

REPORT TO: LICENSING COMMITTEE

DATE: 21 NOVEMBER 2017

TITLE: HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHARGES PROPOSALS

LEAD OFFICER: MICHAEL PITT ENVIRONMENT AND LICENSING MANAGER (01279) 446114

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RECOMMENDED that:

- A** Licensing Committee recommends to Full Council the adoption, as part of the Council's annual budget setting process, of the proposed revised Hackney Carriage and Private Hire licensing fee structure set out in Appendix 1 to come into effect from 1 April 2018.

BACKGROUND

1. Harlow Council charges for the grant of driver licences under Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] and for the grant of operator and vehicle licenses under Section 70 LG (MP) A 1976.
2. Fees are reviewed annually. Where fees for the grant of a licence are to exceed £25 the LG(MP)A 1976 requires that proposals be published in a newspaper circulating giving at least 28 days for representations. The Council is obliged to consider representations.

ISSUES

3. The Immigration Act 2016 now prohibits the grant of a driver or operator licence for a period longer than the applicant's right to work in the UK. The Council may therefore be obliged to grant driver licenses for a period of less than one year. There is currently no approved fee for a period of less than one year, so in such a case the driver would under current policy be required to pay a full year's fee for a licence that did not last a full year. This might be considered to be unfair.
4. Vehicle licenses are granted for a period of not more than one year and not beyond the expiry date of the current MoT. It has been the Council's practice when a proprietor has wished to change the vehicle licensed to offer a rebate on the cost of a new licence of 1/12th of the licence fee for each whole month

remaining until the expiry of the old licence. This avoids financial penalty on proprietors who change vehicles mid-way through the licence. However:

1. A small number of proprietors have changed their vehicles frequently; as many as six times in any one 12 month period at considerable expense in officer time, whilst the majority change vehicles infrequently, although both groups currently pay the same fees. It would seem fairer to reduce the cost of issuing vehicle licences, whilst at the same time reducing the amount of rebate offered.
2. The process of recovery of fees reflecting the Council's costs should be transparent and fees should be readily assigned to individual licences for audit purposes.
5. All fees and charges are reviewed annually and may be revised to take account of cost of service delivery and inflationary pressures.
6. Obtaining individual Disclosure and Barring Service (DBS) certificates involves a fee for applicants, which the Council passes on to DBS, and checking them is costly in officer time. Where applicants subscribe to the online updating service provided by the DBS and permit the Council to check on line for any change in status, the processing time is significantly reduced. Whilst there is a charge for the online service, it is less costly overall than obtaining successive DBS certificates. The Council encourages use of the on line updating service for these reasons; differential charging in the Council's charging policy would better reflect this.
7. Training may be required by licence condition. Some applicants have made requests for individual training arrangements. This is likely to be at additional cost to the Council and there is a case for recovering the cost.
8. A proposed revised fee structure taking into account the issues identified above is set out at Appendix 1. The proposals were published on 21 September 2017 as shown in Appendix 2, inviting representations. No representations were received during the period provided for in the legislation.

PROPOSALS

9. It is proposed that the fee for new drivers be increased to reflect the amount of officer time required to process applications better, as set out in Appendix 1.
10. It is proposed that new fees be introduced for new and renewed driver licences of less than one year's duration as set out in Appendix 1.
11. It is proposed that vehicle licence fees be reduced as set out in Appendix 1.

12. It is proposed that where a vehicle licence is surrendered because a replacement vehicle is licenced, a rebate on the cost of the new vehicle licence be offered for each whole month remaining until the expiry date of the licence to be surrendered as set out in Appendix 1.
13. It is proposed that for the second and subsequent checks after 1 April 2018 a fee be charged in addition to the cost of the DBS certificate as set out in Appendix 1 to reflect the officer time involved in checking DBS certificates.
14. It is proposed that where applicants require individual training arrangements to be made, the Council recovers its costs as set out at Appendix 1.
15. It is proposed that other fees and charges be increased in line with costs, rounding to a convenient figure, as set out in Appendix 1.

IMPLICATIONS

Place (includes Sustainability)

As set out in the report.

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

The proposals set out within the report are anticipated to be cost neutral to the licensing budget but if approved will be kept under review during 2018/19 to assess the impact on the service's income.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

As set out in the report.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

The Council has followed the correct procedure by advertising the new fees for the required 28 days and has received no representations. By following this procedure the Council has mitigated the prospect of a challenge to the rise in fees for Hackney Carriage and Private Hire drivers and operators.

Author: **Dimple Roopchand, Assistant Solicitor, for Brian Keane, Acting Managing Director**

Background Papers

None.

Glossary of terms/abbreviations used

LG(MP)A 1976 Local Government (Miscellaneous Provisions) Act 1976

DBS Disclosure and Barring Service