

11 July 2011		ITEM 4
Licensing Committee		
REVIEW OF LICENCE FEES - CONSULTATION		
Report of: Paul Adams, Principal Licensing Officer		
Wards and communities affected: All	Key Decision: key	
Accountable Head of Service: Lucy Magill, Head of Public Protection		
Accountable Director: Bill Newman, Director of Sustainable Communities		
This report is Public		
Purpose of Report: To request the committee to agree to public consultation for the revision of fees for Hackney Carriage / Private Hire Vehicles and Private Hire Operators.		

EXECUTIVE SUMMARY

This report is to propose the fees for public consultation in respect of licence applications in relation to Hackney Carriage / Private Hire Vehicles and Private Hire Operators;

1. RECOMMENDATIONS:

1.1 The Committee agrees: -

- (a) To agree for public consultation, in accordance with the relevant legislation, the fees as attached in Appendix A.**
- (b) If no objection is received following the public consultation on the fees in Appendix A, then to recommend to Full Council their adoption.**
- (c) To agree the amendment of all references within Thurrock Councils Private Hire Operators Licence Conditions, of the licence duration of 3 years to 1 year.**

OR

(d) To agree the amendment of all references within Thurrock Councils Private Hire Operators Licence Conditions, of the licence duration of 3 years to 1 year. This is to be undertaken on a phased approach with licences renewed between:

- August 2011 – July 2012 being valid for 3 years;
- August 2012 – July 2013 being valid for 2 years;
- August 2013 onwards being valid for 1 year.

2. INTRODUCTION AND BACKGROUND:

- 2.1 The fees in this report can all be set by Thurrock Council to recover the cost of determining applications for a licence and where applicable the cost of enforcement of the legislation surrounding that licence. Any changes to fees must first undergo a period of public consultation.
- 2.2 The current fee levels have not been reviewed since 2006.
- 2.3 The licence fees have been compared against other Essex Local Authorities, details of comparisons are detailed in **Appendix A**, and the proposed fees are in line with what the other authorities are charging.

3. ISSUES AND/OR OPTIONS:

Hackney Carriage and Private Hire

Private Hire Operators Licences

- 3.1 The current term for which Thurrock Council grants a Private Hire Operators Licence is 3 years.
- 3.2 It is proposed that the term Private Hire Operators licences be granted is reduced to 1 year.
- 3.3 This could be undertaken on a phased approach with licences renewed between:
- August 2011 – July 2012 being valid for 3 years;
 - August 2012 – July 2013 being valid for 2 years;
 - August 2013 onwards being valid for 1 year.
- 3.4 It is proposed that for applications for a new licence, a CRB check is carried out each time and on every third year of renewal. This would ensure that the applicant is and remains a fit and proper person for the purposes of being a Licensed Operator.

- 3.5 Annual renewals would provide opportunity for the operator to update Thurrock Council of the vehicles that they are operating, if not done so during the year in accordance with the conditions of licence. This is essential to ensure that the protection of the public is maintained.
- 3.6 This proposed fee increase is subject to the consultation procedures set out in part 4 below.

Vehicle/Proprietors Licences

- 3.7 The proposed increase in fees is to reflect the increasing costs of administrating, control and supervision of licences. This includes the increasing cost of consumables.
- 3.8 It is proposed to offer a discount of £50 to applicants of wheelchair accessible vehicles, as an incentive to increase the number of wheelchair accessible vehicles available in Thurrock.
- 3.9 This proposed fee increase is subject to the consultation procedures set out in part 4 below.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1 Section 70, Local Government (Miscellaneous Provisions) Act 1976, requires that public consultation is undertaken when the proposed fee for Hackney Carriage Proprietors Licences; Private Hire Vehicle and Operators Licences will exceed the prescribed limit of £25.
- 4.2 Where this limit is exceeded, a notice must be placed in a local newspaper stating a number of prescribed requirements which will include the proposed fees and must give at least 28 days for persons to lodge objections.
- 4.3 If there are no objections, or any objections made have been withdrawn, then the fee will come into effect after a specified date prescribed in the notice.
- 4.4 Any objections received must be considered by Thurrock Council. The requirement is to consider the objection, but there is no requirement to revise the proposed fee unless they feel there is reason to.
- 4.5 If objections are received, then a further report will be presented to this committee for consideration.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 5.1 These changes will ensure the licensing service continues to be well managed and ensures that we have a safe, clean and green environment.

6. IMPLICATIONS.

6.1 Financial

Implications verified by: **Michael Jones**
 Telephone and email: **01375 652772**
mxjones@thurrock.gov.uk

As part of the budget process each year, the Council needs to review its fees and charges. The future development of the Medium Term Financial Strategy takes into account changes in fees and charges in broad terms over the period of the strategy.

This report sets out information for the Licensing Committee, which was still subject to review when the 2011/12 proposed fees and charges report was submitted to the Cleaner, Greener and Safer Overview and Scrutiny on 2 November 2010.

An increase in the currently level of fees will help to ensure that the service is financial viable for the current financial year.

6.2 Legal

Implications verified by: **Jamie Hollis**
 Telephone and email: **01375 652925**
jhollis@thurrock.gov.uk

A Council is entitled to charge fees for the grant of vehicle and operator's licences to offset some or all of its reasonable costs in administering the associated licensing regime. Consultation in relation to increased fees must comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Private Hire Operators Licences may be granted by the Council for periods of 5 Years, or any such lesser period as the Council may specify in the licence.

6.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
 Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

To ensure any equality impact is managed, any change in fee will need to be communicated to all licence holders at the earliest opportunity, there is a requirement here for consultation in relation to the fee review so the opportunity arises for any person to make comment in relation to the proposals.

Details of the consultation procedure are detailed in section 4 of the report.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

There are none.

7. CONCLUSION

7.1 There has been no increase in licence fees since 2006, the proposed fees are set on a cost recovery basis which is in line with the legislative requirements, and the comparison with other Essex Local Authorities shows that the fee level is in line with other Essex Authorities.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Town Police Clauses Act 1847
- Local Government Miscellaneous Provisions Act 1976

APPENDICES TO THIS REPORT:

Appendix A – Schedule of proposed licence fees

Appendix B – Supporting Information in relation to the proposed licence fees

Appendix C – Number of licences currently issued

Appendix D – Sex Establishment Licensing Costing

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