

Bolsover District Council**Council****3rd February 2016****Consideration of representations regarding the proposed amendments to fees for Hackney Carriages, Private Hire Vehicles and Private Hire Operators****Report of the Joint Assistant Director of Planning and Environmental Health**

This report is public

Purpose of the Report

- **To consider representations regarding the proposed amendments to fees for Hackney Carriages, Private Hire Vehicles and Private Hire Operators.**

1 Report Details

- 1.1 Following the introduction of the Deregulation Act 2015, Licensing Committee (2 September 2015) and Council (9 October 2015) previously considered an amendment to fees for Hackney Carriages, Private Hire Vehicles, Private Hire Operators and Hackney Carriage/Private Hire Vehicle Drivers and resolved to set fees, calculated on a full-cost recovery basis, as shown in the table below:

Licence type	Cost	Duration
Private Hire Operator	£798 new application £788 renewal application	5 years
Combined Driver	£182 new application £152 renewal application	3 years
Hackney Carriage	£1,240 new application £286 renewal application	1 year
Private Hire Vehicle	£138 new application £119 renewal application	1 year

All	£22.00* replacement lost licence plate/badge £6.00* replacement paper licence *cost recovered via Local Government Act	N/A
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1.2 For Members information, the previously charged fees are listed in the table below:

Licence type	Cost	Duration
Private Hire Operator	1 vehicle £60 2 to 5 vehicles £120 6 to 10 vehicles £180 each extra 5 vehicles £60	1 year
Combined Driver	New £239 Renewal £209 Including DBS and DVLA mandate fees	1 year
Hackney Carriage	£136 or £160 depending upon emission levels	1 year
Private Hire Vehicle	£136 or £160 depending upon emission levels	1 year
All	£20.50 replacement lost licence plate/badge £5.00 replacement paper licence	

1.3 The Council published the proposed amendments by placing a public notice in at least one local newspaper circulating in the District (Derbyshire Times) which set out the proposed variation and gave a period of 28 days for comments to be submitted.

1.4 Copies of the Notice were also displayed in the reception areas of Bolsover District Council Offices and also the reception area at the North East Derbyshire District Council Offices, Wingerworth, Chesterfield.

1.5 Subsequently, two representations have been received.

- 1.6 If no objection is made within the period specified in the notice, or if all objections so made are withdrawn, the variation shall come into effect on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is later.
- 1.7 As objections remain outstanding the District Council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the Council after consideration of the objections. For Members information, this is 25 February 2016.
- 1.8 The Council may remit the whole or part of any fee chargeable in any case in which they think it appropriate to do so. Where a driver or private hire operator licence is granted for a shorter period than the statutory maximum, then the Licensing Committee, on request of the applicant, may remit whole or part of the fee, as it sees fit. Therefore, as fees have been calculated on a cost – recovery basis, the Council has legal powers to charge a lesser fee.
- 1.9 Following receipt of representations, officers are now giving consideration to appropriate level of fees. In accordance with the Council’s constitution, it is the responsibility of Council to set the fees although this function may be delegated. The next meeting Council is on 2 March, after the deadline of 25 February 2016. Therefore it is proposed that Council delegate the setting of fees in this instance to the Chief Executive, having regard to the views of members at Licensing Committee who are meeting on 17th February 2016. This will ensure that the new fees are introduced from the required date of 25th February.

2 Conclusions and Reasons for Recommendation

- 2.1 With the introduction of the Deregulation Act 2015 it is necessary for the Council to amend its licensing policies, procedure, fees and licence durations to ensure that it is compliant with the statute. Failing to amend licence durations and fees will almost certainly result in the Council unable to defend its position if challenged either through the Courts, via the District Auditor or Local Government Ombudsman.

3 Consultation and Equality Impact

- 3.1 None

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The Council may only recover costs for the licensing regime on a cost-recovery basis and it cannot cross cannot make a profit from these fees or subsidise other

areas of licensing from fees recovered. The Council must be able to show that it has a robust accounting system and system of calculating both its costs and the fees it charges. In addition, any surplus or deficit created from each area of licensing must be carried forward and used in the calculation of future those particular license fees, failure to do so may result in a legal challenge, either by means of a Judicial Review or complaint to the District Auditor.

- 5.1.2 Failure to amend the Private hire operator licence to a flat fee regardless of the number of vehicles operated may leave the Council open to challenge. This would incur costs in preparing a defence case and possibly attend court or other venues. Costs may be awarded against the Council and it could face the possibility of having to repay the 'per vehicle' part of the Operators fee.

5.2 Legal Implications including Data Protection

None

5.3 Human Resources Implications

None

6 Recommendations

- 6.1 Due to the statutory deadlines, it is recommended that delegation be given to the Chief Executive Officer, following consultation with Licensing Committee, to agree the level of fees.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	COMMUNITY SAFETY – Ensuring that communities are safe and secure ENVIRONMENT – Promoting and enhancing a clean and sustainable environment