



SUPPLEMENTARY REPORT

Licensing Regulatory Committee

Thursday, 26 March 2015

The following report is supplementary to Agenda Item 12.

Agenda Item Number	Page	Title
12	1 - 9	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - CONSIDERATION OF OBJECTIONS TO PROPOSED VARIATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AND PRIVATE HIRE OPERATOR LICENCE FEES
		Report of the Licensing Manager

LICENSING REGULATORY COMMITTEE**Local Government (Miscellaneous Provisions) Act 1976
Consideration of Objections to Proposed Variation of
Hackney Carriage and Private Hire Vehicle and Private Hire
Operator Licence Fees – Supplementary Report
26th March 2015****Report of the Licensing Manager****PURPOSE OF REPORT**

The report is to enable Members to consider the further objections, received following the publication of the agenda for this meeting, to the proposed increase in licensing fees in relation to hackney carriage and private hire vehicle licences and private hire operator licences, approved in principle by the Committee in February.

This report is public.

RECOMMENDATIONS:

In considering Agenda Item 12, the Committee is requested to consider four further objections to the proposed increase in licensing fees in relation to hackney carriage and private hire vehicle licences and private hire operator licences, and the officer comments on those objections, and to determine whether or not to modify the fees approved in principle by the Committee at its last meeting.

1.0 Introduction

- 1.1 This report has been prepared to supplement the original report on Agenda Item 12, to enable members to consider 4 further objections that were received following the publication of the agenda for this meeting. The objections are attached at appendix 1 to this report.
- 1.2 As stated in the original report the Committee approved in principle a proposed increase in fees of 3% for all hackney carriage and private hire licences with the exception of applications for new driver's licences for which a 10% increase was approved to reflect the additional cost involved in administering a new application. A copy of the proposed fees sheet is attached at Appendix 2 to that report. Even an increase of 3% leaves a deficit of £65,900 which is in effect a subsidy from general taxpayers to licence holders.
- 1.3 Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 requires any increase in the licence fees in respect of private hire operators and hackney carriage and private hire vehicles to be advertised, and a period of 28 days allowed for objections. These four representations were received within the 28 day period but were received following the publication of the original agenda and therefore are now the subject of this supplementary agenda item.

- 1.4 Under Section 70(5) of the Local Government (Miscellaneous Provisions) Act 1976, if an objection is made and not withdrawn, the district council is required to consider the objection and then set a date, not later than 2 months after the first specified date on which the variation of fees should come into force with or without modification as decided after consideration of the objection. The first specified date in this instance was the 1st April in line with all other increases in fees levied by the council.
- 1.5 The relevant legislation and financial details are set out in the original report. However it must be stressed that the objection from the chair of the LCHPA alludes to fees other than those that are required to be advertised and consulted upon. Therefore members are reminded that the only fees that are the subject of this report are those in relation to hackney carriage and private hire vehicle licence fees and private hire operator's fees.
- 1.6 The objections received do not provide any evidence or figures to indicate why the fees should not be increased. There is mention in one of the objections to the trade being persecuted, but no evidence has been supplied to support this claim. There is also mention of reduced enforcement even though recently some members of the Trade have complained about too much enforcement. Enforcement has increased and has contributed to the cost of licensing as it has been necessary due to continuous non-compliance by a minority of drivers and proprietors. Another demand for licensing officers' time has arisen as officers are having to spend time dealing with regular contact and correspondence from members of the trade. One of the objectors has indicated that she feels that she is subsidising the 'excessive debts' of the licensing department and mentions that the licensing department are in 'financial crisis'. As set out in the original report the licensing department overall has not accrued any debts. Moreover the subsidy to the taxi licensing regime is currently being covered by Council Tax payers.
- 1.7 The objections also claim that vehicles are passing tests when they should not. This is on the face of it a very serious accusation. However, it should be noted that the objection does not provide any actual evidence to support this. Lancaster City Council, unlike many Councils, directly operates a vehicle maintenance unit (VMU). In order to fulfil the vitally important role of ensuring the safety for the public of vehicles used as taxis the Council's policy is that vehicle checks are undertaken directly by the Council. The staff who test these vehicles are fully trained and are regularly checked by the DVSA (formerly VOSA). The actual test is more stringent than a standard MOT and covers both the safety of the vehicle and other licensing requirements.
- 1.8 Based on actual evidence, provided by the staff who undertake the testing, Members of Licensing Regulatory Committee should be reassured by the fact that this test covers a greater scope than an ordinary MOT. Further reassurance is provided by the fact that the staff who undertake the testing take their role very seriously. Besides testing the vehicles they liaise closely with licensing staff to report their findings, discuss concerns and address ongoing issues. This is far more efficient than having a member of the Licensing Team physically overseeing the work of the Council's testing staff. This policy ensures the Council fulfils its role of protecting the safety of the public in this regard. This reassurance could not be provided were the Council to adopt a policy of allowing taxis to be tested at any testing station as seems to be suggested.
- 1.9 With regard to the objections about the testing of a very small number of long wheel based vehicles (2 at the moment). As has been previously reported the Council does not have the facility to be able to test long wheel base 'transit' type vehicles. Due to the very small number of these that operate as taxis it would not be cost effective for

the Council to purchase the equipment needed. Therefore one-off arrangements have to be made. The 2 long wheel base vehicles that we license do go to VMU and get a certificate of compliance after passing the ordinary MOT. They also undergo the visual compliance checks to ensure they comply with our policy.

- 1.10 With regard to the objections about the inconvenience of being exempt from an MOT. The DVSA advises that actually vehicles can be taxed online, just like any other vehicle. With regards to assumed problems with other Police forces, if the driver carries a copy of their certificate of compliance in the vehicle they can show it to any police officer that pulls the vehicle up. Many councils operate in this way and most Road Traffic Policing officers would realise that if the vehicle has a plate on that hasn't expired (hence the expiry date) it must have a relevant test/compliance certificate.
- 1.11 The issues raised as to vehicle testing policies are therefore not significant. In any case it needs to be remembered the overriding reason for current policy is for the Council to be able demonstrate it is doing all it reasonably can to ensure public safety in this regard.
- 1.12 Officers would conclude that rather than being relevant objections based on fact, the attached objections to the fees are based on a misunderstanding of the subsidised nature of the Service. Members are reminded that the purpose of the licensing regime is for licences to be in place to protect the public and as such all procedures are reviewed regularly by officers to ensure that this objective can be met whilst offering best value for money.

2.0 Conclusion

- 2.1 In considering the original report for Agenda Item 12, Members are asked to consider also the objections appended to this report, and the officer comments, and are recommended to determine in the light of those objections to not modify the table of fees in relation to hackney carriage and private hire vehicle licences and private hire operator licences approved in principle in February.
- 2.2 Officers make this recommendation as any changes to the fees approved in February would result in a further shortfall in relation to hackney carriage and private hire licensing. The legislation provides for the Council to recover prescribed licensing costs through the licence fees, that is, from those who are regulated by the legislation. At present, and even taking into account the increase approved in principle in February, the Council will only be recovering those costs in part. Reducing the proposed increase would place a further burden on the council tax payers as a whole.
- 2.3 Officers recommend that the fees as approved in February should be implemented from the 1st April as originally approved.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>

<p>None applicable to this report.</p>
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FINANCIAL IMPLICATIONS

Financial Services have been consulted and have assisted the Licensing Manager in the preparation of the report, and have prepared the updated information at Appendix 4 to the original report.

LEGAL IMPLICATIONS

These are contained within the report.

DEPUTY SECTION 151 OFFICER'S COMMENTS

Members are reminded that the fee increases approved in principle at the Committee meeting on 12th February 2015 have been included in the budget approved by full Council on 4th March 2015. As mentioned in the report's conclusions, if Members were minded to reduce the proposed fees, the financial impact would be transferred to the council tax payers as a whole.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has contributed to this report in her capacity as the Chief Officer responsible for Licensing.

BACKGROUND PAPERS

None

Contact Officer: Wendy Peck

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E-mail: wpeck @lancaster.gov.uk

Ref: WP

To: Taylor, Sarah
Subject: licence fee increase

To: Taylor, Sarah
Cc: Johnson, Anthony; Pattison, Margaret; Greenall, Michael; Hamilton Cox, Tim; Dennison, Roger; Harrison, John; Dixon, Jonathan
Subject: Objection to License Fee Increase

Dear Mrs Taylor

On behalf of our Association and following consultation with our members I would like to object to any increase in License fees.

Some of the reasons are listed:

1. Despite several attempts this Council has failed to demonstrate how the fees and subsequent increases have been calculated. If the current fees cannot be justified how can an increase? (A deficit within the department does not justify the cost to us. Some of the figures presented by Nadine are actually laughable)
2. This Council has reduced the enforcement on vehicles (The chargeable enforcement) but has not reflected this in the License Fees. (There always used to be an Licensing Employee attending every test. Now there is not ever anybody at the test centre. As a consequence vehicles are passing tests with incorrect signage. Out of date fare cards. No fire extinguisher. No first aid kit. No documents to help car thieves, and even with unrepaired accident damage that whilst not being an MOT fail should surely not pass scrutiny for fare paying passengers) **I will not provide details as I believe our Licensing Team would already be aware if they were doing their jobs to a standard that Harold Toulmin managed on his own and part time 32 years ago. However if Councillors would like me to demonstrate any of the examples I will comply.**
3. This Council is failing to provide best value. If you own a long wheel base transit the vehicle does not attend VMU despite the claims of the Licensing Manager. To be fair how could she know with nobody attending tests. The vehicles pay up to £21 less because O'Connors MOT centre tests them and yet others requesting to use what is seemingly a Council approved testing centre are denied the opportunity to make a similar saving. O'Connors also provide a proper MOT certificate allowing the owners to set up their Vehicle Excise Duty online. The rest of us don't have that opportunity. Also Vehicles do not get stopped in other areas for not having a current MOT. Our local police are familiar with the reason for us not having a valid MOT.
4. This Council has needlessly complicated processes i.e. 6 month Licenses, needless changing of plates, wasted time visiting town hall and then time off the road waiting for new plates. Once the fee is paid surely the plate should be made before the test and handed over when passed. The plate is already paid for!
5. We recently were rebuffed when asking to change plates less frequently by adding a date sticker which was allegedly due to the large stock of current plates held by the Council. If there are large stocks why is the price of plates showing an increase?

6. The list of fee increases advertised is not complete and as such I would request that the proposed increases be withdrawn with immediate effect as being unlawful. The list of fees presented to Councillors was not even complete. The list of fees sent out as a payment sheet is not complete.

Kind Regards



Andy Kay

Chairman Lancaster City Hackney Proprietors Association

To: Taylor, Sarah

Subject: licence fee increase

To: Peck, Wendy; Johnson, Tom; Taylor, Sarah; Hamilton Cox, Tim; Dixon, Jonathan; Pattison, Margaret

Subject: Licence Fee Increase 2015/16

Dear Mrs Taylor

I would like to put forward my objection to the proposed licence fee increase. Whilst awaiting to view the report as to why the licensing department is in such financial crisis i am not willing to be fobbed off by having to subsidise the excessive debts that have accrued significantly over the last 3-4 years.

After reading the report to the LRC i feel that not only have we been persecuted over the last two years of financial embarrassment, we are being hit yet once again financialy through no fault of our own.

kind Regards

Elleran Hobart

To: Taylor, Sarah

Subject: licence fee increase

Dear Mrs Taylor

I wish to object to any proposed licence fee increase until a report containing a detailed breakdown of where the Trade's money is being spent is produced for observation.

Many thanks

Kevin Chamberlain.

To: Taylor, Sarah

Subject: licence fee increase

To: Peck, Wendy; licensing; Greenall, Michael; Johnson, Anthony; Dixon, Jonathan; Denwood, Sheila;
Taylor, Sarah

Subject: objection to licensing fees

Dear All

I strongly object to the new proposed licensing fee increase on the basis that this council has increased the fees over the last four years already to reduce the debt that they have created, and the only thing that the council have done over the last four years is quadruple the debt i think you really need to look at how and who is creating the problems rather than relying on the taxi trade to offset the bill.

Regards

Peter Hobart