said licence types, with or without modification and the date they come into effect.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends changes in fees in respect of Private Hire/Hackney Carriage Vehicle and Operator licences, following the statutory 28 day consultation period in respect of proposed increases.

3. RECOMMENDATIONS

- 3.1 That the Committee -
- a) Consider the fees proposed in the report as detailed in 5.4 subject to any comments from the Caerphilly County Borough Taxi Drivers Association (CCBTDA) and determine the fees for 2019/20 and the date any variations should come into effect.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service.

5. THE REPORT

- 5.1 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, a local authority may vary the fees for Hackney Carriage & Private Hire Vehicle and Private Hire Operator Fees within their district. Prior to bringing into force any changes, the authority must publicise its proposals in the local press for a period of 28 days to allow for any objections.

A report on proposed increases to Hackney Carriage / Private Hire Vehicle and Private Hire Operator Fees was considered by the Taxi & General Licensing Committee on the 20th June 2019 and approval given for the statutory publication of the proposed new fees in respect of these licence types for a 28 day consultation period. The Taxi & General Licensing Committee were also informed that following the consultation if no objections were received, the new fees would come into effect immediately. If any objections were received that the Taxi & General Licensing Committee would receive a further report to consider these and to approve the Hackney Carriage & Private Hire Vehicle and Private Hire Operator Fees with or without modification and the date upon this should come into effect. A copy of the Committee report is reproduced for Members information as **Appendix 1**.

- 5.2 An advertisement detailing the public consultation was placed in the Western Mail newspaper on the 2nd July 2019 and a notice displayed at the council offices at Ty Penallta, Ystrad Mynach. The consultation period ended on the 29th July 2019.
- 5.3 During the 28 day consultation period an objection to the proposed increases was received from the Caerphilly County Borough Taxi Drivers Association (CCBTDA). The CCBTDA have requested to raise their objection directly with the Committee. A copy of that notification is reproduced for Members information as **Appendix 2**. Members will note that no detail as to the nature or alternative proposals in respect of the proposed fees were included with the CCBTDA submission.
- 5.4 The proposal in respect of **Hackney Carriage / Private Hire vehicle fees** was to increase the 1 year fee from £197.00 to £207.00 and in respect of **Private Hire Operator fees** to increase as detailed below –

Existing	Proposed
£237.00 (1Year)	£259.00 (1 Year)
£367.00 (2 Years)	£389.00 (2 Years)
£497.00 (3 Years)	£519.00 (3 Years)
£627.00 (4 Years)	£649.00 (4 Years)
£757.00 (5 Years)	£779.00 (5Years)

5.5 **Conclusion**

The Authority is required to review its Licensing fees on an annual basis and has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service.

6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in the preparation of this report.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 There are a number of policies and conditions of licence relevant to the types of licences covered in this report.

7.2 **Corporate Plan 2018-2023.**

The aim of licensing is generally public safety and protection and to ensure a fair and level market place for licensable activities.

The report impacts on the following Corporate Well-being Objectives, which are:

Objective 2 - Enabling employment

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The areas covered in this report contribute to the following Well-being Goals

- A prosperous Wales
- A resilient Wales
- A more equal Wales
- A globally responsible Wales

They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision-making process. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

9. EQUALITIES IMPLICATIONS

9.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

10. FINANCIAL IMPLICATIONS

10.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications.

12. CONSULTATIONS

- 12.1 The proposals to increase the fees in respect of Hackney Carriage / Private Hire Vehicles and Private Hire Operators has been subject to statutory consultation.

13. STATUTORY POWER

- 13.1 Local Government (Miscellaneous Provisions) Act 1976.

Author: Lee Morgan, Licensing Manager, morgal16@caerphilly.gov.uk

Consultees: Cllr Denver Preece Chair, Taxi & General Licensing Committee
Cllr Julian Simmonds, Vice Chair, Taxi & General Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection.
Mark S. Williams, Interim Corporate Director Communities
Robert Hartshorn, Head of Public Protection, Community and Leisure Services
Robert Tranter, Head of Legal Services and Monitoring Officer
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Appendices:

- Appendix 1 Taxi & General Licensing Committee Report 20.6.19 - Taxi and General Licensing/registration/permit Fees –2019/20
Appendix 2 Objection received from Caerphilly County Borough Taxi Drivers Association (CCBTDA)



TAXI AND GENERAL COMMITTEE – 20TH JUNE 2019

SUBJECT: TAXI AND GENERAL LICENSING/REGISTRATION/PERMIT FEES – 2019/20

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To recommend taxi and general Licensing/Registration/Permit Fees for the next financial year for approval by Members.
- 1.2 Subject to paragraph 1.1 the proposed fees for hackney carriage/private hire vehicle and private hire operator licences for 2019/20 be advertised for consultation and if any objections are received be considered at a further meeting of this committee to determine the fees to be charged and the date on which any variations should come into force.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service. Council on 5th June 2018 determined that in future years the decisions in respect of such fees will be made by the relevant Licensing Committee without further reference to full Council. This report recommends changes in fees where appropriate for a number of general fees such as Animal establishments and Private Hire/Hackney Carriage Driver, Vehicle and Operator licences.

3. RECOMMENDATIONS

- 3.1 That the Committee
 - a) Consider the fees proposed in the report as outlined in Appendix 1 and subject to 1.2 determine the fees for 2019/20.
 - b) Approve the advertising of the proposed fees for hackney carriage/private hire vehicle licences and Operators for 2019/20 for 28 days as part of the statutory consultation process.

If there are no objections the fees will come into force at the end of the consultation period. If objections are received a further meeting of this Committee will be arranged to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service.

5. THE REPORT

- 5.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service.
- 5.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 5.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to review and set the fees for 2019/20.
- 5.4 The fee review process for 19/20 indicated that some current fee levels are not meeting the cost of providing the service, for example Pet Shop licences, Riding Establishments, Boarding Establishments, Hackney Carriage and Private Hire Vehicle licences, Taxi driver licences and Private Hire Vehicle Licences. These have been increased accordingly in an effort to cover costs. In other areas, improved cost information, streamlining of processes etc has resulted in costs remaining static.

The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:

- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
 - Other charges –
 - (i) Total charges for time based on functions associated with the service provision.
 - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences
 - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.
- 5.5 Appendix 1 to this report sets out the existing general fees and those proposed for 19/20. For the ease of calculation and collection, all these fees have been rounded to the nearest pound. Whilst the Authority acknowledges the difficulties faced by local businesses in the current economic climate, The Council is entitled to set fees that cover the reasonable costs of providing these services.

5.6 Taxi Driver / Vehicle /Operator Licences

Full cost recovery would require increases of £6.00 in respect of Hackney Carriage / Private Hire Vehicle Driver licences (3yr licence), £34.00 in respect of Hackney Carriage / Private Hire Vehicle Licences (1yr licence) and £22.00 in respect of Private Hire Vehicle Operator Licence (5yr licence.)

Members may recall their deliberations in respect of fee setting for this area of licensing for 2018/19 fee levels and ultimately a decision not to increase to full cost recovery. This obviously has an impact on future years fees as surpluses and deficits are carried over in the toolkit from one year to the next.

It is believed that such a large increase in the vehicle fee of £34.00 would have considerable impact on the trade in the current economic climate, meaning that a vehicle licence fee would increase from £197.00 to £231.00 per vehicle. Should Members consider this to be unreasonable, a £6.00 increase in fees would generate additional income of £2364.00 whilst a £10 increase would generate £3940.00 and a £34 increase would generate £13,396.

The proposed increases are detailed in Appendix 1 and recommend an increase of £6 for driver fees, £10 for a vehicle licence and £22 for an Operator Licence. The proposed fee for a vehicle licence falls short of full cost recovery but is believed to be a realistic increase in the current climate. The Vehicle and Operator Fees are subject to statutory consultation under the Local Government Miscellaneous Provisions Act 1976. Any objections received must be considered by a further meeting of this committee who would then determine the date on which any fee variance should come into force, with or without modification.

5.7 Street Trading

The fees for Street Trading renewals have been increased in a staged approach to bring them into line with the new application fee. The process for both are now standardised and so the cost to the authority in providing the service is the same. The fees process for this licence type has been reviewed and the results of which suggest that fees be maintained at £674.

5.8 Tattooing / Piercing

The fees in respect of Personal Licences were revised in 2018. This resulted in a decrease for costs for this 'one off' registration following a review of time monitoring and stream lining of processes. The fees for both Personal and Premises Licences have undergone a similar review, the result of which require these 'one off' fees to be increased by £11.00 for Personal and £20.00 for Premises Licences. This is the first increase in respect of Premises Licences since 2016/17.

5.9 Animal Licences / Registrations

The processes involved in the licensing of Animal Boarding, Riding Establishments, Pet Shops, Dangerous Wild Animals and registration for Performing Animals have undergone their annual review. Increases can be attributed to increased Officer time for preparation, inspections and compliance visits and resulting follow up actions. Appendix 1 sets out the new proposed fees. A review is being undertaken of the fee structure in respect of Zoo licences.

5.10 Conclusion

The Authority is required to review its Licensing fees on an annual basis and has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service.

6. ASSUMPTIONS

6.1 No assumptions have been made in the preparation of this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 There are a number of policies and conditions of licence relevant to the types of licences covered in this report.

7.2 Corporate Plan 2018-2023.

The aim of licensing is generally public safety and protection and to ensure a fair and level market place for licensable activities.

The report impacts on the following Corporate Well-being Objectives, which are:

Objective 2 - Enabling employment

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The areas covered in this report contribute to the following Well-being Goals

- A prosperous Wales
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- A more equal Wales
- A globally responsible Wales

They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders.

There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision-making process. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

9. EQUALITIES IMPLICATIONS

9.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

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10.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases

in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.

- 10.2 As set out at 5.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service.
- 10.3 Following review of all locally set fees, the predicted income for the period 2019 to 2020 will be dependent on the aggregation of fees for different licence types. It is difficult to accurately predict Income arising from licensing applications as numbers of applications is subject to variation. The main impact in respect of this report will arise from the level of fees adopted in respect of Taxi driver / vehicle licences, Pet Shops and Animal Boarding Establishments. Adopting the fee levels recommended in this report will generate an increased income of £6220.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no personnel implications.

12. CONSULTATIONS

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

13. STATUTORY POWER

- 13.1 Local Government (Miscellaneous Provisions) Act 1976, Local Government (Miscellaneous Provisions) Act 1982, Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1970, Performing Animals (Regulation) Act 1925, Dangerous Wild Animals Act 1976

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Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
James Williams, Senior Solicitor, Legal Services
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Appendices:

Appendix 1 Existing and proposed fees for 2019/20

GENERAL LICENSING/REGISTRATION/PERMIT FEES – 2019/20

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<u>Miscellaneous</u>	£	£
Zoo (Under review)		
Commercial Animal Boarding Establishments	223.00	245.00
Home Animal Boarding Establishments	135.00	153.00
Pet Shops	212.00	224.00
Riding Establishments	338.00	343.00
Dangerous Wild Animals	332.00	354.00
Performing Animals	174.00	180.00
	* Fees for vet to be added, where appropriate	
Acupuncture, Tattooing, Special procedures, Ear Piercing and Electrolysis -		
Premises	178.00	198.00
Person	87.00	98.00
Variation	40.00	40.00
Explosives, Fireworks and Petroleum (Petroleum licences can be charged at a pro rata rate of 50 % for yr 2 & 33% for yr 3)	Fixed rates linked to statutory & advisory documents	Fixed rates linked to statutory & advisory documents
Pleasure Boats	200.00	200.00
Pro rata per month	17.00	17.00
Boatmen	84.00	84.00
Pro rata per month	7.00	7.00
<u>Sex Establishments</u>		
Shop/ Cinema		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00
Sexual Entertainment Venue		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
	£	£
Street Trading		
Permanent static consent and mobile traders (new applications)	674.00	674.00
Permanent static consent and mobile traders (renewal applications)	617.00	674.00
Variation	-----	
Change of detail	10.50	10.50
Temporary consent –		
One off day rate	30.00	30.00
Up to 7 days	58.00	58.00
8 – 28 days	115.00	115.00
Quarterly / Seasonal		
Up to 3 months	169.00	169.00
Up to 6 months	338.00	338.00
Up to 9 months	507.00	507.00
<u>Marriage Act (5 Year Premises Approval)</u>		
New applications	769.00	769.00
Renewal	769.00	769.00
<u>Hackney Carriage: Private Hire Vehicles, Operators and Drivers</u>		
Hackney Carriage/Private Hire Vehicles**	197.00 plus compliance check fee	207.00 plus compliance check fee
Hackney Carriage/Private Hire Vehicle Driver 3yr	247.00	253.00
2yr	207.00	213.00
1yr	167.00	173.00
Private Hire Vehicle Operator 5yr	757.00	779.00
4yr	627.00	649.00
3yr	497.00	519.00
2yr	367.00	389.00
1yr	237.00	259.00
Replacement Fees		
Rear plate	11.00	11.00
Rear plate and bracket	17.00	17.00
Driver Badge	6.00	6.00
Internal front disc	6.00	6.00
Internal back disc	6.00	6.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
Replacement external plate bracket.	6.00	6.00
Replacement pouches	1.00each	1.00each
Missed appointment fee	15.00	15.00
Vehicle Compliance Check Fees** Fees payable from 1 April 2016 directly to the Fleet Service Garage and set by them. The fee is subject to review so cannot be quoted at time of writing report.		

Morgan, Lee

From: David Miller <[REDACTED]>
Sent: 22 July 2019 10:43
To: Barrett, Rebecca
Cc: Chris Bundy; george edwards; Morgan, Lee; Morgan, Jacqui; WWW: Committee Services; Cllr. Harse, David; Cllr. Preece, Denver; Cllr. Price, Mrs Dianne; Cllr Donna Cushion; Cllr. Stenner, Eluned; Cllr. Bevan, J; Cllr. Ridgewell, John; Cllr. Roberts, John; Cllr. Simmonds, Julian; Cllr. Gale, June; Cllr. Davies, Mike; Cllr. Bevan, Phil J; Cllr Ross Whitings; Cllr. Williams, Walter; Cllr. David, Wynne
Subject: Objection

Dear Rebecca,

We the CCBTDA would like permission for our Chairman Mr Chris Bundy to speak to the Licensing Committee on the July 31st 2019 at 10am on our members behalf to explain our objections to the proposed fee increase to the Taxi trade by Licensing.

Regards

David K Miller

CCBTDA Secretary
(Caerphilly County Borough Taxi Drivers Association)
Tel: [REDACTED]