

GENERAL LICENSING COMMITTEE

Minutes of a meeting of the General Licensing Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Thursday, 13th February 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Amanda Davis in the Chair

Councillors David Bennett, Mary Dooley, Jeanne Raspin and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)) (from minute no. GLC10-24/25), Samantha Crossland (Licensing & Enforcement Officer) (from minute no. GLC10-24/25), Gill Halliwell (Environmental Health Service Manager (Commercial and Environment)) (from minute no. GLC10-24/25) and Matthew Kerry (Governance and Civic Officer).

GLC6-24/25 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Anne Clarke, Will Fletcher and Emma Stevenson.

GLC7-24/25 URGENT ITEMS OF BUSINESS

There were no urgent items of business to be considered.

GLC8-24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GLC9-24/25 MINUTES

Moved by Councillor David Bennett and seconded by Councillor Rita Turner
RESOLVED that the minutes of a General Licensing Committee held on 3rd October 2024 be approved as a correct record.

The meeting was adjourned at 10:02 hours and reconvened at 10:05 hours when the Legal Team Manager, Environmental Health Service Manager and Licensing & Enforcement Officer entered the meeting.

GLC10-24/25 REVIEW OF THE COUNCIL'S TAXI LICENSING FEES UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Environmental Health Service Manager thanked the Chair and Committee for their attendance and presented the report.

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From the report presented to the Committee in October 2024, it was reiterated the Council was responsible for the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

In line with regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000, fee setting for taxi licensing was a non-Executive function of the Council and decisions were to be taken by the Committee.

Current taxi licensing fees were no longer sufficient to recover costs.

A comprehensive review was conducted, with a robust methodology, adopted widely across the UK, and with the assistance of the Section 151 Officer of North East Derbyshire District Council.

Consideration was taken for the time it took to process each type of licence, staffing costs, costs of materials, enforcement against current licence holders, policy development and general overheads.

The proposed fee calculations were attached at Appendix 1. A comparison with neighbouring local authorities was attached at Appendix 2.

On 10th October 2024, the Committee had considered the revised fees and approved them for consultation. Notice of the revised fees were published in the Derbyshire Times (attached at Appendix 4) and a notice displayed at the Council's offices. Licence Holders were contacted directly. Details were publicised on the website.

The consultation had opened on 19th December 2024 and closed on 16th January 2025. 9 responses were received in this time – these were attached at Appendix 3.

Table 1 of the report listed the concerns of Licence Holders raised and the subsequent Officer responses.

In line with the legislation and the Council's Constitution, the results of the consultation must now be considered before determining final fees.

Modifying the fees would ensure the service remained cost neutral and recovered all reasonable costs. If the Council retained current fees, an operating loss would occur for most licence types. For others it could result in overcharging.

The fees were last reviewed in 2018.

A Member thanked the Environmental Health Service Manager for the report. The substantial increase in fees were of concern: a 1 Year Hackney Carriage & Private Hire Driver's Licence had increased £44.00; a 2 Year License by £89.00; and a 3 Year Licence by £131.00. Another Member agreed and asked how the increased amounts were justified.

The Environmental Health Service Manager reiterated the fees had been last reviewed in 2018. Consideration of the COVID-19 pandemic and rollout of CCTV in licenced vehicles with plates had taken place, but increased oversight by the UK National Government, and the fact Licensing was a statutory service and currently making a loss, the review was a

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convenient moment to recalculate fees.

In terms of the calculation, consideration could be taken on the time and resources it took to facilitate each activity. Conservative estimates had been used (e.g., applications had been provided 5 minutes of handling time, though many took far longer). The service had absorbed many additional costs since 2018, and the Hackney Carriage & Private Hire trade had benefitted from this.

The Chair stated it was difficult to quantify how the revised fees had been made. Outstanding requests for more information remained. It was asked if the Council's Section 151 Officer could review the calculation of fees.

The Legal Team Manager confirmed issues raised in the previous meeting, as presented in the minutes, had yet to be addressed (including the calculation of fees). It would also be useful to understand the deficits recorded since 2018.

The Chair shared, with more information still required by the Committee, that it would be appropriate to defer a decision to a further meeting to enable the Council's Section 151 Officer be consulted and review the revised fees.

The Licensing & Enforcement Officer further informed a new policy had taken effect in January 2025, resulting in more checks taking place – this would also have increased fees.

The Chair noted that the calculation of fees may be entirely justified. However, the Committee sought a full breakdown of the calculations made. A Member agreed – the additional checks would naturally add to the costs to the service and resultant fee increases, but these applied to all responsible licensing and regulation authorities and the Council's revised fees were higher than neighbouring authorities.

The Environmental Health Service Manager informed the Council's revised fees were still low and only 9 responses had been received – 8 from drivers, or 6% of the driver population, and 1 from an operator, or 3% of the trade population.

It was noted that while these 9 responses had proven a better turnout than previous consultation exercises, many drivers and trades would often choose a licensing and regulation authority by chance.

The Committee were also informed that Wolverhampton had 22% of the net Hackney Carriage & Private Hire trade. It had a large department and services were discounted. However, an application made in November 2024 would only start being processed in February 2025, while the Council's service responded in a timely manner.

The economics of scale were at hand, and the Council (through the joint service with North East Derbyshire District Council) had fewer drivers but fewer staff to handle cases. Authorities like Wolverhampton would also charge extra for expedited services (to fast-track an application, drivers could pay an additional £125.00 on top of the original fees quoted).

A Member noted, with respect, that Wolverhampton was a larger authority due to its population size. The Council, in contrast was smaller but aimed to support residents and drivers. Without the extra information requested, at first sight the fee increases were not

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justifiable. It was also requested the Committee be informed of the policy that had taken effect in January 2025.

The Environmental Health Service Manager informed the policy had come before Committee but had been delayed with the rollout of CCTV in vehicles.

The Chair shared the policy had not been viewed by Members elected in 2023 – it might prove prudent for the Committee to review.

A Member shared total agreement with the Chair – the policy should be reviewed and a decision be deferred on the fee increases until the Council's Section 151 Officer was consulted.

The Chair concluded the Committee had raised their concerns, as had members of the public, and while the increased fees might be justified, it would be appropriate for the Section 151 Officer to perform due diligence on the calculations.

Moved by Councillor Amanda Davis and seconded by Councillor Mary Dooley

RESOLVED that: 1) the Committee defer a decision and Bolsover District Council's Section 151 Officer review the setting for taxi licensing; and,

2) the policy that came into effect in January 2025 be presented to the Committee.

To a final question on the minutes of the previous meeting, the Legal Team Manager informed a letter to the Derbyshire Police and Crime Commissioner had been sent with the assistance of the Chair of Licensing Committee and Environmental Health Team Manager (Licensing). A response had been received stating that the police were providing any / all information requested / excepted in a timely manner.

The meeting concluded at 10:26 hours.