



LICENSING COMMITTEE

Thursday 23 July 2009 at 6.30 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Apologies for absence

2 Minutes of a meeting of the Licensing Committee held on 11 June 2009 (Pages 1 - 3)

3 Exclusion of the Press and Public

To consider a resolution to exclude the Press and Public from the meeting during consideration of item 4 (Minutes of the Licensing Sub committee held on 78 July 2009) as provided by paragraph 2 of Schedule 12A of Section 100A of the Local Government Act 1972

4 Minutes of a meeting of the Licensing Sub Committee held on 7 July 2009

5 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.

6 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 A - Matters to be dealt with under delegated powers of matters determined by the Committee

- 7 **Appeal, Private Hire Driver Licence** (Page 4)
- 8 **Taxi Licensing Member Task Group Recommendations** (Pages 5 - 8)
- 9 **Any other business that the Chairman decides is urgent.**

Licensing Committee

held at Ryedale House, Malton
on Thursday 11 June 2009

Present

Councillors Arnold, Cowling, Hope, Hemesley, Mrs De Wend Fenton, Mrs Keal and Ms Warriner

In Attendance

Mrs L Hayes, Mrs M Jackson, P Long, S Richmond

Minutes

1 **Election of Chairman**

Resolved

That Councillor Mrs Arnold be elected Chairman of the Licensing Committee for the Municipal Year 2009-2010.

2 **Appointment of Vice Chairman**

Resolved

That Councillor Hemesley be appointed Vice Chairman of the Licensing Committee for the Municipal Year 2009-2010

3 **Apologies for Absence**

Apologies for absence were received from Councillors Mrs Frank, Hawkins and Woodward

4 **Minutes of the meeting of the Licensing Committee held on 27 November 2008**

Resolved:

That the minutes of the meeting of the Licensing Committee held on 27 November 2008 be signed by the Chairman as a correct record

5 **Minutes of a meeting of the Licensing Sub Committee held on 27 March 2009**

Resolved:

That the minutes of the meeting of the Licensing Sub Committee held on 27 March 2009 be approved and signed by the Chairman as a correct record

6 Urgent Business

The Chairman reported that there were no items to be considered as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

7 Declarations of Interest

No declarations of interest were made.

PART 'A' ITEMS - Matters to be dealt with under delegated powers or matters determined by Committee.

8 Appeal, Hackney Carriage Driver Licence

Members considered a report which informed them that an appeal had been received from an applicant who had an application for a Hackney Carriage Driver Licence refused

Members were requested to arrange a special meeting of the Licensing Committee to hear the appeal.

Resolved:

That a special meeting of the Licensing Committee be held on 25th June at 10 am to hear the appeal

9 The Gambling Act 2005 – Draft Statement of Principles.

Members considered a report, which informed them of the requirements to issue and consult on a draft statement of principles in relation to the Gambling Act 2005.

The Council had to review its Statement of Principles every 3 years. The statement was due for review and had to be consulted, ratified by Council and published before 31 December 2009.

The draft Statement of Principles was attached to the report for reference.

Resolved:

That the draft Gambling Act Statement of Principles be approved for consultation

PART 'B' ITEMS - Matters referred to Council

There were no Part 'B' items to be considered.

The meeting started at 9.05 pm and finished at 9.20 pm

The foregoing minutes were signed at a meeting of the Licensing Committee held on 23 July 2009 in pursuance of a resolution for the purpose passed at such meeting.

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Chairman.

Agenda Item 7

**RYEDALE
DISTRICT
COUNCIL**



REPORT TO: LICENSING COMMITTEE

DATE: 23 JULY 2009

HEAD OF SERVICE: HEAD OF ENVIRONMENT
PHIL LONG

REPORTING OFFICER: TAXI LICENSING OFFICER
LAURAL CARR

SUBJECT: APPEAL
PRIVATE HIRE DRIVER LICENCE PH01/0910

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 To notify Members that an appeal has been received from an applicant who has had an application for a Private Hire Driver Licence refused.

2.0 RECOMMENDATIONS

2.1 It is recommended that a special meeting of this Committee be arranged to consider the application.

3.0 REASONS SUPPORTING DECISION

3.1 In accordance with the taxi licensing policy the application reference number PH01/0910 does not meet the criteria followed when licensing a driver.

4.0 BACKGROUND

4.1 In accordance with current taxi licensing policy, specifically relating to the Disclosure of Criminal records and unspent convictions, an application for a private hire driver licence has been refused.

4.2 In line with the Council's Appeals Procedure, the applicant has exercised their right of appeal to this Committee against the refusal. A special meeting to hear the appeal is recommended for the Committee to decide on the application. If the Committee refuses the application there is a further right of appeal to the Magistrates Court.

OFFICER CONTACT: Please contact Laural Carr, Taxi Licensing Officer if you require any further information on the contents of this report. The officer can be contacted at Malton Depot Tel 01653 600666 ext 474 or email: laural.carr@ryedale.gov.uk.

LICENSING COMMITTEE

23 July 2009
Page 4



REPORT TO: LICENSING COMMITTEE

DATE: 23 JULY 2009

HEAD OF SERVICE: HEAD OF ENVIRONMENT
PHIL LONG

REPORTING OFFICER: STREETSCENE MANAGER
BECKIE BENNETT

SUBJECT: TAXI LICENSING
MEMBER TASK GROUP RECOMMENDATIONS

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 To make recommendations to the Committee following a meeting of the Taxi Licensing Member Task Group on 1 July 2009.

2.0 RECOMMENDATIONS

2.1 That members recommend to the Policy and Resources committee:

- (i) A change is made to the existing cost neutral policy for the taxi licensing service and a revised aim "to deliver an efficient and effective taxi licensing service at a minimal cost to the council tax payer" is set; and
- (ii) A review is undertaken to identify alternative options for delivering the Taxi Licensing Service which seek to ensure that economy, efficiency and effectiveness is secured for the future.

3.0 REASONS SUPPORTING DECISION

3.1 The policy for the service currently aims to achieve a cost neutral position through annual increases in licence fees. However the Member Task Group considers this policy is unlikely to be achieved as the costs of providing the service are increasing year on year at a rate which cannot reasonably be recovered through licence fee increases.

3.2 A review of the options for the future delivery of this service is considered to be the best use of available resources to meet the Council's requirement to ensure efficiencies are achieved wherever possible.

4.0 BACKGROUND

- 4.1 In 2005/06 the Council adopted a policy to achieve a cost neutral taxi licensing service over a 5-year period which has required annual increases of between 10%-20% to the licence fees. This policy was agreed with the knowledge that Ryedale's licence fees are high in comparison to neighbouring local authorities.
- 4.2 Since the policy was first introduced objections to the licence fee increases have been received each year and as part of the budget setting process for 2008/09 this Committee resolved that the licence fees be reviewed in preparation for the 2009/10 budget (CSL 10 April 2008) and in July 2008 a Member task group was established to make recommendations to the Committee regarding policy and fees and charges.
- 4.3 Following a review of the taxi licensing service during 2008 by the Member Task Group the licence fees for 2009/10 were increased by 10%.
- 4.4 At the Community Services Committee meeting on 26 March it was resolved "that specific issues be reviewed further by the Member Task Group in relation to their ongoing work regarding taxi licensing fees and charges and that a report be submitted to a future meeting of the Committee".

5.0 POLICY CONTEXT

- 5.1 Taxi Licensing Service Policy.

6.0 REPORT

- 6.1 When the cost neutral policy was first introduced for the taxi licensing service in years 2 and 3 (06/07 and 07/08) the increase in licence fees did reduce the overall cost of the service to the general fund as the costs incurred in providing the service remained fairly constant.
- 6.2 Last year (08/09) saw an increase in staff costs and a small drop in the number of licences issued compared to budget, which resulted in an increase in the net cost of providing the service. It is also forecast that staff costs will continue at the existing levels to ensure workload requirements are efficiently and effectively delivered.
- 6.3 The main reasons for the increase in staff costs are the management and supervision essential to support the part-time taxi licensing officer who has a growing caseload involving investigations, complaints and appeals together with developing policies to keep abreast with legislation, working with others including other local authorities, the police and VOSA, servicing various groups including the Task Group and the Committee, as well as regular administration and enforcement duties.
- 6.4 Appendix 1 provides details of the annual costs since the policy was introduced together with the level of income generated through licence fees.
- 6.5 In summary the cost of providing the service is £49,000 a year and the current level of income is forecast at £35,500 – since 2004/05 the costs of providing the service have increased by £16,600 (52%) and income has increased by £17,200 (95%).

- 6.6 The forecast for 2009/10 represents an increase of £6,750 in the net cost to the general fund to £12,910, compared with the original budget position of £6,160. The increased cost is due to an adjustment in operational salaries and overheads (£2,670) necessary as a result of a change in the costing system charging the mechanics time to the service for carrying out vehicle inspections. A reduction in income levels is also anticipated due to a slight fall (10 licences equivalent to 5%) in the current numbers of licences being issued (£4,080).
- 6.7 In view of the current economic climate, together with the level of staff costs required to provide the existing level of service, the reasonableness and ability to achieve a cost neutral policy is now under question.
- 6.8 The Member Task Group met on 1 July 2009 and part of their meeting involved discussing issues and gathering the views of a group of taxi drivers. The Task Group concluded that the current policy to achieve a cost neutral position for the service is unrealistic and unlikely to be achieved. Although there has been no significant impact on the number of licences being issued the current policy is not believed to be supportive of the taxi drivers during a recession.
- 6.9 In view of the Council's current financial position, where there is a requirement to make efficiencies and savings to balance the budget which requires considering alternative ways of delivering services without adversely affecting the level of service provided, the Member Task Group also concluded that an initial exploratory review into alternative ways of providing the service should be recommended to provide further information on the potential options to ensure value for money for the taxi licensing service.
- 6.10 Members are also reminded that a review of the service in June 2006 concluded that there was little scope in terms of realising material savings as the main costs associated with providing this service are employee costs. At that time a review of the service was not considered a priority.
- 6.11 In view of the significant amount of time that officers have spent servicing the current cost neutral policy it is now proposed that this option appraisal for the service is the best use of limited resources to ensure the most appropriate method of service delivery is secured for the future.

7.0 OPTIONS

- 7.1 Members have the option to recommend a revision to the current policy or leave the policy unchanged.
- 7.2 Members also have the option to approve a review into the alternative options for delivering the taxi licensing service or continue with the existing arrangements.

8.0 RESULT OF OPTION APPRAISAL

- 8.1 The proposed amendment to current policy will ensure the Council has a reasonable yet realistic policy in place for the Taxi Licensing Service.
- 8.2 Furthermore, an exploratory exercise into the most cost effective and efficient way to provide the Taxi Licensing Service in the future is considered essential to ensure future efficiency targets are achieved together with securing value for money in the delivery of this service.

9.0 FINANCIAL IMPLICATIONS

- 9.1 The proposed amendment to remove the cost neutral policy objective will have an impact on future years budgets to a maximum of £13,000 however the amended policy will still seek to ensure the service is provided as efficiently and effectively as possible with minimal impact to the council tax payer.
- 9.2 It is also possible that alternative ways of delivering the service may result in economies of scale and potential future budget savings.

10.0 RISK ASSESSMENT

- 10.1 The Council needs to consider the level of licence fees in terms of reasonableness to the customer particularly during difficult economic times balanced against a fair contribution in the delivery of a statutory service to the Council tax payer.
- 10.2 The current cost neutral policy is unlikely to be achieved given that the costs of providing the service are increasing and there is a risk that to continue to recover these costs through the licence fees has the potential to have a detrimental impact on the future of the taxi trade though there is little evidence to support this to date.
- 10.3 The greater risk is that the current policy is causing an unwarranted amount of time diverting limited resources into defending the policy when valuable time could be much more efficiently utilised into securing an efficient and effective taxi licensing service for the future.

11.0 CONCLUSION

- 11.1 The current cost neutral policy for the taxi licensing service could have been achieved if the resources required to deliver the service had remained constant however this has not been the case to the extent that the policy is now unlikely to be achieved without unreasonable increases in the licence fees.
- 11.2 It is therefore recommended that the policy is amended to aim for an efficient and effective taxi licensing service at a minimal cost to the council tax payer. It is also recommended that alternative ways of delivering the service are explored with a view to securing an efficient and effective taxi licensing service for the future.

Background Papers:

None.

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