



Democratic Support

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TAXI LICENSING COMMITTEE

Thursday 22 January 2015
10 am
Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Jarvis, Chair
Councillor Bowie, Vice Chair
Councillors Mrs Foster, Fry, Mrs Nicholson, Rennie and Singh.

Members are invited to attend the above meeting to consider the items of business overleaf.

Tracey Lee
Chief Executive

TAXI LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 4)

To confirm the minutes of the meeting held on 11 December 2014.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. APPEAL CASES

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

6. HACKNEY CARRIAGE AND PRIVATE HIRE FEES

(Pages 5 - 12)

The Committee will be provided with a report detailing the proposed Hackney Carriage and Private Hire fees for 2015-2016.

7. EXEMPT INFORMATION

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

8. CONFIDENTIAL MINUTES (E1, E2 AND E3) (Pages 13 - 16)

To confirm the confidential minutes of the meeting held on 11 December 2014.

9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - DJWL (E1, E2 AND E3) (Pages 17 - 22)

The Director of Public Health will submit a report on an application for the grant of a private hire driver's licence.

10. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - TDH (E1, E2 AND E3) (Pages 23 - 26)

The Director of Public Health will submit a report on an application for the grant of a private hire driver's licence.

11. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - JTD (E1, E2 AND E3) (Pages 27 - 32)

The Director of Public Health will submit a report on a private hire driver's review of licence status.

12. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE - JSH (E1, E2 AND E3) (Pages 33 - 38)

The Director of Public Health will submit a report on a hackney carriage driver's review of licence status.

LUNCH 1PM - 2PM

13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - DJU (E1, E2 AND E3) (Pages 39 - 44)

The Director of Public Health will submit a report on an application for the grant of a private hire driver's licence.

14. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - IMY (E1, E2 AND E3) (Pages 45 - 50)

The Director of Public Health will submit a report on an application for the grant of a private hire driver's licence.

**15. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE (Pages 51 - 58)
- RGW (E1, E2 AND E3)**

The Director of Public Health will submit a report on a hackney carriage driver's review of licence status.

Taxi Licensing Committee

Thursday 11 December 2014

PRESENT:

Councillor Jarvis, in the Chair.
Councillor Bowie, Vice Chair.
Councillors Mrs Foster, Fry, Mrs Nicholson, Rennie and Singh.

Also in attendance: Steve Forshaw (Licensing Officer), Andrea Gilbert (Legal Officer), Andy Netherton (Service Manager, Public Protection Service) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 3.00 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

86. **DECLARATIONS OF INTEREST**

In accordance with the code of conduct, Councillor Rennie declared a private interest in minute 95 and withdrew from the meeting.

87. **MINUTES**

Agreed that the minutes of the meeting held on 13 November 2014 are confirmed as a correct record.

88. **CHAIR'S URGENT BUSINESS**

The committee was advised that a letter had been received from Mr Hamilton of the Plymouth Licensed Taxi Association. It was not appropriate for the Taxi Licensing committee to consider the issues raised in the letter and the letter had been passed to Councillor Coker, Cabinet Member for Transport. A meeting to discuss the issues raised in the letter would be arranged between Councillor Coker, Mr Hamilton and Andy Netherton (Service Manager, Public Protection Service). Councillor Jarvis, as Chair of the Taxi Licensing committee would attend if required.

(Andy Netherton left the meeting after this item)

89. **APPEAL CASES**

The committee was advised that there had been no appeal cases since the last meeting.

90. **EXEMPT INFORMATION**

Agreed that under Section 100A(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part I Schedule 12a of the Act, as amended by the Freedom of Information Act 2000.

91. **CONFIDENTIAL MINUTES (E3 AND E7)**

Agreed that the confidential minutes of the meeting held on 13 November 2014 are confirmed as a correct record.

92. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - SMB (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from SMB;
- (c) took the above report and all that was said by SMB into consideration.

The committee agreed to grant SMB's application for a private hire driver's licence subject to him completing the Topographical Knowledge of Plymouth test and the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent, within 12 months of receiving his licence.

Note – Councillor Rennie voted against this decision.

93. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - SE (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from SE;
- (c) took the above report and all that was said by SE into consideration.

The committee agreed to grant SE's application for a private hire driver's licence with no requirement to obtain any prerequisites.

94. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - AJL (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Public Health;

- (b) heard from AJL;
- (c) took the above report and all that was said by AJL into consideration.

The committee agreed to grant AJL's application for a hackney carriage driver's licence. They considered the time that had elapsed since the grant of his previous licence and while he was excused from sitting the Knowledge of Plymouth test, he would be required to produce a satisfactory medical certificate to the Licensing Department and also complete a Driving Standards test.

He would also be required to complete a VRQ in Transporting Passengers by Taxi and Private Hire or its equivalent within 12 months of receiving his licence. As this is the second time that members have made this stipulation, if the certificate is not produced by 10 December 2015, he will be brought before the committee and all sanctions against his licence will be considered at that time.

95. **REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE - HAR (E3 AND 37)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from HAR;
- (c) took the above report and all that was said by HAR into consideration.

The committee agreed that having taken the above into account to suspend HAR's licence for a period of five days under Section 19(1)(b) of the Plymouth City Council Act 1975. This constitutes one day in respect of the first offence and two days each for the second and third offences. A warning has also been issued which will remain on his file indefinitely and will be brought to the committee's attention if he appears before them again.

(Please note: there is a confidential part to this minute)

(Councillor Rennie declared a private interest in this matter and withdrew from the meeting)

96. **REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - WAF (E3 AND E7)**

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from WAF;
- (c) heard from WAF's representative;
- (d) took the above report and all that was said by WAF and his representative into consideration.

The committee agreed that having taken the above into account to suspend WAF's private hire driver's licence for three days under Section 19(1)(b) of the Plymouth City Council Act 1975. This represents one day for the speeding offence, one day for not reporting that offence and one day for committing the offence within his probationary period. He has also been given a warning which will remain on his file indefinitely and will be brought to the committee's attention if he appears before them again.

(Please note: there is a confidential part to this minute)

(Councillor Bowie left the meeting after this item)

97. **REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - RGW (E3 AND E7)**

The Licensing Officer advised that RGW would not be attending the committee due to personal reasons. It was agreed that the matter would be adjourned to the next available committee.

98. **REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE - JSH (E3 AND E7)**

The committee was advised that JSH was unable to find representation in sufficient time before the committee hearing and it was agreed that the matter would be adjourned to the next available committee.

Subject: Hackney Carriage and Private Hire Fees
Committee: Taxi Licensing Committee
Date: 22 January 2015
Cabinet Member: Cllr Coker – Transport
CMT Member: Kelechi Nnoaham, Director of Public Health
Author: Andy Netherton
Contact details: 01752 304742
andy.netherton@plymouth.gov.uk
Ref: AN/Fees14-15
Key Decision: No
Part: I

Purpose of the report:

Plymouth City Council regulates the Hackney Carriage and Private Hire industry through the licensing framework set out in the Plymouth City Council Act 1975. Fees for licences should be set at a figure which will recover the full cost of the licensing administration including enforcement. The budgets for licensing are operated as two trading accounts, one for Private Hire and the other for Hackney Carriage.

A review of the current fees has been undertaken to balance the two trading accounts. A new fees structure has been drafted. The recommended fees structure has been designed to achieve:

- An accurate reflection, in the fee, of the true cost of the administration of different licence types.
- Bringing the accounts into balance

The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:

Growing – An efficient and effective hackney carriage and private hire trade will form an important part of the transport infrastructure for residents and visitors to the City. The trades employ a significant number of people and support local businesses through their activity. Hackney carriages and private hire form part of the successful public transport system and visitor experience

Pioneering - The regulation of the trade is important to ensure safety and quality of the services provided. Fee levels must reflect the full cost of regulating the trade whilst minimising regulatory burdens.

Implications for Medium Term Financial Plan and Resource Implications:

Including finance, human, IT and land:

The Hackney Carriage and Private Hire accounts have been subject to periods of both excessive surplus and deficit over the last 10 years. This fee report is the latest in a series of reviews designed to ensure that both accounts maintain an acceptable level of balance.

Future annual reviews will ensure that any changes in projected income or expenditure are identified and appropriate action taken to adjust fee levels.

Both accounts are separate trading accounts and should have no affect on general fund accounts.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Lower income groups are a significant user of the hackney carriage and private hire trade. Increases in fee levels have an influence on fare levels. Fee levels should be reasonable so as not to adversely affect fares charged.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? Yes

Recommendations and Reasons for recommended action:

The Committee resolve to:

Agree for the new fee structure, as set out in the Fees Table (Appendix I), to be advertised in accordance with statutory requirements. A period of 21 days will be given for objections.

Reason

The Hackney Carriage taxi reserve account was in surplus by £85,463 and the Private Hire taxi reserve account in surplus by £242,554 as of the 31st March 2014. The reduction to both trades is projected to bring both accounts into a sustainable balance.

Alternative options considered and rejected:

Consideration was given to a larger decrease in fees. Larger decreases may result in larger future variations in order to maintain a balanced account.

Published work / information:

None

Background papers:

None

Sign off:

Fin	ODPHF PD1415 002	Leg	21817/ag/ 26.11.14	Mon Off		HR		Assets		IT		Strat Proc
Originating SMT Member												
Has the Cabinet Member(s) agreed the content of the report? Yes												

1.0 Background Information

Plymouth City Council regulates the Hackney Carriage and Private Hire industry through the licensing framework set out in the Plymouth City Council Act 1975. Fees for licences should be set at a figure that will recover the cost of the licensing administration including enforcement. The budgets for taxi licensing are operated as two trading accounts, one for Private Hire and the other for Hackney Carriage.

- 1.1 A major review of the fee structure and levels was undertaken over 2007 and 2008, which resulted in a new fees structure which came into effect on the 3rd January 2009. It was proposed that an annual fee review be undertaken to ensure that the accounts came into balance by 31st March 2014. The last review resulted in the current fee structure commencing on the 11th March 2013.
- 1.2 As of the 31st March 2014 the accounts had the following surpluses:
Hackney Carriage – £85,463
Private Hire - £242,554
- 1.3 In preparation for this fee annual review meetings have been held with the Plymouth Licence Taxi Association (PLTA) and an informal consultation with private hire operators.
- 1.4 Appendix I contains the current fees and proposed fees levels.

2.0 Legal Framework

2.1 Drivers Licences

The Council may make a charge for the grant of the licences for drivers of Hackney Carriages and Private Hire vehicles by virtue of Section 11(2) of the Plymouth City Council Act 1975. The fees must be considered reasonable with a view to recovering the costs of issue and administration (including compliance) of the licence.

2.2 Vehicle Licences

The Council may make a charge for the issue of a vehicle licence for a Hackney Carriage or a Private Hire vehicle by virtue of sections 5A and 28 of the Plymouth City Council Act 1975. These fees can include the:

- Reasonable costs of inspection of vehicles
- Reasonable cost of providing ranks for Hackney Carriage vehicles, and;
- Any reasonable or other costs connected with the administration and compliance of Hackney Carriage and Private Hire vehicle licensing.

2.3 Operators Licences

The Council may make a charge for the issue of Private Hire Operators licences by virtue of section 28 of the Plymouth City Council Act 1975. The Operators fee should relate to the costs for grant, renewal and of administering the licensing scheme and should be reasonable.

- 2.4 It is considered that all reasonably incurred legal expenses and professional charges incurred in taking or defending proceedings which are directly related to the control, supervision, administration and / or enforcement of all parts of the Hackney Carriage and Private Hire trade should be charged to the relevant part of the taxi reserve accounts.

3.0 Process to vary fees

- 3.1 To be able to vary the fee structure there is a statutory process required under s.28 Plymouth City Council Act 1975 which is as follows:

1. An advertisement will need to be placed in the local press giving a minimum of 14 days from publication for objections to be received.
2. If no objections are received within that time limit then the date the fee change comes into effect is the date specified in the notice as being the end of the period for objections (which would also be the case if any objections are received but withdrawn before the end of that period)
3. Any objections received and not withdrawn will be fed back to this Committee for consideration, once the consultation period has elapsed.
4. At that time Members will be required to consider the objections and decide whether to amend the fees in line with objections or to continue with the changes as proposed.
5. The earliest any change could be effective, if there were no objections, would be 14 days after the date the advertisement appeared in the press.
6. The latest any change could become effective would be 2 months after the completion of the period for objections

4.0 Allocation of expenses and income

- 4.1 In setting its fees the authority should seek to recover the total cost of the administration of that licence or process. The fees for the five licence types, Hackney Carriage driver and vehicle, Private Hire driver, vehicle and operator, will be set at a level to recover the costs of all control, supervision, administration and/or compliance associated with the licence type.
- 4.2 The cost of the licensing system can be divided into the processing of individual applications and the general administration and compliance monitoring of the system.
- 4.3 Where specific expenditure can be associated with a particular trade the amount is allocated to that trade budget, e.g. vehicles plate costs etc. Where generic expenditure is incurred, including reasonable central support service recharges, this has been allocated on a 35% (Hackney Carriage) and 65% (Private Hire) basis. An example would be printer consumables and stationery. The basis for this split was agreed in the December 2008 Committee meeting.
- 4.3 It is proposed that for this next fee period the split for general costs should be on a basis hackney carriage 32% and private hire 68%, based on:

Split of licences

Hackney Carriage Vehicles 367 (32%) Private Hire Vehicles 788 (68%)
Hackney Carriage Drivers 406 (32%) Private Hire Drivers 843 (68%)

Licence Administration

Over the last 12 months a total of 3633 applications were received for new licences or for the renewal, transfer, cancellation or surrender of existing licences. Of these 31% were related to the hackney carriage trade and 69% to the private hire trade.

- 4.4 The costs associated with the general maintenance of the licensing system and enforcement relates mainly to taxi licensing officer staff salaries. Recently a time monitoring system has been introduced to more accurately identify the time spent on different aspects of the trade and different licensing processes.

Going forward these salaries will be apportioned at the end of each financial year based on the percentage time spent on each trade. Currently this will approximate to a 50/50 split. The increased time spent on hackney carriages is a reflection of the time spent on taxi rank issues and rank reviews.

5.0 Fee Changes for 2014/15

5.1 Hackney Carriage Account

It is proposed that the Hackney carriage licence fees for drivers and vehicles are reduced by 30%

Vehicle licence fees will be reduced by a further £30 to reflect the balancing of the historical high court costs relating to the hackney carriage quantity limit.

The account should retain an acceptable level of surplus in order to even out any major changes in expenditure or income from year to year. It is proposed that this balance should be in the region of a £50,000 surplus. Future fee reviews would then ensure that this balance is maintained and large variations in fees would be minimised.

5.2 Private Hire Account

It is proposed that the private hire licence fees for drivers, vehicles and operators are reduced by 10%

At the start of the 2014/15 financial year the account was £242,554 in surplus, despite fees having been reduced by 10% since 2008.

This surplus has not reduced by the levels originally planned due to the increase in the number of 1 year driver's licences and a steady introduction of new drivers. This surplus should be reduced gradually over the next 2 to 3 years and a 10% reduction will allow for this decline to achieve a projected balance in 2016/17 of approximately £100,000. Future annual fee reviews will allow this projected balance to be monitored and fees adjusted accordingly to avoid large variations.

5.3 Knowledge of Plymouth Test

This is to be reduced by £27 due to:

- The number of tests being undertaken
- The completion of a major review of the test, which should now only require routine updating

5.4 New driver application fee

This is to be increased by £24. Analysis of Committee reports has shown that a significant number relate to the "fit and proper person" assessment of applicants. This creates additional central support costs and legal costs in this process.

5.5 Refund fee

This is to be reduced by £5. The refund system has now been operational for a number of years and so the cost of processing these payments has reduced. Refunds are made, based on the number of whole months remaining, to licensees who surrender their licence prior to the expiry date. Licences revoked by the Committee will not receive any form of refund.

6.0 Future Budget Risks and Management

- 6.1 The Hackney Carriage and Private Hire licensing system is frequently subject to challenges through the court systems, ombudsman and external audit functions. Much of the law is subject to individual interpretation by judges and so officers will continue to monitor challenges to accounting systems in other councils to ensure that we have a defensible accounting system. This year the District Audit has twice been asked to consider the legality of our fees. In each case the Council were not asked to alter our fee system.

- 6.2 The Law Commission have completed a review of the licensing system, including the issue of fees. They have published a draft bill but as yet there are no dates for the Bill to undergo the parliamentary process to be enacted. It is, therefore, important that the accounts are monitored and maintain an acceptable balance to allow for an easier transition to any new fee system.
- 6.3 Work will be ongoing this year regarding the apportionment of costs within each trade, e.g. between drivers, vehicles and operators. Changes to the processing of applications, DVLA and DBS checks will also be completed with the aim of enabling easier on line applications and reduce the demand on the taxi desk. This should provide for a much more flexible service and hopefully further reduce costs.
Any fee changes required as a result of this work will be reflected in the next fees review.

7.0 Conclusion

- 7.1 Having considered legal advice on the fees structure and reviewed projected fee incomes and expenditure officers have drawn up the fees structures for 2015/ 2016, shown in Appendix I.
- 7.2 The impact of fee changes will be reviewed annually and any necessary alterations will be approved as set out in the Council's scheme of delegation.

R Carton
Manager of Public Protection Service

APPENDIX 1

Draft proposed Fees for Hackney Carriage and Private Hire Licences 2015/16**Hackney Carriage Fees**

Licence	Current Fee	Proposed Fee
Vehicle Licence	£289.00	£182.00
1 Year Drivers Licence	£147.00	£103.00
3 Year Drivers Licence	£319.00	£223.00
Duplicate Licence	£5.00	£5.00
Vehicle Transfer	£27.00	£27.00
Drivers Test	£73.00	£73.00
Knowledge of Plymouth Test	£60.00	£33.00
Driver Application Fee	£16.00	£40.00
Replacement ID Card Fee	£10.00	£10.00
Replacement Plate	£11.00	£11.00
DVLA Licence Check	£18.00	£18.00
Licence surrender and refund fee	£20.00	£15.00
Temporary licence for replacement vehicle	£39.00	£39.00
Disclosure and Barring Service Check	£44.00	£44.00

Private Hire Fees

Licence	Current Fee	Proposed Fee
Vehicle Licence	£108.00	£97.00
1 Year Drivers Licence	£82.00	£74.00
3 Year Drivers Licence	£166.00	£149.00
Duplicate Licence	£5.00	£5.00
Vehicle Transfer	£27.00	£27.00
Drivers Test	£73.00	£73.00
Knowledge of Plymouth Test	£60.00	£33.00
Driver Application Fee	£16.00	£40.00
Operator Application Fee	£126.00	£113.00
Operator Fee (per vehicle)	£3.60	£3.20
Replacement ID Card Fee	£10.00	£10.00
Replacement Plate / Door Sticker	£11.00	£11.00
DVLA Licence Check	£18.00	£18.00
Licence surrender and refund fee	£20.00	£15.00
Temporary licence for replacement vehicle	£39.00	£39.00
Disclosure and Barring Service Check	£44.00	£44.00

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