



LICENSING COMMITTEE

Tuesday 27 September 2016 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Emergency Evacuation Procedure

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 Apologies for absence

3 Minutes

(Pages 3 - 4)

4 Urgent Business

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

5 Declarations of Interest

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

6 Deregulation Act 2015: Changes to Hackney Carriage and Private Hire Licensing Policy including Review of Fees

(Pages 5 - 14)

7 Any other business that the Chairman decides is urgent.

Public Document Pack Agenda Item 3

Licensing Committee

Held at Council Chamber, Ryedale House, Malton
on Tuesday 5 July 2016

Present

Councillors Windress, Burr MBE, Frank, Goodrick, Maud, Cleary and Thornton

In Attendance

Ronnie McClure, Robert Robinson, Mark Sissons, Mel Warters and Anthony Winship

Minutes

8 Apologies for absence

Apologies were received from Councillors Hope and Shields.

9 Minutes

That the minutes of the meeting held on 7 June 2016 be approved and signed by the Chairman as a correct record.

10 Urgent Business

There were no items of urgent business.

11 Declarations of Interest

There were no declarations of interest.

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

12 **Deregulation Act 2015 - Changes to Hackney Carriage and Private Hire Licensing Policy including Review of Fees**

Decision

That the Council recommend to approve changes to Hackney Carriage and Private Hire Licensing including a review of fees.

The Head of Environment, Streetscene and Facilities was authorised to advertise the proposed changes in fees for 28 days and invite representations in accordance with the requirements of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

It was recommended that all new drivers have safeguard training.

13 **Any other business that the Chairman decides is urgent.**

There were no items of urgent business.



PART B:	RECOMMENDATION TO COUNCIL
REPORT TO:	LICENSING COMMITTEE
DATE:	27 SEPTEMBER 2016
REPORT OF THE:	HEAD OF ENVIRONMENT, STREETSCENE & FACILITIES BECKIE BENNETT
TITLE OF REPORT:	DEREGULATION ACT 2015 CHANGES TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY INCLUDING REVIEW OF FEES 2016/17.
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report follows a previous report to Licensing Committee on 5 July 2016 which detailed proposed changes to the hackney carriage and private hire fees and policy as a result of the Deregulation Act 2015. This report reviews the results of consultation which has since taken place and puts forward proposals for 2016/17 taking these into account.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing Committee approves the fees set out in Appendix 1 to this report and they be introduced on 1 December 2016 or within 2 months of that date.
- 2.2 That a proposed new budget structure of three separate accounts for each licence type (1) dual drivers licence (2) hackney carriage vehicle and (3) private hire vehicle and operators be approved and adopted.
- 2.3 That a dual hackney carriage / private hire drivers licence be introduced for a period of 3 years and that licensing officers use the Department for Transport Best Practice Guidance when considering whether a licence should be issued for a lesser period and that policy be amended to reflect this.
- 2.4 That a private hire operators licences be introduced for a period of 5 years and that licensing officers use the Department for Transport Best Practice Guidance when considering whether a licence should be issued for a lesser period and that policy be amended to reflect this.
- 2.5 That the associated changes affecting school transport licences be phased in linked to the expiry dates of current NYCC contracts.

3.0 REASON FOR RECOMMENDATION

3.1 The recommended changes are a response to changes in the law.

4.0 REPORT

4.1 The fee change proposals contained within this report have been subject to consultation by placing a public notice in the press giving 28 days for views to be submitted in accordance with the requirements of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A copy of the notice is attached at Appendix 2 for information.

4.2 The fees and changes to policy have been published for comment on the Councils website, the trade have been emailed / written to and the matter has been presented to members of taxi businesses.

4.3 All the comments received are attached at Appendix 3 for consideration.

4.4 In summary there is support from existing licensed drivers to the proposed fees for licences which actually present financial savings when compared to the current annual licence fees.

4.5 The changes however do present an increase in costs to 9 school transport providers who are legally required to hold a private hire operators licence which has the potential to impact on current school contracts with North Yorkshire County Council (NYCC).

4.6 Officers are currently in liaison with NYCC to try to coordinate a joint approach to minimise the impact of these changes where RDC phases in the fee increases to licence the school transport providers to expire at the same time their existing school contracts expire.

4.7 There are no proposed changes from the fees presented at the 5 July committee meeting which it is recommended come into effect from 1 December 2016.

Licence Type	2016/17
Driver Grant	£380 three year, £290 one year
Driver Renewal	£249 three year, £192 one year
Vehicle Grant/Renewal	£330 one year
Operator Grant/Renewal	£1100 five year, £270 one year

4.8 Separated accounts - The point is raised in relation to separation of accounts and reference is made to the case of Cummings et al v City of Cardiff which concluded in 2014. This case clarified that:

- 4.8.1 (1) A local authority when determining hackney carriage and private hire licence fees under s53 and 70 of the LG(MP) Act 1974 must take into account any surplus or deficit generated from fees levied in previous years in respect of meeting the reasonable costs of administering the licence fees as provided by s.53 and 70 above.
- 4.8.2 (2) A local authority must keep separate accounts for and ensure when determining hackney carriage and private hire vehicle licences fees under s.53 and 70 of the LG(MP) Act 1976 that any surplus or deficit accrued under each of the hackney carriage and private hire licensing regimes are only accounted for and taken into account within the regime under which they have accrued and a surplus from one licensing regime shall not be used to subsidise a deficit in another.
- 4.8.3 Accounts should be separated as described above. In response it is proposed that the budgets be split into (1) dual drivers licence (2) hackney carriage vehicle and (3) private hire vehicle and operators.
- 4.8.4 In line with established practice fees will be reviewed again in 2017. This will provide an opportunity to assess whether the new proposed fees have been set at the right level and make any adjustments necessary to ensure that the reserve is kept at an appropriate level. Continued annual reviews will also provide the opportunity to assess the long term impact.

5.0 IMPLICATIONS

5.1 Financial

Councils are required to demonstrate in accordance with legislation how they have set an appropriate fee sufficient to cover its costs and the proposed new fees are fully compliant in that they have been calculated to reflect:

- the estimated costs of issue and administration of drivers` licences
- how the Council has estimated its reasonable costs in respect of:
 - vehicle and operators` licences
 - inspection of vehicles
 - the provision of hackney carriage stands
 - the administration and other costs relating to vehicle and operators` licences and
 - control and supervision (enforcement) of vehicle licences.

5.1.1 The current 2016/17 net budget for taxi licensing is a small surplus of £1,330. The proposed new fees are not expected to have a significant impact on the current net budget however it is assumed current number of applications and licence renewals remain constant. As the Council is required to set fees to recover costs the future budget will be compliant in accordance with prescribed legislation.

5.1.2 It is also expected that once the new regime is in place, as processes are streamlined and the use of technology is maximised as part of the T2020 programme there will be efficiencies in the administration of licensing in the future however it is difficult to quantify at this stage.

5.1.3 The new licensing regime will be introduced over a 12 month period and the level of fees and associated costs will be carefully assessed and reviewed again in 2017 to ensure future fees are set to fully comply with legislation.

5.2 Risk assessment

To set the fees too high risks the Council being challenged in the Courts by those licensed, while to set the fees too low would mean that the Council Tax payer is subsidising local businesses. The proposed fees detailed in Appendix 1 have been calculated based on predicted levels of licence transactions by individual officers involved with the service at a very detailed level ensuring the process to implement the required changes introduced by the Deregulation Act has been as transparent as possible and to ensure the actual costs of administering licences are reflected in the licence fees payable.

5.3 Legal

The Council is required to make these changes in accordance with legislation

5.4 Other

School transport providers are affected the most by the required changes in legislation and will need to liaise directly with NYCC regarding current contract arrangements and the impact of the changes to the licence fees. Officers will continue to liaise with NYCC to phase in the changes and offer flexibility wherever possible to minimise the impact on the school transport providers.

6.0 **CONCLUSIONS**

- 6.1 This report follows a previous report to Licensing Committee on 5th July 2016 and provides the outcome of consultations on the proposed changes to hackney carriage and private hire fees and policy for 2016/17 resulting from the Deregulation Act 2015.
- 6.2 This report recommends a change in fee structure and policy taking into account the comments made.

Beckie Bennett
Head of Environment, Streetscene and Facilities

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Background Papers:

Report to Licensing Committee 12 April 2016 and 5 July 2016

TAXI LICENSING
PROPOSED CHARGES 2016/17

APPENDIX 1

	Unit of Charge	Current Fee 16/17 (1 Year)	Proposed New Fees wef 1 Dec 2016	Annual difference	3 year saving	5 year difference
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Licence Fees

Hackney Carriages

Vehicle - 1 yr licence includes all required inspections	Year	367.40	330.00	-37.40		
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Driver - 3 yr licence						
Grant Taxi or PHV		183.77	380.00		-39.09	
Renewal Taxi or PHV		94.60	249.00		-34.80	
Grant Dual		212.30	380.00		-124.89	
Renewal Dual		117.70	249.00		-104.10	
N.B. Post de-regulation all drivers will be dual						

Private Hire

Operator - 5 Yr licence	5 Year	293.70	1,100.00			-368.50
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School Transport

One Vehicle	5 Year	132.00	1,100.00			(+) 440.00
Two Vehicles	5 Year	204.60	1,100.00			(+) 77.00

N.B Post de-regulation all operators will be Private Hire Operators.

Hackney Carriage/Private hire Other Charges

Licence Amendment Fee	Per change	50.60	50.60	0.00		
Vehicle inspection e.g. Failure or special request	Per inspection	50.60	50.60	0.00		
Re-inspection Charge	Per inspection	50.60	50.60	0.00		
Failure to attend	Per inspection	50.60	50.60	0.00		
Change of Vehicle	Per Vehicle	146.30	146.30	0.00		
Replacement Plates	Per Plate	59.40	14.70	-44.70		
Cancellation Charge	Per Vehicle	146.30	14.70	-131.60		
Short Notice Test	Per Vehicle	388.30	N/A			

N.B. Where a minus (-) is shown before a figure = a saving; Where a (+) is shown before a figure = an increased cost.

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APPENDIX 2

THE COUNCIL OF THE DISTRICT OF RYEDALE - VARIATION TO THE MAXIMUM FEES FOR THE LICENCES OF HACKNEY CARRIAGE VEHICLES, PRIVATE HIRE VEHICLES, PRIVATE HIRE OPERATORS AND HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS

NOTICE IS HEREBY GIVEN that the Council of the District of Ryedale acting in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 and all other powers enabling in that behalf did at its meeting held on 5 July 2016 resolve that the following variations to the above fees should apply, subject to public consultation and full Council approval of the variations to the licensing fee structure.

Any objections to the proposals may be made by letter to the undersigned no later than 28 days from the date of publication of this Notice. If no objections are received within the above-mentioned period the said variations will take effect on 1st October 2016, subject to full Council approval of the variations to the licensing fee structure. A copy of this Notice will be kept at Ryedale District Council offices, Ryedale House, Old Malton Road, Malton and will be open for public inspection without payment on any weekday during the usual office hours of 28 days from and after the date of publication of this notice.

EXISTING MAXIMUM FEE

£367.00 for a one year Hackney or Private Hire Vehicle Licence.

£294.00 for a one year Private Hire Vehicle Operators Licence

£140.00 grant / £95.00 renewal for a one year Hackney Carriage/Private Hire drivers licence

PROPOSED MAXIMUM FEE

£330.00 grant / renewal for a one year Hackney or Private Hire Vehicle Licence.

Grant or renewal of a five year Private Hire Vehicle Operators licence:

£1100.00.

Grant or renewal of a one year Private Hire Vehicle Operators licence:

£270.00.

£380.00 for a three year, £290.00 for a one year grant of dual Hackney Carriage/Private Hire drivers licence.

£249.00 for a three year, £192.00 for a one year renewal of dual Hackney Carriage/Private Hire drivers licence.

BECKIE BENNETT
HEAD OF HEALTH & ENVIRONMENT,
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(13th July 2016)

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Agenda Item 6

Appendix 3

Responses to consultation on Deregulation Act 2015 - Changes to Hackney Carriage and Private Hire Licensing Policy and review of fees 2016/17

Date response received	Capacity	Comment
13 July 2016	Licensed Driver	Can you let me know how much it will cost me for the year to get licence my car i am a sole operative school transport only. do i now have to pay for me to use my car as in a private hire basis?
14 July 2016	Licensed Driver	The only comment I would have is that this will most likely make it even more difficult to employ people due to the massive outlay, especially if someone only wants to do it short term
13 July 2016	32 Licensed Drivers	I am writing with regard to the above we strongly agree with all the listed fee changes however we do feel that all operators who have a base to take bookings via the telephone should be liable for a private hire operators license as they are accepting private hire bookings via the telephone even if sending a hackney carriage on the booking this fee should not apply to those vehicles who only work from the rank and flag downs but should we feel apply to all other operators as we all accept private hire bookings via the telephone. We would like to put this forward as a proposal with the fee's increase. This letter is sent on behalf of the following licensed drivers who have given full permission for me to put this forward on their behalf
10 August 2016	Licensed Driver	<p>I am just wondering why I have not received any correspondence what so ever on this topic. It is my signature on the cheques which you receive and it is always my name on the Private Hire Operator Licence, School Transport Vehicle Operator, and all four of our individual licences for our vehicles!</p> <p>Could you please inform me how much we will be paying for the equivalent of the business we are running now i.e. 3 Private Hire Drivers Badges, 2 Private Hire Vehicles, 2 School Transport Vehicles, 1 School Transport Driver Badge for 1 year (as in annual test), 3 years (whatever that applies to) and 5 years (whenever that applies).</p> <p>Could you also let me know what happens if we retire (or die) before the 5 year licences (whichever they apply to) have ended? Do our beneficiaries receive some money back from you for the years to work that you have not provided a service for?</p>

<p>10 August 2016</p>	<p>Liz Tyerman Team Leader Compliance NYCC Integrated Passenger Transport</p>	<p>There are 14 taxi operators in the Ryedale area who currently have school transport contracts with NYCC. Of those, up to 8 operate the contracts on school transport licences issued by Ryedale District Council. Some of the routes operated by these 8 companies pick up children in very isolated areas and communities. At least one of the vehicles has to have 4-wheel drive due to the extremely difficult terrain, especially in the winter months. Only a very small number of operators are able to meet our requirements for contracts which require 4-wheel drive capabilities. The proposed changes to the Licensing Policy and fees will significantly affect the school transport licence holders and it is considered that a number of these operators will not re-license under the proposed new Policy.</p> <p>The cost of school transport taxi contracts to NYCC in Ryedale following the re-tendering of these school transport contracts, as well as any new contracts in the area, is likely to increase significantly as a result of the proposed changes to Policy and fees. In addition, we may struggle to obtain quotes or tender submissions for those routes which service extremely isolated properties/communities or encompass very difficult terrain. This could potentially cause difficulties for NYCC in facilitating the children in these properties and communities accessing education.</p>
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