

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the General
Licensing Committee

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Tuesday, 24th September 2024

Dear Councillor,

GENERAL LICENSING COMMITTEE

You are hereby summoned to attend a meeting of the General Licensing Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Thursday, 3rd October, 2024 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3 onwards.

Yours faithfully,



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**GENERAL LICENSING COMMITTEE
AGENDA**

***Thursday, 3rd October, 2024 at 10:00 hours taking place in the Council Chamber, The Arc,
Clowne***

Item No.		Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda;	
	b) any urgent additional items to be considered;	
	c) any matters arising out of those items;	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes	4 - 5
	To consider the minutes of the last meeting held on 22 nd February 2024.	
5.	Review of the Council's Taxi Licensing Fees under the Local Government (Miscellaneous Provisions) Act 1976	6 - 17

Agenda Item 4

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, 22nd February 2024 at 10:15 hours.

PRESENT:-

Members:-

Councillor Emma Stevenson in the Chair

Councillors Amanda Davis (Vice-Chair), David Bennett, Mary Dooley, Sally Renshaw and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager – Deputy Monitoring Officer), Lindsay Delamore (Licensing and Enforcement Officer), Ken Eastwood (Joint Assistant Director of Environmental Health), Alison Bluff (Governance and Civic Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting was Councillor Anne Clarke, Portfolio Holder for the Environment.

GLC1-23/24 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Will Fletcher and Lucy King.

GLC2-23/24 URGENT ITEMS OF BUSINESS

There were no urgent items of business to be considered.

GLC3-23/24 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GLC4-23/24 MINUTES – 20TH DECEMBER 2022

Moved by Councillor Mary Dooley and seconded by Councillor Rita Turner

RESOLVED that the minutes of a General Licensing Committee held on 20th December 2022 be approved as a correct record.

GLC5-23/24 CCTV IN TAXIS' UPDATE

The Licensing and Enforcement Officer stated that the CCTV in Taxis Policy (the 'Policy') had been fully implemented and Licensing had wanted to provide the Committee a brief overview.

Some exemption requests had been submitted to the Policy, with 8 pending requests over 3 applications (each application would have a number of vehicles each). These 8

GENERAL LICENSING COMMITTEE

vehicles would need to be seen by the General Licensing Sub-Committee.

The General Licensing Sub-Committee had granted 18 exemptions to the Policy, and of those 18, 11 vehicles were with one operator. This was because there was a large executive transport operation in the district.

CCTV was installed in 76 of the Council's vehicles. Pending exemptions were likely to be ongoing as the Council would receive new applications. Some applicants were also waiting for more information from Nottinghamshire County Council and Derbyshire County Council.

For review: in 2020, the Council had 174 licensed vehicles; in 2021, there were 122 (this had dropped due to the COVID-19 Pandemic); in 2022, there were 108; and in March 2023, there were 99 licensed vehicles. On the day before the Committee, there had been 102 licensed vehicles. This figure would change daily in the future as licenses expired and new applications were made.

Some issues had been encountered with a number of school contracts – this was with Nottinghamshire County Council and Derbyshire County Council. The Council was also waiting for more information from applicants; Councillors were already aware of these stumbling blocks.

The Licensing Team were also in the process of providing guidance leaflets; these would be printed out and posted shortly. They were intended to inform passengers and encourage licence holders on how to correctly use the CCTV system.

The Licensing and Enforcement Officer stated that the Licensing Team considered the Policy had been fully implemented and would not intend to come back to the Committee with further updates.

A Member stated that the Policy had been devised to keep people safe, and the success of the Policy was testament to how forward thinking the previous Council had been. The Chair agreed, stating that they had been made aware of some reluctance from several operators and drivers, but people had been reassured it was for their own safety.

The Chair thanked all those present for their work.

Moved by Councillor Mary Dooley and seconded by Councillor Rita Turner
RESOLVED that the report into the CCTV in Taxis' Update be noted.

The meeting concluded at 10:24 hours.

Bolsover District Council

General Licensing Committee on 3rd October 2024

Review of the Council's Taxi Licensing Fees under the Local Government (Miscellaneous Provisions) Act 1976

Report of the Joint Assistant Director for Environmental Health

Classification	This report is Public
Report By	<i>Lindsey Delamore, Licensing and Enforcement Officer</i> <i>Charmaine Terry, Environmental Health Team</i> <i>Manager (Licensing)</i>

PURPOSE/SUMMARY OF REPORT

To review the licence fees for Hackney Carriage and Private Hire Vehicles, Drivers, and Operators.

REPORT DETAILS

1. Background

- 1.1 Bolsover District Council is 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.
- 1.2 Under s.53 and s.70 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act'), Local Authorities are permitted to set licence fees in respect of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators.
- 1.3 The Act only permits the Council to make a charge for the administration and supervision of licences at the point of the grant of a licence and does not make provision for additional charges during the currency of a licence. For example, to cover the cost of a replacement licence. However, under s.93 of the Local Government Act 2003 ('the LG Act') the Council is permitted to make a charge for discretionary services. Where a charge is not permitted under the Act a discretionary services charge has been included in line with the provisions of the LG Act.
- 1.4 In line with regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000, fee setting for taxi licensing is a non-Executive function of the Council and decisions are to be taken by the General Licensing Committee.

- 1.5 The Local Government Association (LGA) sets out what can and cannot be included when setting fees. A copy of the guidance can be found at <https://www.local.gov.uk/publications/lga-guidance-locally-set-licensing-fees>. Whilst this guidance does set out a methodology for the review of licensing fees, the guidance does not take account of specific statutory restrictions applicable to taxi licensing and has therefore been used as a starting point only.
- 1.6 Any fee in relation to taxi licensing must only recover reasonable costs associated with the administration and supervision of licences and cannot generate a profit to cross subsidise other areas of licensing or the Council. Any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income.
- 1.7 In recent years, case law has provided clarity on what costs can be recovered as part of the taxi licensing regime. R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019), provided clarification that the costs of enforcement and compliance can be recovered against driver fees; and R (Cummings) v Cardiff [2014] confirmed that charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.
- 1.8 Licence fees cannot be used to recover the cost of enforcement against unlicensed drivers, vehicles, and operators, as such, any cost for enforcement against unlicensed activity must be met out of general funds and recovered, where possible through prosecution costs in court

2 Details of Proposal or Information

- 2.1 Since the last review of the Council's taxi licensing fees, costs have continued to rise and an increase in statutory requirements and changes to policy have placed further pressures on the Licensing Team. This means that our current taxi fees are no longer sufficient to recover costs.
- 2.2 The joint Environmental Health Service has conducted a comprehensive review of the current taxi licensing fees. In calculating the fees, a robust methodology, adopted widely across the Country, has been used, with input from North East Derbyshire District Council's s.151 officer. When calculating the proposed fees, the Licensing Team has taken into consideration the time taken to process each type of licence along with staffing costs, costs of materials, enforcement against current licence holders, policy development and general overheads. A table of proposed fee calculations are attached as **Appendix 1**. The fees have been calculated in line with the legislation and case law and have been rounded up/down to the nearest pound.

- 2.3 To assist Members in considering if the proposed fees are reasonable, officers have benchmarked the licence fees against those charged by other local authorities in Derbyshire. Benchmarking shows that the proposed fees remain competitive with other Derbyshire local authorities and a comparison table can be found attached as **Appendix 2**.
- 2.4 Whilst the majority of the fees have increased, we have seen a reduction to some fees. This has been achieved through efficiency savings via reviewing internal processes and transferring processing duties to that of a lower graded post. Whilst those same efficiency savings have been achieved in most areas of taxi licensing, the level of increased statutory requirements and the increase in material costs outweigh the efficiency savings.

Next Steps

- 2.5 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that any proposed variation to fees for hackney carriage and private hire vehicles and private hire operators must be advertised in a local newspaper and be displayed in the Council Offices where they can be readily seen by members of the public. The Council must allow at least 28 days for comments to be made on the proposed variation. A draft notice has been prepared and can be found attached as **Appendix 3**.
- 2.6 There is no requirement to consult on or advertise any variations for other fees, such as those in relation to drivers' licences and miscellaneous items. However, it is proposed that the proposed changes to all fees be advertised.
- 2.7 In addition to advertising the statutory notice, licence holders will also directly be notified of the proposed fee changes.
- 2.8 If no objections are received during this period, the fees will come into force 28 days after the date that the public notice is advertised in the local newspaper. However, if objections are received, a further report will be placed before the General Licensing Committee no later than 2 months after the first specified date on which the new fares would come into force.

3. Reasons for Recommendation

- 3.1 Modifying the fees will ensure the Licensing Service remains cost neutral and recovers all reasonable costs in the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators.
- 3.2 Failing to set licence fees in accordance with the statutory requirements could lead to a challenge against the Council. This may result in any unlawful licence fees having to be refunded to members of the trade. Failure to modify the fees could also result in the

Council operating the service at a loss. Should the taxi licensing service operate at a loss, the Council as a whole will bear the cost.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could choose to keep the current fees in place. If the Council keeps the current licence fees in place, this will result in the service operating at a loss for most licence types and for others may result in the Council overcharging.

RECOMMENDATION(S)

1. The Committee approves the revised draft licence fees for consultation.
2. The Committee requires the Joint Assistant Director of Environmental Health conduct a consultation directly with the trade and place the statutory notice in the relevant local newspaper, on the Council premises and on the Council website.
3. In the event objections are received, the Committee requires the Joint Assistant Director of Environmental Health to report any objections to the modified fees back to the General Licensing Committee in line with the legislative requirements.
4. In the event no objections are received, the Committee requires the Joint Assistant Director of Environmental Health implement the new fees and charges.

Approved by Councillor Clarke Portfolio Holder for Environment

IMPLICATIONS.

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets.

Having fees that are up to date ensure the Council is delivering a cost neutral service.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

It is a legal requirement under the Local Government (Miscellaneous Provisions) Act 1976 that a licensing authority does not make a profit when delivering a taxi licensing regime. Having fees that are up to date; compliant with the legislation; justified; proportionate; clear; objective; made public in advance; transparent; and accessible reduces the risk of legal challenge by way of appeal or judicial review.

On behalf of the Solicitor to the Council

Environment:

Details:

N/A

Staffing: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details: None	On behalf of the Head of Paid Service
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DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	Details: Chair of General Licensing Committee Portfolio Holder for Environment

Links to Council Ambition: Customers, Economy, and Environment.
All

DOCUMENT INFORMATION	
Appendix No	Title
1	Fee Comparison
2	Proposed Taxi Licensing Fees
3	Draft Newspaper Advert

Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>
https://www.local.gov.uk/publications/lga-guidance-locally-set-licensing-fees Financial Accounts

Appendix 1

Private Hire Operator				
1 Year	2 Year	3 Year	4 Year	5 Year
£291	£369	£447	£526	£604
Combined Hackney Carriage and Private Hire Vehicle Driver Licence (or single licence), plus the DBS fee if required				
1 Year		2 Year		3 Year
£194		£256		£311
Hackney Carriage & Private Hire Vehicle Licences				
Six-month licence (New)		£151		
Six-month licence (Renewal)		£123		
Transfer ownership*		£23		
Vehicle Test (inc. MOT where requested)		£75		
Re-test fees		£10 for the first item £5 for each additional item up to a maximum fee of £25 £35 full retest		
Missed test appointment		£20 (if less than 24 hours' notice)		
Miscellaneous Costs				
Driver Theory test		£50		
Replacement lost licence plate*		£26		
Replacement lost licence badge*		£17		
Replacement paper licence*		£10		

*costs recovered as discretionary fee via Local Government Act 2003

Fee Type		Bolsover and North East Derbyshire (CURRENT)	Bolsover and North East Derbyshire (PROPOSED)	Amber Valley	Chesterfield	Derby	Derbyshire Dales	Erewash	High Peak	South Derbyshire
Private Hire Operator	1 Year	£234.00	£291.00	-	-	-	-	-	£107.00	-
	2 Year	£337.00	£369.00	-	-	-	-	-	-	-
	3 Year	£438.00	£447.00	-	-	-	-	-	-	-
	4 Year	£541.00	£526.00	-	-	-	-	-	-	-
	5 Year	£644.00	£604.00	£306.00	£845.00 (plus £37.00 per vehicle)	£113.00 (per vehicle)	£540.60	£441.00	£321.50	-
	5 Year (1-5 cars)	-	-	-	-	-	-	-	-	£382.00
	5 Year (6-20 cars)	-	-	-	-	-	-	-	-	£505.00
	5 Year (21-50 cars)	-	-	-	-	-	-	-	-	£684.00
	5 Year (51 cars+)	-	-	-	-	-	-	-	-	£893.00
Hackney Carriage & Private Hire Driver Licence	Hackney Carriage 1 Year	£150.00	£194.00	-	-	-	-	£85.00	-	£135.00
	Hackney Carriage 2 Year	£165.00	£256.00	-	-	-	-	-	-	£190.00
	Hackney Carriage 3 Year	£180.00	£311.00	£223.00	£268.00 initial/ £268.00 renewal	£361.00	£217.50	£245.00	-	£265.00
	Private Hire 1 Year	£150.00	£194.00	-	-	-	-	£85.00	£76.00	£135.00
	Private Hire 2 Year	£165.00	£256.00	-	-	-	-	-	-	£190.00

	Private Hire 3 Year	£180.00	£311.00	£223.00	£268.00 initial/ £268.00 renewal	£361.00	£217.50	£245.00	£153.00	£265.00
Hackney Carriage, Private Hire & Executive Hire Vehicle Licences	6 months	£92.00	£151.00 (New) £123.00 (Renewal)	-	-	-	-	-	-	-
	Hackney Carriage 1 Year (New)	-	-	£409.00	£193 + £10 limitation check	£211.00	£402.80	Vehicle under 5 years £245 + 1 test £43 = £288 Over 5 years - £245 + 2 tests £86 = £331	£183.50	£190.00
	Hackney Carriage 1 Year (Renewal)	-	-	£338.00	£134 + £10 limitation check	134 + £10 limitation check	£402.80	Vehicle under 5 years £245 + 1 test £43 = £288 Over 5 years - £245 + 2 tests £86 = £331	£183.50	£190.00
	Private Hire 1 Year (New)	-	-	£409.00	£193.00	£104.00	£402.80	Vehicle under 5 years £245 + 1 test £43 = £288	£183.50	£121.00

								Over 5 years - £245 + 2 tests £86 = £331		
Private Hire 1 Year (Renewal)	-	-	£293.50	£134.00	£104.00	£402.80	Vehicle under 5 years £245.00 + 1 test £43.00 = £288.00 Over 5 years - £245.00 + 2 tests £86.00 = £331.00	£183.50	£121.00	
Executive Hire 1 Year (New)	-	-	-	£86.00	£161.00	-	-	-	-	
Executive Hire 1 Year (Renewal)	-	-	-	£75.00	-	-	-	-	-	
Vehicle test	£75.00	£75.00*	-	£76.00	-	-	-	-	-	
Retest fee (first item)	£10.00	£10.00*	£34.00	£10.00	-	£38.50 (two items or less)/ £80.60 (3 or more items)	30 mins - £22.00	-	-	
Retest fees (additional items)	£5.00 up to a maximum of £25.00	£5.00 up to a maximum of £25.00*	-	£5.00 up to a maximum of £25.00	-		1 hour - £43.00	-	-	

	Retest fee (full retest)	£35.00	£35.00*	-	£36.00	-	£80.60	-	-	£31.00
	Limousine test	-	-	-	£25.00	-	-	-	-	-
	Missed test appointment	£20.00	£20.00*	£33.00	-	-	£41.50	£22.00	-	£31.00
Miscellaneous Costs	DBS Application Cost	-	-	-	£72.00	£71.00	-	£38.00	-	-
	Administration Fee	-	-	-	-	£63.00	£2.75	£22.00	£10.50	-
	Route 2 DBS Check Admin Fee	-	-	-	-	-	-	-	-	-
	Driver Theory Test	£30.00	£50.00	£35.00	£64.00	£117.50	£41.00	£38.00	£20.50	£38.40
	Replacement lost licence plate	£15.00	£26.00	£15.00	£9.00 (front)/ £11.00 (rear)	£35.00	£11.75	£27.00	£10.00	£15.00
	Replacement driver badge	£15.00	£17.00	£10.00	£4.00	£24.00	£4.10	£27.00	£10.00	£15.00
	Replacement paper licence	£8.00	£10.00	£10.00	£1.00	£30.00	£12.85	-	£10.00	£10.50
	Vehicle Change	-	-	£48.00	£48.00	£20.00	£41.50	£120.00	£51.00	£38.00
Vehicle Details Change	-	-	£43.00	£43.00	£34.00	-	£22.00	£10.50	£10.50	

*Fee set by the transport depot



Variation of Fees for Hackney Carriage & Private Hire Combined Driver Licence, Hackney Carriage Vehicle, Private Hire Vehicle Licence, and Private Hire Operator Licences 2024

Notice is hereby given, in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, that Bolsover District Council proposes to vary the fees for the grant and renewal of a Hackney Carriage & Private Hire Drivers Licence, Hackney Carriage or Private Hire Vehicle Licence, and a Private Hire Operator Licence as follows:

DRIVER LICENCES	CURRENT	PROPOSED
1 YEAR	£150.00	£194.00
2 YEAR	£165.00	£256.00
3 YEAR	£180.00	£311.00
VEHICLE LICENCES	CURRENT	PROPOSED
6 MONTHS (RENEWAL)	£92.00	£123.00
6 MONTHS (NEW)	£92.00	£151.00
TRANSFER OWNERSHIP	N/A	£23.00
OPERATOR LICENCES	CURRENT	PROPOSED
1 YEAR	£234.00	£291.00
2 YEARS	£337.00	£369.00
3 YEARS	£438.00	£447.00
4 YEARS	£541.00	£526.00
5 YEARS	£644.00	£604.00
MISCELLANEOUS	CURRENT	PROPOSED
DRIVER THEORY TEST	£30.00	£50.00
REPLACEMENT DRIVER BADGE	£15.00	£17.00
REPLACEMENT PAPER LICENCE	£8.00	£10.00
REPLACEMENT PLATE (Cost includes plate only and does not include replacement brackets or fixings, an additional charge will be applicable in the event replacement fixings are required)	£15.00	£26.00

A copy of the notice may be inspected at Bolsover District Council, The Arc, High Street Clowne, S43 4JY without payment during normal office hours for twenty-eight days from the date of the first publication of this notice. Appointments to view the notice can be arranged by contacting us at 01246 217884 / 217885 or e-mailing us (see below).

Any objections should be made in writing to the Licensing Department, The Arc, High Street Clowne, S43 4JY or by email to: Licensing.Consultation@bolsover.gov.uk. Any objections must be received by ** **** 2025. If no objections to the variation are received within twenty-eight days from the date of the publication of the notice, the variation shall come into operation on ** **** 2025.