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Date: 10th June 2019

Dear Sir/Madam,

A meeting of the **Taxi and General Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 20th June, 2019** at **10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



To receive and consider the following report:-

3 Taxi and General Licensing/Registration/Permit Fees - 2019/20.

1 - 8

Circulation:

Councillors J. Bevan, P.J. Bevan, D. Cushing, W. David, M. Davies, K. Etheridge, Ms J. Gale, D.C. Harse, D.W.R. Preece (Chair), Mrs D. Price, J. Ridgewell, J.E. Roberts, J. Simmonds (Vice Chair), R. Whiting and W. Williams

And Appropriate Officers

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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
- 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.

- 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

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
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.		