



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 22 MARCH 2018

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 8 February 2018 (previously circulated).

3. **Items of Urgent Business Authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests, which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest, either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9, and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests, as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

5. **Review of Licensing Fees for Animal-related Licensing** (Pages 1 - 9)

Report of Chief Officer (Health and Housing)

6. **Proposed Licensing Fees 2018/19** (Pages 10 - 14)

Report of Commercial Protection Manager

7. **Proposal to Introduce Guidelines for Late Licensing Applications - Hackney Carriage Proprietor Licences** (Pages 15 - 18)

Report of Principal Licensing Officer

8. **Appointment of Taxi/Private Hire Working Group** (Pages 19 - 21)

Report of Principal Licensing Officer

9. **Amendment to the Rules and Regulations and Procedures for Hackney Carriage and Private Hire Licensing - New Driver Training - Change of Provider** (Pages 22 - 25)

Report of Principal Licensing Officer

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chairman), Terrie Metcalfe (Vice-Chairman), Alan Biddulph, Susie Charles, Mel Guilding, Tim Hamilton-Cox, Janice Hanson, Joan Jackson and Robert Redfern

(ii) Substitute Membership

Councillors Sheila Denwood, Rebecca Novell, Sylvia Rogerson, Oscar Thynne and John Wild

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support - telephone (01524) 582170, or email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
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Published on Wednesday, 14 March 2018.

LICENSING REGULATORY COMMITTEE**Review of Licensing Fees for Animal-related Licensing
22 March 2018****Report of Chief Officer (Health & Housing)****PURPOSE OF REPORT**

To review the costs and licensing fees for animal-related licensing to enable Members to approve the level of fee for 2018/19.

This report is public

RECOMMENDATIONS

- (1) That the licensing fees for animal-related licences be determined for 2018/19 on consideration of the information and options contained in this report.
- (2) That it be determined whether or not to charge an annual Part B licence fee within the current licence period for Williamson Park Zoo (prospectively) from 2018/19 onwards or commence from the next renewal period due in 2020/21.

1.0 Introduction

1.1 This report is concerned with the setting of the level of licence fees for 2018/19 for:

- Commercial animal boarding establishments
- Home boarding establishments
- Dangerous wild animals
- Riding establishments
- Pet vendors
- Dog breeding establishments
- Zoos

The setting of such fees is by law a non-executive function and therefore a matter for this Committee.

1.2 Licensing fees for the animal activities under consideration and referenced as part of this review are set according to the legislation specific to those premises:

- Animal Boarding Establishments Act 1963
- Dangerous Wild Animals Act 1976 as amended
- Riding Establishments Act 1964

- Pet Animals Act 1951
- Breeding of Dogs Act 1973
- Zoo Licensing Act 1981

Most licences, with the exception of dangerous wild animal, riding establishment, and zoo licences, run for a calendar year.

- 1.3 It is currently assumed that there will be in the region of 40 licensable activities needing licensing during 2018/19.

2.0 Setting Fees

- 2.1 The Council's Fees & Charges Policy states that when setting discretionary charges, the general aim is to cover the cost of the service, accurately reflecting the full cost of provision including recharges. Fees must be reasonable and proportionate however. The Fees and Charges Policy in relation to licensing fees offers a standard of good practice, although it is not legally binding on Licensing Regulatory Committee.

- 2.2 It is also a requirement of the Council's Fees & Charges Policy that fees be reviewed annually to ensure that costs are appropriately recovered. It is not lawful however, for the council to seek to make a profit from licence fees that are within its discretion.

3.0 Method of Fee Construction

- 3.1 Traditionally the fees charged for licences have included the costs of processing the application, the costs of monitoring compliance, and the costs of enforcing against unlicensed and licensed operators. Until recently, application fees have been payable in full at the time of making an application. However, the case of Hemmings v Westminster City Council has clarified the costs that local authorities can include when setting licence fees. The courts also concluded that the licence fee is essentially made up of two parts, A and B as follows:-

Part A is to cover the direct costs associated with processing the application, to the point where a decision is made and if appropriate a licence is issued. This includes handling applications and payments, and carrying out pre-licensing inspections.

The Part A fee is payable in full on submission of the application, and is non-refundable.

Part B is to cover the costs associated with running the licensing function. This includes investigating complaints, enforcement, and general administration.

The Part B fee would only become payable if a licence is granted, and would need to be paid before the licence becomes operational.

- 3.2 The methodology used to calculate fees is to allocate officer time throughout the year against each of the elements of Part A and Part B. The appropriate proportion of an hourly rate (constructed from direct costs and indirect costs for all officers involved in the process) is then applied and totalled to give an overall cost. Direct costs are made up of salaries and salary on-costs. Indirect costs (overheads) include support recharges, general accommodation and operational running costs and insurance.
- 3.3 The time allocations of the officers involved in animal licensing have been monitored over the period 1 January – 31 December 2017 for both Part A and Part B functions.

Any significant 'one-off' activities have not been included in the calculations as it is considered that this would be unreasonable / disproportionate to pass onto the current licensable activities.

The hourly rates for each officer, including salary on-costs and overheads, are then applied to the time allocations and divided by the number of licences in each category to give the cost per licence.

Appendix 1 compares the calculated cost of each licence to the current licence fee and shows the percentage change.

Dog breeding, riding establishment, zoo and dangerous wild animal licences require vet inspections and the cost of this is added to the licence fee.

- 3.4 **Zoo licences** are a special case. New licences are granted for a period of four years and are thereafter renewed for six-year periods.

New licences involve much work for the licensing authority; two months before making a licence application the applicant must give notice in writing to the authority of his intention to make the application, and this notice must be kept available by the authority for public inspection. The authority must also consult agencies including police, fire and DEFRA regarding the proposal and must take into account their representations in considering the application. The applicant must publish his notice of intention in a local newspaper and a national newspaper and must exhibit a copy of the notice at the site. Before granting or refusing a licence the authority must consult the applicant regarding proposed licence conditions in line with the Secretary of State's standards, and must be satisfied that the applicant has no relevant convictions and that planning permission has been granted where appropriate.

The legislation requires an inspection to be carried out every year; formal inspections involving a veterinary inspection are required in years 1 and 4 of a new licence, and in years 3 and 6 of a renewed licence; in all other years informal inspections are required and are carried out by officers.

The Council currently licenses one zoo (Williamson Park), and the licence was renewed for 6 years in 2015/16, the next renewal being due in 2020/21.

In order to fully recover the cost of the service, the fee for a new licence (issued for four years) needs to be set at four times the annual Part B cost from 1st April 2018 plus an additional Part A amount to cover the initial application processing.

Renewed licences; Similarly, the fee for a renewed licence (issued for six years) needs to be set at six times the annual Part B cost going forward. The legislation allows the local authority to accept payment by instalments if requested by the operator, which will help spread the costs more evenly across the relevant licence period for the licensee.

- 3.5 There are currently no licences issued for **Dangerous Wild Animals** and have not been for a number of years. This makes it difficult to calculate a fee, and so for the forthcoming licence period the Part B cost has been based on the average total being applied by neighbouring Local Authorities and is shown in Appendix 1. New licences are granted for a period of one year and are thereafter renewed for two-year periods. The annual cost for a renewed license has therefore been multiplied by two plus an additional estimated Part A amount to cover the initial application processing in line with how calculated for a zoo licence.

4.0 Recent Developments

There have been significant developments during the current year (2017/18):-

4.1 In February 2018 the **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018** were published. These are due to come into force on 1 October 2018 and are expected to substantially increase officer workloads, noting that it is not possible to quantify the impact for related fees and charges at this stage, and so this will need to be closely monitored to inform future fee setting from 2018/19 onwards.

4.2 **Barking Mad and Primary Authority Agreement.** The Pet Industry Federation (PIF) is the UK trade association for pet businesses and has set up a primary authority partnership with the City of London Corporation as regards pet vendors and boarding establishments. Primary Authority partnerships make local regulation of businesses operating at multiple premises across the UK, more consistent.

The partnership has agreed Primary Authority Advice, which must be adhered to by all local authorities who have relevant PIF members in their districts. The Advice states that in the case of animal boarding franchises, only the franchisee requires a licence.

Barking Mad is a home boarding franchise with nine hosts in the Lancaster district. They are a member of the PIF and have joined the Primary Authority Partnership. Previously, all Barking Mad hosts were inspected and licensed annually but now only the local franchisee requires a licence. This means that substantially less inspection time has been employed in licensing Barking Mad in the current year, which has been reflected in their current licence fee and will result in a slightly reduced income of around £600 for the Council compared with that assumed in the 2017/18 budget and future years.

Under the Primary Authority Advice local authorities can inspect a 'sample' of host boarders. For the purpose of issuing a licence to Barking Mad for the twelve months commencing 1 January 2018, licensing officers charged a fee three times the home boarding fee on the basis of potentially inspecting three hosts (i.e. 33%) and/or dealing with any complaints made against Barking Mad etc. It should be noted however, that subject to legislation being implemented from 1 October 2018 as referred to under section 4.1, that this may well increase again going forward and so for now it is assumed that the income included in the 2018/19 budget will still be met.

5.0 Details of Consultation

Appendix 2 lists the animal licensing fees set by a number of other local authorities, for comparison purposes.

6.0 Options and Options Analysis (including risk assessment)

The options are;

Option 1 Fully recover all costs by charging the fees set out in **Appendix 1**.

Option 2 Increase fees by 2.6% in line with inflation.

Option 3. Propose an alternative fee structure.

| | Option 1: Fully recover all costs | Option 2: Increase fees by 2.6% inflation | Option 3: Propose an alternative fee structure |
|---------------|---|--|---|
| Advantages | <p>Results in more income for the Council than currently budgeted for.</p> <p>Fully recovers costs.</p> | <p>Consistent with increases to other fees & charges within Health & Housing.</p> <p>More affordable for operators, most of whom are small businesses.</p> <p>More likely to meet budgeted income.</p> | <p>Members may wish to increase fees by more than 2.6% but below full cost recovery level, which may result in more income whilst still being affordable for the operators.</p> |
| Disadvantages | <p>Substantial price increase for some operators, most of whom are small businesses.</p> | <p>Does not fully recover the cost of providing the service, so loss of potential future additional income for the Council.</p> | <p>As option 2 but to a lesser degree.</p> <p>Alternative options would need to be further appraised to determine full budgetary impact for the Council.</p> |
| Risks | <p>Price increase may encourage unlicensed activity, hence risk to animal welfare.</p> <p>Increase in unlicensed activity requires additional reactive investigation and enforcement by officers.</p> | <p>None identified.</p> | <p>As option 1 but to a lesser degree.</p> |

7.0 Conclusion

7.1 *Appendix 1* shows that the Council does not at present recover the full costs of

administering animal-related licensing. Full cost recovery for some categories of licence would require a substantial fee increase which some licence holders, typically small businesses, might find challenging. Members may instead choose to increase the fees by 2.6% in line with inflation as they've done in previous years, or may wish to propose an alternative % increase or fee structure.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

No implications have been identified.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments to make.

FINANCIAL IMPLICATIONS

Members are reminded that animal licensing is a statutory function legislated by the relevant Acts listed within the report, although it is for the Local Authority to determine the appropriate charge.

It was previously reported at LRC's meeting on 1st June 2017 that the Council was not fully recovering its costs in the issuing of animal licenses and that a review would be undertaken during 2017/18 to enable future fees to be set as per the relevant legislative guidance and the Council's Fees and Charges policy.

The table below shows the outcome of this review in budgetary terms with Option 1 generating a surplus compared against the 2018/19 budget and Option 2 and demonstrates that the Council is currently under recovering its costs by at least £2,600, increasing to £3,800 for Option 2. Should Members opt for a different fee structure / percentage (i.e. Option 3), then this would need to be further appraised and fed into future financial monitoring reports to Cabinet as part of the Council's usual monitoring arrangements.

| Licence Type | Licence No's | Option 1 £ | Option 2 £ |
|---|---------------------|-----------------------|-----------------------|
| Horse Riding Establishment | 4 | 1,100 | 600 |
| Dog Breeders Licence | 4 | 1,500 | 600 |
| Pet Shop Licence | 6 | 1,400 | 1,000 |
| Animal Boarding (Commercial) | 9 | 2,100 | 1,400 |
| Animal Boarding (Home) | 16 | 2,600 | 1,700 |
| Zoo Licence | 1 | 600 | 200 |
| Total Licenses / Fee Income | 40 | 9,300 | 5,500 |
| 2018/19 Budget | | 6,700 | 6,700 |
| Estimated Budget Surplus/(Shortfall) | | 2,600 | (1,200) |

For information, Members should be aware that the difference between the total fee income under Option 2 and the 2018/19 budget shown above is mainly attributable to the Barking Mad and Primary Authority Agreement (as referred to under section 4.2) and so the budget may need to be reduced from 2018/19 onwards to reflect that fewer 'hosts' can be inspected under this agreement. This is still subject to the outcome of further legislation expected to come into force from 1st October 2018, however, and so will be kept under review. Similarly, fluctuations can often occur in year as the number of establishments applying for a licence can go up or down.

It should be further noted that zoo licences are renewed for a 6 year period and at present no charge has been included for Williamson Park in the 2018/19 Budget. Members could determine however, that the annual Part B costs should be fully recovered prospectively from 2018/19 onwards, (i.e. Year 4 of the current licence period), to include costs such as annual inspections and so for illustrative purposes an annual allocation has been included in the total fee income shown above. It should be noted that this will be cost neutral for the Council as the zoo is operated by the Council and so the corresponding expenditure and income will net off against each other overall.

BACKGROUND PAPERS.

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Ref:

**MISCELLANEOUS LICENCES
PROPOSED FEES 2018/19**

Option 1 - Full Cost Recovery (rounded appropriately)

| Type of Licence | Current Licence Fee £ | Proposed Licence Fee £ | | | % Change Overall |
|--|--------------------------|---------------------------|----------|-----------------|------------------|
| | | Part A | Part B | Total | |
| Horse Riding Establishment (+ Vet Fees) | 147.60 | 78.90 | 195.90 | 274.80 | 86% |
| Dog Breeders Licence (+ Vet Fees) | 147.60 | 143.90 | 240.50 | 384.40 | 160% |
| Pet Shop Licence (+Vet Fees) | 153.10 | 122.70 | 112.10 | 234.80 | 53% |
| Animal Boarding (Commercial) | 153.10 | 146.70 | 90.90 | 237.60 | 55% |
| Animal Boarding (Home) | 100.90 | 80.80 | 80.80 | 161.60 | 60% |
| Zoo Licence (+ Vet Fees) New * | 158.60 | 415.50 | 1,854.00 | 2,269.50 | 1331% |
| Zoo licence (+ Vet Fees) Renewal * | 158.60 | 147.70 | 2,780.90 | 2,928.60 | 1746% |
| Dangerous Wild Animals (+ Vet Fees) New ** | 743.50 | 265.20 | 220.00 | 485.20 | -35% |
| Dangerous Wild Animals (+ Vet Fees) Renewal ** | 218.70 | 73.80 | 440.00 | 513.80 | 135% |

*New Zoo licences are granted for a period of 4 years and renewed for 6 year periods thereafter. This is reflected in the Part B calculation above, noting that Part B payments can be made by annual instalments upon request in accordance with the Zoo Licensing Act 1981.

**New DWA licences are granted for a period of 1 year and renewed for 2 year periods thereafter. This is reflected in the Part B calculation above.

Option 2 - Increase by 2.6% Inflation (rounded appropriately)

| Type of Licence | Current Licence Fee £ | Proposed Licence Fee £ | | |
|---|--------------------------|---------------------------|--------|---------------|
| | | Part A | Part B | Total |
| Horse Riding Establishment (+ Vet Fees) | 147.60 | 43.50 | 107.90 | 151.40 |
| Dog Breeders Licence (+ Vet Fees) | 147.60 | 56.70 | 94.70 | 151.40 |
| Pet Shop Licence (+Vet Fees) | 153.10 | 82.10 | 75.00 | 157.10 |
| Animal Boarding (Commercial) | 153.10 | 97.00 | 60.10 | 157.10 |
| Animal Boarding (Home) | 100.90 | 51.80 | 51.70 | 103.50 |
| Zoo Licence (+ Vet Fees) New | 158.60 | 29.80 | 132.90 | 162.70 |
| Zoo licence (+ Vet Fees) Renewal | 158.60 | 8.20 | 154.50 | 162.70 |
| Dangerous Wild Animals (+ Vet Fees) New | 743.50 | 286.90 | 475.90 | 762.80 |
| Dangerous Wild Animals (+ Vet Fees) Renewal | 218.70 | 32.20 | 192.20 | 224.40 |

Animal Licence Fees Charged by other Local Authorities

| Local Authority | Commercial Boarding new/renewal | Home Boarding | Dog Breeding new/renewal | Pet Shop new/renewal | Horse Riding new /renewal | Zoo new/renewal | Dangerous Wild Animal new/renewal |
|----------------------|------------------------------------|----------------|-----------------------------|-------------------------|-------------------------------------|-----------------------|---|
| | £ | £ | £ | £ | £ | £ | £ |
| Lancaster | 153.10 | 100.90 | 147.60 +vets fees | 153.10 | 147.60 + vets fees | 158.60 + vets fees | 743.50/218.70 + vets fees |
| Craven | 100.00 | 50.00 | 100.00 | 100.00 | 1-10 £160, 11- 20 £200, 21+ £230 | 500.00/750.00 | 170.00 |
| Ribble Valley | no information | no information | | 90.00 | 90.00 | 230.00 | |
| Wyre | 140.00 | 135.00 | 175.00 | 135.00 | 280.00 | 575.00 | 320.00 |
| Fylde | 125.00 | 125.00 | 125.00 | 125.00 | 220.00/195.00 | | 220.00 |
| Preston | 172.00 | 172.00 | 124.00 + vets fees | 124.00 | 225.00 | no information | 336.00 |
| Rosendale | 127.60 | 127.60 | 112.20 | 127.60 | 132.60 + vet fees | 347.80 | 144.80 + vet fees |
| Burnley | 162.05 | 105.95 | 69.55 | 123.25 | 94.85 + vets fees | 376.25 | 225.80 |
| Pendle | 95.63 | 95.63 | 77.64 | 83.85 | 338.30 | | 295.82 |
| Bolton | 190.00/124.00 | 93.00/60.00 | 178.00/119.00 | 190.00/124.00 | 246.00/166.00 + vet fees | | 178.00/526.00/119.00 renewal |
| Bury | no information | no information | 106.00 | 106.00 | 106.00 | no information | 106.00 |

LICENSING REGULATORY COMMITTEE**Proposed Licensing Fees 2018/19
22nd March 2018****Report of Commercial Protection Manager****PURPOSE OF REPORT**

The report provides detailed budget information for the Licensing services and sets out proposed fee levels to enable Members to consider setting fees for 2018/19

This report is public.

RECOMMENDATIONS

That for the financial year 2018/19, there be no increase in the fees charged by the Council for fees relating to hackney carriages and private hire vehicles, and miscellaneous licences.

1.0 Introduction

1.1 The Breakdown of costs for the Licensing function covering the years 2016/17 and 2017/18 together with forward estimates for 2018/19 through to 2020/21 are outlined in this report

2.0 Budget analysis

2.1 The net costs for the Licensing function covering Hackney Carriages, Private Hire Vehicles and Miscellaneous licenses for the years 2016/17 (outturn) and 2017/18 (projected outturn) are set out in the table below. The analysis also contains an updated projection for future years up to 2020/21, as operator licences were set on a 5 year basis by this committee on the 24th March, 2016

2.2 Members will recall that whilst fee charging is designed to recover costs of administration and management of the Licensing function, full cost recovery is not achievable under the current framework. This is because not all licences are charged for and the Council is limited to cost recovery only for those licences that do attract a fee.

| Hackney Carriage/Private Hire | 2016/17 Actual £ | 2017/18 Forecast £ | 2018/19 Forecast £ | 2019/20 Forecast £ | 2020/21 Forecast £ |
|----------------------------------|------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Central Overhead | 141,900 | 134,700 | 146,300 | 154,900 | 161,700 |
| Other Direct Costs | 53,300 | 49,100 | 49,700 | 59,200 | 51,700 |
| Licence Income | (129,100) | (131,900) | (122,900) | (128,100) | (135,800) |
| Other Income | (54,200) | (48,900) | (49,900) | (59,500) | (52,200) |
| Deficit | 11,800 | 3,000 | 23,200 | 26,500 | 25,400 |
| Less Non-Recoverable Costs | (15,800) | (16,000) | (16,200) | (16,400) | (16,600) |
| Revised Deficit/(Surplus) | (4,000) | (13,000) | 7,000 | 10,100 | 8,800 |
| Average Revised Deficit | 1,800 | | | | |
| Miscellaneous Licences | 2016/17 Actual £ | 2017/18 Revised £ | 2018/19 Forecast £ | 2019/20 Forecast £ | 2020/21 Forecast £ |
| Central Overhead | 20,600 | 19,600 | 21,300 | 22,500 | 23,500 |
| Licence Income | (12,600) | (9,100) | (8,100) | (13,000) | (9,700) |
| Deficit | 8,000 | 10,500 | 13,200 | 9,500 | 13,800 |
| Average Deficit | 11,000 | | | | |

- 2.3 The remainder of this report is concerned with the setting of the licence fees for Hackney Carriage and Private Hire licences and miscellaneous licences issued by the Council. Members are reminded that for the purpose of the 2016/17 budgetary process the Council approved substantial increases of some hackney carriage and private hire fees following a time monitoring exercise which was undertaken by the former Licensing Manager. This was to ensure that the actual cost of the service could be met. No significant changes have occurred in the way licences are processed since this exercise was undertaken as demonstrated by the table above.
- 2.4 The summary of the fee charges arising from the time monitoring exercise is outlined in Appendix A to this report.
- 2.5 The controls on charging and cost recovery, and in particular with regard to hackney carriage and private hire licensing, is outlined in Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that a District Council may charge such fees for the grant of vehicles and operators licences as may be sufficient to cover in whole or in part the reasonable costs of administration and regulation of the service.
- 2.6 Members may also recall that all drivers' licences could be issued for 3 years and private hire operator licences could be issued for 5 years if desired. Whilst annual reconsideration of fees and charges is necessary, a fuller review is proposed by officers every 3 years for driver licence fees and every 5 years for operator licences, with this in mind it is proposed that a review is carried out in 2018/19 and reported back to members to inform future fee setting.
- 2.7 With regard to hackney carriage and private hire licensing, future income from licence fees will depend on whether or not licence holders decide to renew their licences and

on how many new applications for licences are received. There is no indication of significant variance in the number of Licenses in operation in recent years.

- 2.8 Miscellaneous licensing shows an average deficit of £11,000. It is considered that this sum properly reflects the work undertaken in respect of licences where a fee cannot be recovered, (e.g. street collection and house to house collections). The present fees in relation to miscellaneous licensing are listed in Appendix B.

3.0 Conclusions

- 3.1 The analysis of the budget carried out by the former Licensing Manager, in conjunction with the finance officer, indicates that the proposed fees will continue to allow for full cost recovery where permissible.
- 3.2 Members are recommended to approve that there be no increase in the fees either for hackney carriage and private hire licensing or for miscellaneous licences for 2018/19 as the existing fees reflect the cost of providing the service, in accordance with the statutory provisions on licence fees.
- 3.3 Should members decide to introduce a different fee structure then this will need to be proposed and agreed.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

FINANCIAL IMPLICATIONS

Financial Services have been consulted and assisted the Principal Licensing Officer and Commercial Protection Manager in the preparation of the report. For information, the 2018/19 budget was agreed at Budget Council on 28th February 2018, i.e. before the review was concluded and as a result has been set at £3,300 lower than the figures shown in the main body of the report. The fees income for the current year will also be reviewed as part of the closure of accounts and the Council's usual monitoring arrangements and if appropriate be updated as part of the mid-year budget strategy review.

LEGAL IMPLICATIONS

Legal Services have been consulted and their comments have been incorporated in the report.

BACKGROUND PAPERS

None

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Ref:

Hackney Carriage and Private Hire Vehicle Licensing Fees

| TYPE OF LICENCE | COST PER LICENCE £ | CODE | VAT |
|---|--------------------|--------------------------|-----|
| HC/PH/Dual Driver's Licence (annual) | 120.00 | L2000/I8501 | OS |
| HC/PH/Dual Driver's Licence (3 yearly) | 221.00 | L2000/I8501 | OS |
| HC/PH/Dual Driver's Licence (new annual)) | 191.00 | L2000/I8501 | |
| HC/PH/Dual drivers Licence (New 3 yearly) | 292.00 | L2000/I8501 | |
| Duplicate Driver's Badge | 11.75 | L2000/I8501 | OS |
| HC Vehicle Test Fee | 53.00 | L2000/I8502 | OS |
| Hackney Carriage Licence (annual) | 245.00 | L2000/I8500 | |
| Hackney Carriage Licence (6 monthly) | 123.00 | L2000/I8500 | |
| Hackney Carriage Licence (4 month) | 82.00 | L2000/I8500 | |
| Private Hire - Vehicle test fee | 53.00 | L2000/I8513 | OS |
| Private Hire Vehicle Licence (annual) | 189.00 | L2000/I8512 | OS |
| Private hire vehicle licence (6 monthly) | 95.00 | L2000/I8512 | OS |
| Private Hire Vehicle Licence (4 monthly) | 63.00 | L2000/I8512 | |
| Private Hire Operators Licence | | | |
| 1 vehicle (annual) | 134.00 | | |
| 1 vehicle (5 yearly) | 419.00 | | |
| 2-10 Vehicles (annual) | 155.00 | | |
| 2- 10 vehicles (5 Yearly) | 523.00 | L2000/I8510 | OS |
| 11-25 vehicles (annual) | 190.00 | | |
| 11-25 vehicle (5 yearly) | 697.00 | | |
| 26 vehicle and over (annual) | 263.00 | | |
| 26 vehicles and over (5 yearly) | 1064.00 | | |
| Licence Plate - Private Hire (each) | 6.40 | L2000/I8517 | ST |
| Licence Plate - Hackney Carriage | 6.40 | L2000/I8505 | ST |
| Enhanced CRB Check (Fee set by CRB) | 44.00 | L9000/LP232 | OS |
| Door Signs - (each) | 6.40 | L2000/8505 L2000/8517 | ST |
| Online Drivers Licence Check | 5.90 | L2000/I8511/01 | OS |
| Administration fee (where applicable) | 42.00 | | |

MISCELLANEOUS LICENCES

| Type of Licence | Cost per Licence £ | Code | VAT |
|---|--------------------|-------------|-----|
| Boatman's Licence | 55.00 | L2001/I8496 | OS |
| Scrap Metal Dealers Mobile Licence | 157.60 | L2001/I8496 | OS |
| Scrap Metal Dealer Site Licence | 260.00 | L2001/I8496 | |
| Pleasure Boat Licence | 100.00 | L2001/I8497 | OS |
| Registration in Skin Piercing/Tattooing (Persons) | 77.00 | L2001/I8488 | OS |
| Registration in Skin Piercing/Tattooing (Premises) | 169.00 | L2001/I8488 | OS |
| Registration of dealer in second-hand goods | 169.00 | L2001/I8495 | OS |
| Registration of dealer in second-hand goods - market stalls | 51.00 | L2001/I8495 | OS |
| Sex Shop | 541.00 | L2001/I8494 | OS |
| Sex Shop renewal | 541.00 | L2001/I8494 | OS |
| SEV's | 5654.00 | | |
| Street Café Licence | 282.00 | L9000/LP263 | OS |

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| LICENSING REGULATORY COMMITTEE |
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**Proposal to Introduce Guidelines for Late Licensing Applications – Hackney Carriage Proprietor Licences
22nd March 2018**

Report of Principal Licensing Officer

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| PURPOSE OF REPORT |
| <p>The purpose of this report is to seek the approval of members to introduce guidelines for officers and members to determine late applications for hackney carriage proprietor (vehicle) licences.</p> <p>Once approved, members should consider the addition of a condition to hackney carriage proprietor licences, outlining the late renewal application guidelines.</p> |
| <p>This report is public.</p> |

RECOMMENDATIONS

- (1) **Members are recommended to approve new guidelines for determining late applications for hackney carriage proprietor licences and;**
- (2) **Authorisation be given to the Monitoring Officer to change the Council constitution and subsequently the scheme of delegation as set out in the proposed guidelines.**
- (3) **To introduce a hackney carriage proprietor licence condition which stipulates the renewal application procedure as determined by members.**

“The licence holder must submit a renewal application before the proprietor licence has expired; if the licence holder does not do so, the renewal application will be refused unless there is a very good reason for the failure and in any case within 72 hours of its expiry. After this time the matter will be referred to Licensing Regulatory Committee to consider exceptional circumstances.”

1.0 Introduction

- 1.1 Members will be aware that at a previous meeting of the Licensing Regulatory Committee on 8th February 2018 a licensed driver was brought before the committee to determine a late renewal application for a hackney carriage proprietor licence.

- 1.2 Following this meeting, concern was expressed from members of the Licensing Regulatory Committee regarding the way in which the application was administered and determined.
- 1.3 The authority to approve late applications has not been delegated to officers, and therefore, without the changes proposed within this report, future similar late applications would need again to be referred to this committee for a decision.
- 1.4 It is therefore proposed to formalise guidelines and officer delegation in which future late applications for the renewal of a hackney carriage proprietor licences may be determined smoothly and quickly without the need for referral to this committee unless in exceptional circumstances.

2.0 Proposed changes and guidance

- 2.1 The introduction of clear guidelines for determining late applications for the renewal of hackney carriage proprietor licences, together with the delegation to approve late applications will help ensure a sensible, proportionate decision-making process going forward.
- 2.2 Proposed guidance and decision making process:

1. If the renewal application is between 1-3 days late, the decision whether to permit the renewal is to be made at officer level. (Principal Licensing Officer or Commercial Protection Manager).

Officers at this stage will take into account the licensing history of the driver and level of compliance shown previously, as well as the circumstances surrounding the reason for the late application.

2. For late renewal applications submitted after 3 days but less than 7 days, council officers will consult (in line with the constitution) with the Chairman of Licensing Regulatory Committee to consider 'exceptional circumstances'. The chairman will review the reasons for the late application, compliance history of the applicant, and officer recommendation before reaching a decision.

3. Any late applications received 7 or more days late will be reported to this committee for a decision.

4. All late applications will be reported to the next Licensing Regulatory Committee following the decision.

Applicants who are refused the renewal of a hackney carriage proprietor licence by Licensing Regulatory Committee or at any stage in the proposed guidelines would have right of appeal to the Magistrates Court.

3.0 Case Law

- 3.1 The following case clearly explains the key points in the determination of late applications for hackney carriage proprietor licences.

EXETER CITY COUNCIL v SANDLE [2011]

s.60 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
s.43 TOWN POLICE CLAUSES ACT 1847.

A hackney carriage licence was capable of renewal in the sense envisaged by the Local Government (Miscellaneous Provisions) Act 1976 s.60 after the expiration of the one-year period prescribed by the Town Police Clauses Act 1847 s.43. There was no particular period in which it would cease to be capable of renewal but an application received two to three days late would require very good reasons for the delay for it to be entertained by a local authority; delay beyond that would require exceptional circumstances.

The appellant local authority appealed by way of case stated against a decision of a Crown Court that it should have renewed a hackney carriage licence that it had granted to the respondent (S). A condition attached to the licence stated that an application to renew it could not be made until 14 days before it was due to expire and could be made up until the day before it was due to expire. The individual deputised by S to renew his licence had a sick child and through being distracted with that matter and the intervention of a weekend the application to renew was made one day late. The local authority refused to either renew S's licence or grant him a new one. The Crown Court held that notwithstanding that S's licence had expired it was capable of being renewed and ought to have been renewed. It also held that in the circumstances a new licence should be granted to S. *The questions were (i) whether a hackney carriage licence was capable of renewal in the sense envisaged by the Local Government (Miscellaneous Provisions) Act 1976 s.60 before the expiration of the one-year period prescribed by the Town Police Clauses Act 1847 s.43; (ii) whether such a licence was capable of renewal in the same way after the expiration of that one-year period and, if so, when it ceased to be so capable.*

HELD: The word "renew" quite properly could mean "granted afresh" so that it permitted a licence to be granted as a new licence. That was a perfectly normal use of the English language; for example, if one forgot to renew a driving licence before it expired one would say, "I must renew my driving licence". The chief concern expressed by the local authority was that there was a queue of applicants for new licences and that if no application to renew was made in time and it then granted a licence to a new applicant it would find itself in difficulties if late applications for renewal were allowed. The answer to that fear was to impose a condition on the grant of a licence so that an applicant had to make an application to renew before the licence had expired and if he did not do so his application was likely to be rejected unless he had a very good reason for his failure. It was appropriate for a local authority to wait two to three days before it granted a new licence to another party. It would be for an applicant to show that very good reasons existed for his late application for renewal. It would be appropriate for a local authority that processed applications by mail to take account of postal difficulties that might exist. Accordingly, it was appropriate to answer yes to both questions. In relation to the second question, there was no particular period but only in exceptional circumstances would an application for renewal be entertained after a delay of two to three days.

- 3.2 With this judgement in mind members should consider an addition to the Council's hackney carriage proprietor licences conditions which clarifies the renewal application procedure. The suggested wording of the addition is outlined in the recommendations contained within this report.
- 3.3 It would be reasonable to expect an applicant to submit a renewal application before the licence has expired, if the licence holder does not do so, the renewal application should be rejected unless the proprietor has a very good reason for the failure.

Only in exceptional circumstances should a late application for renewal be granted after more than 3 days of its expiry.

4.0 Conclusion

- 4.1 Members are recommended to agree the proposals outlined in this report, including the introduction of guidelines for officers and members to determine late applications and the addition of a condition to hackney carriage proprietor licences.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The proposed procedure and guidelines as set out in the report aim to provide a proportionate, fair and consistent approach in the determination of late licensing applications.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of this report.

LEGAL IMPLICATIONS

Any person who is refused the renewal of a hackney carriage vehicle licence would have the right of appeal to the Magistrates' Court.

Any person aggrieved by any conditions attached to such a licence may appeal to a Magistrates' Court.

Any successful appeal costs would have to be met by the Council.

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| BACKGROUND PAPERS | Contact Officer: Jennifer Curtis Telephone: 01524 582317 E-mail: jcurtis@lancaster.gov.uk Ref: |
| None | |

LICENSING REGULATORY COMMITTEE**Appointment of Taxi/Private Hire Working Group
22nd March 2018****Report of Principal Licensing Officer****PURPOSE OF REPORT**

At a meeting of the Licensing Regulatory Committee on 31st August 2017 members resolved to establish a Licensing Regulatory Sub-Committee to research the issues surrounding the use of different types of fire extinguishers in licensed vehicles operating in and licensed by, Lancaster City Council.

This was to be implemented following the appointment of the Principal Licensing Officer; who is now in post.

The purpose of this report is to advise elected members on the benefits of introducing a taxi and private hire working group in favour of a Licensing Regulatory Sub-Committee and consider the proposals laid out in this report.

Subsequently, a system to nominate members to sit on the working group will also be required.

This report is public.

RECOMMENDATIONS

Members are recommended:

- (1) To approve the proposal to introduce a taxi and private hire working group as outlined in this report.**
- (2) To adopt a system to nominate members to sit on the working group.**
- (3) To agree initial focus for the group**

1.0 Report

- 1.1 The taxi and private hire working group has been designed to bring together individuals, including elected members, stakeholders and Council Officers who possess the relevant knowledge and skills of the subject area, who will act collectively to undertake assigned tasks and activities in order to achieve the

project's objectives; in this case ensuring the continued review, development and improvement of the Council's taxi and private hire services.

- 1.2 It will be important for us to ensure that the working group approach draws on input from a range of stakeholders, many of whom will have competing perspectives and interests. It will also be important for the working group to ensure that while it provokes discussion and a range of opinions, the end result is a set of clear recommendations which can be implemented, and can be enforced, in the interests of public safety. The recommendations from the working group will be reported to this committee for consideration, discussion and to issue a decision whether to accept the recommendations.
- 1.3 Council Officers are working to establish a better communication method with licensed drivers, vehicle proprietors and private hire operators and hope that a true representation of the emerging issues that face the trade can be identified and discussed within the working group.
- 1.4 It is anticipated that following the channels of communication being open, representatives from the trade will be invited to attend working group meetings, once key tasks and projects have been identified as part of the initial set-up.
- 1.5 On reflection, it would seem more appropriate to refer to the group as a "working group" rather than a "Sub-Committee"; and the working group will make recommendations to the Licensing Regulatory Committee rather than act as a decision making body. Recommendations or findings from the working group will be presented to Licensing Regulatory Committee in line with the Council's scheme of delegation and constitution.
- 1.6 Proposed membership of the working group would be:
 - 3 elected members from Licensing Regulatory Committee (1 nominated as chairman)
 - Principal Licensing Officer
 - Licensing Enforcement Officer
 - 1 Private Hire representative
 - 1 Hackney Carriage representative

2.0 Conclusion

- 2.1 This report provides the Chairman of Licensing Regulatory Committee and Committee members with a proposal to set up a taxi and private hire working group, as resolved at the Licensing Regulatory Committee meeting on the 31st August 2017.
- 2.2 Members are asked to consider an appropriate system for nominating members to sit on the working group and appoint accordingly.
- 2.3 If agreed, the Principal Licensing Officer recommends that the initial focus of the working group should be to discuss the following matters:
 - Mechanism for engagement with the taxi trade
 - Fire extinguishers in licensed vehicles
 - Annual Hackney Carriage fare review.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The primary purpose of the Licensing regime is to protect public safety.

FINANCIAL IMPLICATIONS

The working group will be managed and supported through existing resources.

LEGAL IMPLICATIONS

None identified in this report.

BACKGROUND PAPERS

None

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Ref: not applicable

LICENSING REGULATORY COMMITTEE**Amendment to the Rules and Regulations and Procedures
for Hackney Carriage and Private Hire Licensing -
New Driver Training – Change of Provider
22nd March 2018****Report of Principal Licensing Officer****PURPOSE OF REPORT**

The report is to seek Members' approval of proposals to introduce new training arrangements for all new applicants for hackney carriage and private hire drivers' licences, switching college provider to Lancaster and Morecambe College.

Members are also asked to assess the current application procedure and consider removing the requirement that new applicants for a private hire or hackney carriage driver's licence pass a locally set knowledge test, incorporating this with the new driver training course.

This report is public.

RECOMMENDATIONS

- 1. Members are recommended to approve a new requirement that all applicants for the grant of a hackney carriage and private hire drivers' licence attain a btech Level 2 Certificate in the introduction to the role of the professional taxi and private hire driver as part of the application procedure. This would take effect from the first scheduled course date (24-27th April 2018).**
- 2. Member are also asked to consider removing the requirement that applicants for the grant of a hackney carriage and private hire drivers' licence pass the locally set knowledge test as a separate test. The content contained in the knowledge test would be incorporated as a unit within the proposed btech qualification.**
- 3. Should members decide to maintain the knowledge test as a separate assessment outside the proposed btech qualification, it is recommended that the application criteria is amended to require an applicant to wait 6 months from applying again should they fail the knowledge test 3 times. There is no restriction in place at present and there are examples of applicants failing the test numerous times.**

4. Subject to the above recommendations, to make appropriate to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing document.

1.0 Introduction

- 1.1 The Licensing team has been approached by Lancaster and Morecambe College, offering to re-introduce the taxi training qualification. A subsequent meeting held between Council Officers and College Staff to discuss the arrangements was positive and constructive. The college wishes to re-introduce a recognised hackney carriage and private hire qualification which can be provided locally and is happy to develop a bespoke training syllabus appropriate to local need.
- 1.2 The current arrangement for training of new applicants for a hackney carriage or private hire is provided by Blackpool and Fylde College. The qualification obtained is City and Guilds Level 2: "Introduction to the role of the Professional Taxi and Private Hire driver". The current cost of the Blackpool and Fylde course is £235.00. The content and delivery is comparable to the proposed alternative provider.
- 1.3 Currently, new applicants whose application has been granted are then given 1 year to complete the training.
- 1.4 The knowledge test for all new drivers is a separate test that all new drivers must successfully complete as part of their licence application. The knowledge test is delivered and administered by the Licensing team.
- 1.5 The current arrangement has been in place for over 3 years. Prior to the move to Blackpool and Fylde College, the training was provided by Lancaster and Morecambe College. However, the Council was informed that the college was increasing its fees significantly and a decision was taken at the Licensing Regulatory Committee on 5th June 2014 to switch training provider to Blackpool and Fylde College. The Council is not under any contractual obligations with either college for delivery of this training.

2.0 Proposal Details

- 2.1 It is proposed that Lancaster and Morecambe College be invited to deliver a 4 day btech Level 2 Certificate in the Introduction to the role of the Professional Taxi and Private Hire Driver, incorporating the knowledge test. This would become part of the new application process and would need to be successfully completed before a licence would be granted.

The cost for the training would be a one-off cost to the applicant of £225.00. Lancaster and Morecambe College have provided a 3 year commitment to run the course and maintain it at this figure, subject to annual inflationary increases only.

The course will incorporate key elements of becoming a Lancaster professional licensed taxi driver.

The 10 modules studied by the driver would be as follows.

Unit 1: Health and safety in the taxi and private hire work environment

Unit 2: Road safety when driving passengers in a taxi or private hire vehicle

Unit 3: Professional customer service in the taxi and private hire industry

Unit 4: Taxi and private hire vehicle maintenance and safety inspections

Unit 5: The regulatory framework of the taxi and private hire industry

Unit 6: Taxi and private hire services for passengers who require assistance

Unit 7: Routes and fares in the taxi and private hire vehicle industries

Unit 8: Transporting of parcels, luggage and other items in the taxi and private hire industries

Unit 9: Transporting of children and young persons by taxi or private hire vehicle

Unit 10: Tailor-made by Lancaster City Council to include Child Sexual Exploitation (CSE) training/local knowledge/rules and regulations

- 2.2 Upon enrolment applicants would be required to sit a pre-course numeracy/literacy online assessment; this will assist college tutors in supporting applicants at the appropriate level; it may be determined from this assessment that an individual's level of learning requires improvement and an access course to develop the applicant's English may be recommended in the first instance. It will also reduce the number of re-sits required by applicants per unit test.
- 2.3 The content of unit 10 has been developed by Council Officers to include licence rules and regulations, local knowledge and CSE training. It is believed that this approach will be much more effective and useful than current arrangements.
- 2.4 Currently the knowledge test can be taken as many times as required by the applicant to pass and costs the individual £20 per re-sit. There is currently no limit on the number of times an applicant may re-sit the test, and the re-sit fee would be charged each time. If members decide to continue with the current knowledge test, it is recommended that a limit be placed on the number of re-sits an applicant may take.
- 2.5 The advantages of swapping training provider to Lancaster and Morecambe College would be:-
- Less travelling for new applicants
 - Supporting a local college
 - Opportunity to develop a bespoke training package
 - Incorporate the knowledge test
 - Consistent and assured level of training
- 2.6 Janet Boardman, Business Development Manager from Lancaster and Morecambe College has been invited to today's meeting to answer any specific questions from members regarding the course programme, its content and delivery.

3.0 Council Policy and Legislation

- 3.1 Section 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 provide that a Council shall not grant a licence unless satisfied that the applicant is a fit and proper person to hold a private hire /hackney carriage driver's licence.
- 3.2 The requirement that new applicants for a private hire or hackney carriage licence undertake a recognised qualification forms part of the criteria used to determine an applicant's suitability to hold the position of licensed driver in Lancaster; wearing the Council's seal of approval.

4.0 Conclusion

- 4.1 Members are asked to consider the proposal to change the provider of the new taxi driver training, and to agree the new training arrangements developed jointly with Lancaster and Morecambe College, including the changes to the Knowledge test as outlined.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The primary purpose of the Licensing regime is to ensure public safety.

FINANCIAL IMPLICATIONS

The cost of the course, learning materials and delivery is met by the applicant. Depending on the number of new driver applications there would be a loss of income of around £1,000 per annum (based on 50 tests) if we ceased to provide the knowledge test and this would need to be built into future years' budgets as part of the budget process.

LEGAL IMPLICATIONS

Legal have no further comments.

BACKGROUND PAPERS

None

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