

Response 81 of APPENDIX 4

PLTA response to consultation	PCC response
<p>We object to the proposed increase of Licence Fees being imposed upon Taxi Proprietors and Drivers.</p> <p>We do so for the following reasons:</p> <p>PUBLIC PROTECTION SERVICE TAXI LICENSING TRADE MEETING</p> <p>Taxi Trade Meeting 07/10/2014</p> <p>2 Items Raised by the PLTA for Discussion Reduction of Licence Fees from April 2014 <u>AN</u> submitted copies of the proposed new fee schedule for 2015/16. The headline points were</p> <ul style="list-style-type: none"> ▪ Circ 30% reduction in licence fees ▪ Removal of £30 court case subsidy payment ▪ Increase of application fee to reflect increased Committee work ▪ Legal fees will now be included ▪ KOP test fee reduced due to increased numbers <p>The proposals remain confidential at this stage. PLTA to provide feedback and any queries ASAP so that the reduced fees can be put to the Committee at the earliest opportunity.</p> <p align="right">AN/PLTA</p> <p>Taxi Trade Meeting 19.01.2016</p> <p>Taxi and Private Hire Trade Budget and Fees 2016/17 AN updated the meeting on the budgets and the position is that the ‘status quo’ is</p>	<p>Thank you for your response.</p> <p>The minutes in 2014 detail that the licence fees would be reduced by 30%. Accounts need to be reduced and increased depending on the income and expenditure each year. Unfortunately there has been less income and more expenditure for a number of reasons as outlined in the report.</p> <p>The minutes from PLTA meeting on 14.7.14 advised that the time monitoring exercise was taking place to ensure that recharges are correctly re-allocated - please see extract below:</p> <p>2 Items Raised by the PLTA for Discussion Reduction of Licence Fees from April 2014 <u>AN</u> noted the written decision supplied by the District Auditor which required no action by the Council. <u>AN</u> will now proceed with this year’s fees review. Likely to be a small reduction. Officers are currently undertaking a time-monitoring exercise to ensure that recharges are correctly re-allocated. Central support charges will also be included in this fees review.</p> <p>Detailed analysis of the officers time were recorded for this exercise which clearly showed the 50:50 split. This continues to be the case.</p> <p>and this was detailed in the Committee report on 2015 which can be found on our website at</p>

likely to be maintained going forward. It is hoped that the 2016/17 budget can be completed in the next few weeks and a further meeting will be arranged.

Taxi Trade Meeting 12/04/2016

- 2c **Taxi and Private Hire Trade Budget and Fees 2016/17**
AN updated the meeting on the budgets and the position is that the 'status quo' is likely to be maintained going forward. Outturn for 2015/16 now complete. Projected budgets up to 2018/19 being prepared and a further meeting will be arranged.
 - 2d
- AN** – to send outturn and budget projects prior to meeting.
- CW** – to liaise

Note: CW – to Liaise refers to something else; RWH

Taxi Trade Meeting 12/07/2016

C	PCC Taxi and Private Hire Trade Budget and Licence Fees	SF
	AN. Budget spreadsheet has been provided to RH for viewing. Approximately £80,000 in the pot. Fees proposed to be increased by 10% to stop the reserve dwindling New DBS process will be reflected in new fee structure.	

Taxi Trade Meeting 17/01/2017

<http://web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FieListDocuments.aspx%3FCId%3D566%26amp%3BMid%3D5928%26amp%3BVer%3D4>

(or by selecting the 'Councillors, Committees and meetings' and then 'Committee Meetings' and then 'Taxi Licensing Committee' and then '22 January 2015').

Trade Meeting 17.1.17

Rachael Hind had only just started as Licensing Manager on 18 January 2017. Therefore the budget could not be discussed in detail at this meeting. The officers at the meeting did not know the full details and advised that a separate meeting would be arranged to discuss the budgets.

8.	PCC Taxi and Private Hire Budget and License Fees 2017/2018		
	<p>RH enquired about the budget and whether any increase would be needed over the forthcoming year. GH stated that he did not have access to this information however, Andy Netherton had stated prior to leaving that there would need to be uplift over the next couple of years in the region of 5% per year to maintain the agreed buffer. RH queried this. GH to liaise with RHD to arrange a separate meeting with the PLTA to discuss.</p>	RHD/GH	<p>The date of this meeting you are referring to was 16.4.18.</p> <p>The accounts are reviewed throughout the year. The previous committee report predicted the fees to be increased by 15%, however it was not known at that time that the split in enforcement had not been allocated correctly and did not foresee the increase in central recharges or the increases in expenditure for the legal fees and the ambassador courses.</p>
Taxi Trade Meeting 16/04/2017			
3	Taxi and PH trade Budget for 2018-19 (PLTA)		
	<p>RHD relayed the following information regarding the setting of fees in her absence:</p> <ul style="list-style-type: none"> - waiting to get full picture from the end of the financial year, end of March. The new fees only came in in August 17 so RHD is suggesting that this should tie in on an annual basis around this date. This also gives the Council's Finance Department and RHD adequate time to analyse the accounts so that the following year's fees can be accurately set. RHD to provide an update when sorted with finance. <p>RWH added that a 50k float was needed and therefore a raise of 15% was recommended and supported by the PLTA for the previous financial year. He also added that historically the financial information has always been provided in April of each year and consistency would be useful either way. It was agreed for Projected figures to</p>	RHD	

be provided July time each year followed up by the final outcome in August of each year.
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Taxi Trade Meeting 18/04/2017

7.	PCC Taxi and Private Hire Budget and License Fees 2017/2018	
	<p>After the separate meeting held with the PLTA on the 18th of April RHD provided a brief update to progress with setting the fees. There is an agreement that the fees will rise by 15 %. The report goes to Committee on the 11th of May for approval prior to being published.</p> <p>RH requested that a meeting be held in October this year to provide plenty of time to discuss/agree any future changes to fees prior to them being set. All agreed.</p>	All

Note: Increased Fees were not introduced until August 2017 thereby increasing debt.

Taxi Trade Meeting 18/07/2017

7.	PCC taxi and Private Hire Trade Budget and Licence Fees
	<p>RHD provided an update on the budget. RHM suggested that fees are looked at earlier for example the October Trade meeting to prevent any issues not being picked up prior to the new financial year. The report went to Committee on the 11th of May for approval prior to the fees being published. A few objections were received and so these were taken before Committee on the 13th of July and were rejected. The new fees structure comes into force on the 1st of August 2017.</p>

Note: RHM = RWH.

Comment: At the Taxi Trade Meeting held on 07/10/2014 the Taxi Trade

Taxi Trade Meeting on 18.4.17

The fees were not introduced until August 2017 due to objections being received. A legal process must be followed and the two objections required the committee to reconsider the report before the fees could be agreed.

The taxi accounts are a trade account and all costs incurred must be covered. A review of the accounts by the licensing manager in 2014 identified that corporate support recharges did not reflect the use of legal officer support for the time spent on taxi matters and that the calculation of fees should reflect the cost to the relevant parts of the

Representatives were informed that “Legal fees will now be included”. This is an additional imposed cost.

At the Taxi Trade Meeting held on 19.01.2016 the Taxi Trade Representatives were informed that the “status quo” is likely to be maintained.

At the Taxi Trade Meeting held on 12/04/2016 the Taxi Trade Representatives were informed that the “status quo” is likely to be maintained and that the 2015/16 Outturn was now complete.

At the Taxi Trade Meeting held on 12/07/2016 the Taxi Trade Representatives were informed that there was approximately an £80.000 surplus being held in the Budget.

At the Taxi Trade Meeting held on 17/01/2017 the Taxi Trade Representatives were informed that an increase of 5% per year would be required. RH queried this.

At the Taxi Trade Meeting held on 16/04/2017 the Taxi Trade Representatives were informed that the new fees only came in in August 17 so **RHD** is suggesting that this should tie in on an annual basis around this date. **RWH** added that a 50k float was needed and therefore a raise of 15% was recommended and supported by the PLTA for the previous financial year. He also added that historically the financial information has always been provided in April of each year and consistency would be useful either way.

Due to the LA’s failure to implement a Budget in April it was decided to increase fees in August. Does this mean that in future Licence Fees may increase on any month of the LA’s choosing. This is not satisfactory.

At the Taxi Trade Meeting held on 18/04/2017 the Taxi Trade Representatives were informed that fees will rise by 15% for the years 2017/18. RH requested that a meeting be held in October this year to provide plenty of time to discuss/agree any future changes to fees prior to them being set. **All** agreed.

trade.

The Budget was not completed prior to April 2017 as the Manager was not in post until 18 January 2017. The current budget was delayed as a number of issues needed to be addressed to ensure the fees set were accurate.

At the Taxi Trade Meeting held on 18/07/2017 the Taxi Trade Representatives were informed that the new fees structure comes into force on 1st August 2017.

We were informed on 10.01.2019 at the Taxi Licensing Committee Meeting that it is not necessary to implement new Taxi Trade budgets in April as it is a 'stand-alone budget' which we accept.

The fact still remains that delays in implemented budgetary increases has increased the Taxi Trade deficit.

With a surplus of approximately £80,000 in July of 2016 and £28,305 in December 2018 it was obvious that there would eventually be a deficit therefore the LA should cut its' cloth accordingly and cut down on expenses.

It is requested that a sum is deducted from the total deficit to compensate the Taxi Trade Budget for perceived failures of our LA.

LA should cut its' cloth accordingly and cut down on expenses

The department continually review their performance. There has been an increase in complaints and a number of drivers have had to attend committee for their licence to be reviewed. The enforcement officers undertook 487 vehicle inspections in the last 12 months and take part in a number of targeted operations with the Police and school transport.

There have been a number of Hackney Carriage drivers that have appeared before Committee and have had their driver's licence suspended or revoked. The drivers are able to appeal the Committee decision to the Courts which has increased the time and cost in defending the appeals.

All drivers can appeal to the Magistrate's Court against a committee decision to suspend or revoke their licence. If a driver appeals then the Council must defend its case. The council have been found by the Magistrates Court in all our cases to have made the correct decision, however unfortunately very little or no costs are granted.

310 (64%) private hire vehicles and 177 (36%) hackney carriage vehicles were inspected. 28% (50) of Hackney carriage vehicles were stopped or issued with Vehicle Defect Notices and 22% (68) of Private Hire vehicles were stopped or issued with Vehicle Defect Notices.

Spreadsheet 2018/19 Forecast

EXPENDITURE	Taxis	PH	Total
1001 APT7Saleries basic	41,957	46,211	88,168
1002 APT&C Salaries NI	3,762	3,899	7,661
1004 APT&C Overtime	1,500	1,500	3,000
1005 Pensions Deficit	2,685	2,958	5,643 Superannuation
1006 Apprenticeship Levy	135	250	385
2505 Pertemps and TRAP Care Staff	<u>0</u>	<u>0</u>	<u>0</u>
	50,039	54,818	104,857

Comment: The previously agreed 34% Taxi 66% PH provides a figure of £35,651 for Taxis and £69,206 for PH.

2804 Medical Expenses	148	148	296
2809 Employers Liability Insurance	158	294	452

Salaries

The salaries listed in 1001 – 1006 are for the three enforcement officers and the Apprentice. The other members of staff are recharged from 7107 (Recharges from front line staff). The 2015 committee report and the 2017 committee report confirmed that the split for enforcement officers would be 50:50. The apprentice is split 30% to HC and 70% to PH and will change to 31% HC and 69% PH from 1 March 2019. These figures are correct.

The **medical expenses** is regarding a member of the enforcement officer staff which is 50:50 split.

The **employers liability insurance** is for the three taxi enforcement officers and the apprentice. The split for the future years is correct. The prediction for 2018/19 is not accurate and should be 203 (HC) and 248 (for PH) and this is correctly forecasted for the future years.

Cleaning Materials

This is included each year as a possible expenditure based on actual spend in 2017/18. There should be £11 in the PH cell but there is an

Comment: There is a disparity between the two trades figures.

3501	Cleaning Materials			10
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Comment: Why is there no charge for Cleaning Materials against PH ?

4003	Repair & Maintenance of Vehicles	152	153	305
4005	Fuel Costs	184	183	367
4007	Purchase of Road Fund Licences	109	110	219
4008	Repairs & Maintenance	40	41	82
4010	MOT Fees	22	23	45
4101	Vehicle Pool Recharges	822	823	1,645

Comment: Costs do not appear to be correctly allocated. With the two trades paying for Vehicle Pool Recharges why are there other charges.

3042	Rank Review			Nil
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Comment: Why is there no figure for taxi rank Review ?

error on the spreadsheet and it hasn't pulled through. However, no additional cleaning materials have been required to be purchased this year for both accounts. In 2017/18, a total of £9.93 was charged to the HC accounts for cleaning materials. £4.48 was spent on cleaning materials for the hackney carriage rank signs. These were cleaned when the new fare tariffs were put up. The remaining £5.45 was on one bottle of suncream for one enforcement officer. This is the way it is automatically coded on our system and there is no other general code this would fit into. The PH trade spent £10.90 in 2017/18 – this was on two bottles of suncream for the remaining two enforcement officers. The 70:30 split was used here as when officers are outside inspecting vehicles, more PH are inspected than HC.

Vehicle Costs

The costs are allocated correctly as the enforcement costs are 50:50 therefore the van is used by the enforcement officers for all their work and needs to be charged accordingly.

The vehicle pool recharges is just for the hire of the vehicle. The other costs are the general running of the vehicle per year.

Rank Review

No expenditure has been required this year to date for any alterations of taxi ranks. Enforcement officers undertake rank reviews throughout the year and ensure any issues are rectified. Officers also liaise with Planning and safety officers to ensure there is suitable and adequate rank provision at new development sites in the city for example the bus station, the new cinema complex and the new plans for the city centre development schemes. Any new ranks installed have been paid for as part of the development costs.

Why is there no figure for New, Alteration and Removal of taxi ranks ?

EXPENDITURE

	Taxis	PH	Total
5001 Purchase of Equipment	6,337	12,422	18,759
5002 Maintenance of Equipment	14	33	47
5004 Purchase of Materials	202	254	456
5051 Purchase of Stock	2	0	2
5201 Purchase of Clothing and Uniforms	28	62	90

Comment: Why does there appear to be an annual cost of £18,759 for the purchase of equipment.
Why is the Taxi Trade charged for Purchase of stock and not PH.
The apportionment between the two trades appears to be incorrect.

5301 Printing	1,800	1,629	3,429
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Comment: The figures require an explanation.

Officers also arrange temporary ranks at the Barbican during events and liaise with the Events Team to ensure there is minimal impact on the rank provision.

Purchase of equipment is for the VIP vehicle plates and all the materials required to make up the vehicle plate and to the materials used to print the drivers licence cards/lanyards.

Printing

All bulk renewal and mail merge letters are printed and posted by the print room. These costs also include the printing of HC fare stickers for the ranks signs, fare sheets, producing and printing of the drivers' handbooks and ambassador books and the printing of the HC stickers for the cabs.

This was a predicted figure generated by the accounts system. However, to date, the HC have spent £949 and PH have spent 1611.34. In 2017/18 the HC was higher than PH as we purchased the taxi rank sign stickers for the new fare tariff; table of fares mail merge to all drivers and copies of the fare tables to display in the cabs. We

5411	Maintenance of Computer Hardware		238	238	<p>also purchased a supply of internal labels for the HC cabs as our supply had run out.</p> <p>Maintenance of Computer Hardware</p> <p>This is an error in the forecast and has been proportioned correctly on the system to £142.80 for HC and £333.20 for PH. It was for a specialist visit from our database provider, LALPAC to undertake work on our taxi database.</p>
476					
<p>Comment: There is no apportionment.</p>					
5517	Advertising & Publicity			436	<p>Advertising Publicity</p> <p>The spreadsheet had not fed a field across into HC – it has been included as £1710 for the other years as this was based on the 2017/18 outturn. This year we have spent £347.84 which is the proportion of costs involved with the advertising of the fees in the Plymouth Herald in January 2019. The previous year was higher for HC due to the additional cost of advertising the fare tariff. This is included each year as a prediction just in case it is required.</p>
<p>Comment: 2017/18 Taxis charged £1,710 and in 2020/21 £1,710 but nil in 2019/20 ?</p> <p>Why is there a cost for advertising and publicising private companies.</p>					
5519	Legal Expenses	3,000	373	3,373	<p>Legal Expenses</p> <p>The £3000 is what we predicted in November for James Button, Taxi Solicitor when he defended the taxi policy appeal at the Magistrates Court, however we are waiting the final bill as this was £6497. We will receive £3300 back in costs from the HC driver who was not successful with this appeal. This will be shown in 8349.</p> <p>The £373 is a predicted amount for PH just in case we need to use it for any barrister costs. It was reduced in October 2018 from 973 which was last year's costs and there is no current spend on this at this time.</p>
<p>Comment: We request a breakdown of Legal Expenses</p>					
5703	Legal Agents	31,466	18,995	50,461	<p>A full breakdown of legal agent's costs will be provided to Devon</p>

Comment: We request a breakdown of Legal Agents costs.

5709 Drivers Tests 11,275

Comment: We understand that Drivers Test Applicants pay City Bus direct. Why is there a discrepancy between 5709 and 8717.

Audit.

Drivers Tests

This should read the same as the following years i.e. £975 for HC and £10,075 for PH but the cell has merged it into PH in error for the forecast in 2018. The actual income line (8717) to date is £340 and an expenditure line of £300 for HC. For PH, we have had an income of £6630 and an expenditure to date of £5850.

City Bus will not allow drivers to pay them direct and therefore we have to take the payment from the drivers and pay City Bus ourselves. This year to date we have had four HC drivers requiring driving tests (one new applicant and the other were required by Committee).

An additional £10 has been included to cover the administration involved with the tests and also to ensure there is a buffer as the cost can increase at any time before a fee increase can be set.

The income is shown under 8717. The predicted figures have been based on 2017/18 outturn.

DVLA Checks

The committee report covers the new charges to be incurred using a new provider for the DVLA checks. The £10 would only be included for those drivers that do not hold a UK driving licence as this incurs a higher fee.

Miscellaneous

5710	DVLA checks	249	461	710	<p>This is the correction for the enforcement officer's costs since 2015. Hackney accounts were only paying 30% and Private Hire were paying 70% when it should have been 50:50, therefore this sum needs to move from HC to PH accounts to correct this error.</p> <p>The Private Contractors £15,995 is for the unmet demand survey and the rest is for the predicted proportion of the delivery of the Ambassador and safeguarding courses.</p> <p>The £2610 for the PH trade is for the ambassador and safeguarding courses.</p> <p>Recharges from Front Line Services This is for the two administration officers (charged at 30:70 to HC/PH); half of the Senior Officer (charged at 50:50 to HC/PH); half of the Licensing Manager wages (charged at 30:70 to HC/PH); 15% of Technical Support Supervisor and 2% of Department Manager.</p> <p>Support Services Recharges This is the support services recharges for the front line staff which is currently charged at £8500 per member of staff. The support services recharges include costs such as HR support, IT support, Accommodation, Procurement services etc. These costs are allocated to each full time equivalent (FTE) member of staff within the Council.</p>
<p>Comment: Report Page 8 5.9 £3.00 but £10.00 charged when staff time already paid.</p>					
5901	Miscellaneous	37,299	(37,299)		
<p>Comment: In 2018/19 Taxis paid 113, a full explanation is required. Why is the same figure paid out by the Taxi Budget and received by the PH Budget.</p>					
6101	Private Contractors	17,253	2,610	19,863	
<p>Comment: What did the Private Contractors do ?</p>					
INCOME		Taxis	PH	Total	
7107	Recharges from Front Line Services	48,915	91,314	140,229	
<p>Comment: A full breakdown is required ?</p>					

7114 Support Services Recharges	9,128	16,951	26,079
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Comment: A full breakdown is required ?

8265 Vehicle Testing Station Fee		(825)	
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Comment: Why is there no figure against PH ?

8349 Fines & Fees		(£545)	
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Comment: The LA is not permitted to fine Licensees.

8711 Drivers Licence Fees 1 Year	(13,539)	(16,437)	(29,976)
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8712 Drivers Licence Fees 2 Year			
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8713 Drivers Licence Fees 3 Year	(5,320)	(10,619)	(15,939)
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Comment: Driver Licence Fees used to be separated into 1st, 2nd and 3rd year in order that the fees were correctly allocated for the three year budget forecast. There should therefore be a figure in the 2 year licence.

8717 Driving Test Fees	(511)	(6,819)	(7,330)
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Comment: It is understood that Driving Test Applicants pay City Bus directly for their

Vehicle Testing Station Fee

The cell did not come forward from 2017/18. Last year we introduced a charge for vehicle testing stations to cover the cost of the paperwork and inspections undertaken. This fee is split 30:70 to account for the number of vehicles inspected by the garages across the two trades. The PH is predicted to have an income of £1925 based on last year.

Fines and Fees

These are fees or costs issued by the Magistrates Court to be paid to us following a hearing and costs have been awarded to the Council.

Drivers Licence Fees

Year 2 driver licence fees were placed directly into the reserve at the outturn on 2017/18. However this has been forecasted in the future years from 2019/20 as it was felt this would be clearer than in the reserve.

Driving Test Fees – Income line

As advised above, City Bus will not take payment directly from the applicants. They invoice us separately.

Replacement MOGO plates

This is for the replacement of VIP plates but the name hasn't been updated on the financial system. I will arrange for this to be updated.

Banner Licence Income

This has been miscoded by mistake. It is for a Private Hire vehicle licence fee which is £117. It does not affect the budget as it is income

<p style="text-align: center;">Driving Test.</p> <p>8738 Replacement MOGO Plates (52) (130)</p> <p>Comment: PCC stopped using MOGO several years ago.</p> <p>8741 Banner Licence Income (£117)</p> <p>Comment: What is Banner Licence Income ?</p> <p>For several years it has been the opinion of the Taxi Trade Representatives that there is “creative accounting” and a “hidden agenda” regarding the two trades Budget and Fees.</p> <p>It was refreshing at the Taxi Licensing Committee meeting held on 10th January, 2019 to learn of Councillors concern regarding the Proposed Licence Fees to be charged in 2019.</p> <p>Prior to the implementing of any Fee increase we request the opportunity to go through the Spreadsheet for previous years and 2019/20 with a fine toothcomb in order to identify the LA’s justification for the charges they levy upon Licensees.</p> <p>Councillors were not informed of the wording of the PCC Act 1975 S28 (1)</p>	<p>under the correct trade account. This is last year’s accounts so this cannot be altered.</p> <p>There is no creative accounting or hidden agenda regarding the two trades. All expenditure and income is kept separate and allocated according to the agreed proportions.</p> <p>The spreadsheets for previous years have already been provided to the trade.</p> <p>Committee Report on HC and PH Licensing Fees 10.1.19 In response to item I s.28(1) states that the Council may charge such fees for the grant of vehicle and operator licences as may be resolved by the Council from time to time and as may be sufficient in the aggregate to cover in whole or in part A) the reasonable cost of the carrying out by or on behalf of the Council of Inspections of Hackney carriages and private hire vehicles</p>
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**PCC Taxi Licensing Committee Meeting 10th January, 2019
Report on Hackney Carriage and Private Hire Licence Fees**

Pa ge	Pa ra	Objection	Comment
Agenda Item 5			
1	1	Full Cost	PCC Act S28.(1) "... the Council may charge such fees ... to cover in whole or in part-"
2	2	2015 – 50%/50% split	Trade not informed until December 2018
	4	not applied 18/19	Cllrs were not informed of the correct figure
	4	increase 19/20	A sensible amount to prevent further loss
Report			
4	2. 1	PH compliance	There is a distinct lack of PH compliance
	2. 2	Inspection of vehicles	No cost for testing vehicles under S5A
	2. 3	PH Ops fee	PCC Act S28 "...to cover in whole or in part"
	2. 4	Reasonably incurred legal expenses	Legal expenses charged to the Taxi Trade are not reasonable
5	4. 1	Total Cost	Vehicles: PCC Act S28 "...to cover in whole or in part"
	4. 4	Taxi Ranks	Should be a separate entry
6	4. 4	Licence Administration	Apart from renewal, others are costed

for the purpose of determining whether any such licence should be granted or renewed

b) the reasonable cost of providing hackney carriage stands and
C) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

2. The split of the fees was detailed in the Committee report in January 2015 and again in 2017 when the fees were reviewed. The trade were informed at the PLTA meeting on 14.7.14 that officers were undertaking a time-monitoring exercise to ensure that recharges are correctly re-allocated and this was included within the Committee report on 22.1.15. Unfortunately the proportion were not changed in the financial systems to reflect this change.

3. The correct figure was included in the report. At the PLTA trade meeting in November 2018, it was discussed that the central recharges were to increase to £15000 per head, however at the PLTA meeting to discuss the fees in December, it was advised that it has been agreed that these recharges would not be increased this year and it would be staggered so that it would increase to £12000 per person in 2019/20 and then £13,000 in 20/21 and then the full amount (£15000 or as calculated).

Report

2.1 – Lack of PH compliance

There is not a lack of PH compliance. The department continually review their performance. The enforcement officers undertook 487

	4.5	50/50 split	No consultation, not aware, not mentioned until December meeting with no information given We would have objected most vociferously
	4.5	Taxi rank issues	There has been no cost that we are aware of
	4.5	Complaints and Committee Reports	Staff time is already paid for through salaries
<i>It appears to this writer that there is confusion between 5.1 and 5.2 as no increase figure is given for Taxis in 5.1 yet at 5.2 an increase of 45% is given for PHVs.</i>			
	5.1	Three year licence	Explain shortfall causes
	5.1	Additional cost	The rest of the costs = Licensees already pay for these items through salaries so are paying twice.
	5.1	2015	Committee 2015 – no consultation
	5.1	10%	10% increase is above inflation
	5.1	penalty points for drivers	there is no Byelaw as required by PCC Policy
	5.2	Vehicles 45% increase	Should this be in 5.1; There is no need for this, cut LA costs
7	5.4	Safeguarding Course	We recognise that this is an important issue and do not object but wish to point out that it cannot be mandatory as the 2018 PCC Policy document which states that a byelaw is required at 10.2.

vehicle inspections last year of which 177 (36%) was HC and 310 (64%) was PH. There has been an increase in complaints and a number of drivers have had to attend committee for their licence to be reviewed. Officers investigated 100 complaints regarding HC drivers and 96 complaints regarding PH drivers. There are 387 HC drivers and 803 PH drivers so we are getting 26% complaints regarding HC drivers compared to 12% of the PH drivers. This resulted in 12 HC drivers going to committee and 10 PH drivers going to committee based on the complaints received. Test Purchase Operations are also undertaken for both trades throughout the year. However overall the enforcement officers spent 50:50 time on both trades due to the additional time spent on ranks, unmet demand surveys, fare tariffs, wheelchair exemptions etc.

There have been a number of Hackney Carriage drivers that have appeared before Taxi Licensing Committee for review of their licence and have their licence suspended or revoked.

All drivers can appeal to the Magistrate's Court against a committee decision to suspend or revoke their licence. If a driver appeals then the Council must defend its case. The council have been found by the Magistrates Court in all our cases to have made the correct decision, however Court guidelines on awarding of costs, unfortunately result in very little or no costs being awarded.

S. 5(1)a) of the PCC 1975 details the conditions that can be attached when licensing of private hire vehicles and s 28 (1) covers the fees that can be set.

2.4 – reasonably incurred legal expenses
The legal fees reflect the amount of legal officer time spent in

Page	Para	Objection	Comment
7	5.4	Safeguarding Course	While the cost of £5.00 is based on course of 20 applicants what will the cost be if there are less candidates and will drivers be penalised if no course is available. We also believe that drivers have to retake this course every five years.
	5.6	Temporary Licence	- for replacement vehicle: HC 93; PHV 64. Both vehicles have their own respective licence paid for This is a paper exercise so both should be the same. Is the two month licence for the damaged vehicle refunded or taken into account in another way.
	5.7	Vehicle Transfer Fee	“administration” staff are already paid
	5.8	Change of Licence	“administration” staff are already paid.
8	5.9	DVLA Licence Check	The cost is £3.00 cost yet £10.00 is being charged When the staff are already paid.
	5.10	Ambassador Course	There is no Byelaw giving the LA power to impose this training. Also it is the opinion of several drivers that the previous Ambassador Course was a farce.
	6.2	“...monitor challenges...”	The LA has no power to charge these activities to the Taxi Trade.

connection with the Hackney Carriage and Private Hire trade. Costs, are calculated on the basis of time spent on each matter and attributed to the respective type of licence.

Ranks – whilst there has been no cost involved this year, the Parade had new lines and signage arranged which was claimed for from an insurance claim due to damage caused by a vehicle. The ranks are reviewed throughout the year and consultation is undertaken with the planners to ensure new ranks are provided for new developments such as the bus station, walkabout, cinema complex and the new city centre development proposals.

4.5 Staff time is paid for via salaries, however the fees must reflect the actual work undertaken for each trade and which is why this was introduced as a 50:50 split in 2015 to reflect the actual work involved.

Committee report – the 50:50 split was included in the committee report and was published as required.

The increase is above inflation but costs can be increased above inflation to ensure full cost recovery.

Penalty Points The issue regarding the requirement for a byelaw for penalty points has already been addressed by the Magistrates Court. The Penalty Points scheme forms part of the Taxi Licensing Policy and can only be appealed by way of Judicial Review.

The city has the largest number of vehicles and drivers in Devon and as such requires adequate resources to be able to do this to ensure

9	7. 1	01/02/2019 new fees	We object to the proposed new fees.
10		Appendix 1	We object to the unreasonable proposed new fees.

drivers are safe and suitable and vehicles are of an acceptable and roadworthy standard.

The safeguarding course is a requirement of the Taxi Licensing Policy and this does not require a byelaw.

The safeguarding course is charged at a set rate. After April 2019, courses will be provided for new drivers and these will be arranged every two to three months depending on demand and has been included with the initial application fee so that drivers can book on this course at the initial visit. The cost will be reviewed at the next fee review to ensure the cost of the new applicant adequately reflects the costs involved.

The temporary licence fee must include the two month cost of the licence as the licence lasts for two months. This is for the replacement vehicle provided by the insurance company. The existing vehicle is delicensed and the whole months refunded to the vehicle proprietor.

Vehicle Transfer Fees and change of licence fees. Each fee must reflect the costs involved. The administration staff costings are not already paid for – they are paid from the different licence fees. It would not be fair to include the costs of a vehicle transfer or change of licence within the standard licence fees as some drivers make a number of changes throughout the year.

DVLA - please refer to response above.

Comment: At the Taxi Licensing Committee Meeting held on 10th January 2019 Councillors were informed that “the annual central recharges have been recalculated” but were not given a figure. This writer is aware that the figure is £15,500 per employee. On learning this, this writer who lives alone, checked his Council Tax, Electricity, gas, water and internet & house phone. He then asked his son how much his rent was for a two bedroom Plymouth Community Homes flat and learned that the figure is £4,004 per year but that this is cheap due to a long occupancy. The total is £7,099 - why does it cost PCC

Ambassador course is a requirement of the Taxi Licensing Policy and no byelaw is required. The feedback from all the courses have been positive, however the new course has been developed so that PCC have complete ownership of the content.

Plymouth City Council has acted in accordance to the legal advice regarding the setting of fees and will review the transcript of the Wakefield Case when it is released.

The Councillors were provided with the figures in the Committee report. Please refer to page 2, paragraph 3 within the Committee report of 10 January 2019, which states the Council have advised us that the annual central recharges have been re-calculated and will be increasing. These are currently charged at the end of each financial year so this would have an impact on both the Private Hire and Hackney Carriage budgets. However, it has been agreed that this increase will not apply in this year (2018/19) and will be introduced as a stepped approach with 2019/20 being increased to £12,000 per person and 2020/21 as either £13,000 or the full amount, depending on the outcome of the recharges review, from 2021/22.

As advised above, the support services recharges include costs such as HR support, IT support, Accommodation, Procurement services etc. These costs are allocated to each full time equivalent (FTE) member of staff within the Council.

Parking is available for drivers and vehicle proprietors who have

£15,500.

We are informed that the Taxi and Private Account is separate and stands alone. It follows that we are responsible for the LA premises, facilities and staff – nothing else.

When we learnt that the LA authority was moving from the Civic Centre to Another Location we requested that dedicated parking facilities be provided for Taxi and PHV's for licensing appointments and Compliance Testing under the PCC Act S26. No such facilities have been provided.

It is our opinion that the Taxi Trade is being hugely overcharged.

**PCC Taxi Licensing Committee Meeting 10th January, 2019
Report on Hackney Carriage and Private Hire Licence Fees**

Cllr Mavin 2015 Report why not implemented as has put Trades into increased debt.

Annual Licensing Report does not contain figures

Reduce costs through cheaper administration

RH vehicles not allowed full on-line by DELL

Driver being looked at; Safeguarding; Book on Line;

Communicating with the Trades.

Cllr Pengelly Appeals against LA Decisions; Outside Legal Help

Cllr Jordon 2015 Policy not implemented; Like to see Budget; Fees and Charges policy.

appointments.

Cllr Bridgeman Cost of Safeguarding = £5 per head on class of 20. £100 per course.

Cllr Morris Free Market; Capitalism; Survey of Unmet Demand; Good Financial Breakdown; Revisit on back of objections. Fees – one off or spread

Cllr Mavin 2015 & 2017 Policy not implemented; if no increase this year then there will be £100.000 deficit on Taxi Account

Cllr Morris External Auditor

Comment: this writer attended the above meeting and fully agreed with the comments made by the Councillors.

He is very surprised that Councillors are so poorly informed by LA staff Regarding the Annual Report, spreadsheets and statutes.

History:

Licensing of Hackney Carriages was carried out by the Police with 90 being licensed.

It is believed that the following is correct: On 1st January 1976 the PCC Act 1975 was introduced and Plymouth City Council (PCC) assumed responsibility for the licensing of the Hackney Carriage and the new Private Hire Trade as the Licensing Authority (LA).

From 01.01.1976 Licensing of the Hackney Carriage and Private Hire Trades was administered by one Inspector and the figure given on 08.03.1977 was 1,103

History

The current licensing system cannot be compared to 1976. There are a number of different issues that have occurred in recent years which have emphasized the importance of DBS checks and the need for additional training such as safeguarding. We receive a large number of complaints regarding inappropriate driver behaviour, safeguarding, driving standards that must be investigated and dealt with appropriately. This is in addition to a number of drivers with medical issues and convictions that must be reviewed by committee following their declaration to the department.

The enforcement officers undertook 487 vehicle inspections last year and work closely with the Police and School Transport to undertake targeted operations.

licences issued as well as Compliance Patrols carried out by the same Inspector.

Private Hire Vehicles had a plate on the rear of the vehicle and door stickers on each front door. Only one small sign with the name of the Operator/Trading Name was permitted on the near side sun-visor which could be flipped down when approaching a booked passenger.

All Private Hire Operators had to have a car park for vehicles to return to while waiting for their next job. Many Operators paid PCC rent for their car parks.

It was realised that this was too much for one person to administer and a second inspector was appointed.

On 17.01.1978 the same Inspector reported that he had issued, and administered, a total of 1,185 licences. It was appreciated that this was too high a burden for one Inspector and from 12.03.1979 consideration was given to the problem with an additional Inspector being in post by 30.07.1979.

In addition to the following LA provided figures held are PH Operators:

DATE	VEHICLES			DRIVERS		
	H.C.	PHV	TOTAL	H.C.	PHV	TOTAL
LICENCES						
24.02.1982	176	301	477	254	392	646
1,123						
25.03.1986	190	276	466	250	359	609
1,075						

22.06.1993 340 240 580 411 259 670

1,250

17.12.2018 346 807 1,153 387 803 1,190

2,343

Comments: In 1982 two members of staff administered in excess of 1,130 Licensees = 560 each. They also carried out several Compliance Patrols each week.

In 1982 there were 78 more H.C. Drivers than vehicles so, with Double Banking, provided a more efficient service to the public by ensuring a 20 hour coverage.

The Transport Act 1985 was introduced on 01.01.1986 and LA staff encouraged H.C. Drivers who could not handle their finances efficiently to purchase their own vehicles rather than rent. The effect of this was to increase fleet sizes as ex-drivers handed vehicles back and to reduce the number of double banked vehicles.

Through efficient compliance patrols the numbers of PHV's reduced to 240 on 22.06.1993.

Double Banking: There has never been a general practice of PHV Drivers

Double Banking but this was a fairly common practice within the Hackney Carriage Trade. It is noticeable that in recent years this has died out as the figures show resulting in fewer Taxis being available for the public throughout the 24 hour period..

LA staff has increased over recent years with three full time Inspectors, two clerks doing a job share, one apprentice ? and two senior staff members who provide a 50% dedication to Licensing of the two trades. This equates to six members of staff administering approximately 2,350 licences or 392 each with a drastic drop in Compliance Patrols.

Taxi Trade Meeting 19.01.2016

Private hire – RH raised concerns that the PH trade is not properly regulated and that all PH vehicles should be made to report to the Licensing Office for routine inspection where that vehicle has not inspected on the street. DH stated that resources did not allow for this course of action and that all vehicles are compliance tested once or two a year. Officers also respond to complaints and call vehicles in for inspection. By way of example RH stated that PH vehicles are routinely seen with their licence plates displayed in the rear window.

Comment: On several occasions Taxi Trade Representatives have complained regarding

Trade Meeting 19.1.16

Vehicles over 5 years of age must have a 6 monthly compliance test by a testing station authorized by PCC. This includes the MOT and the PCC compliance certificate. If any defects are noted on patrols on vehicles that recently had a compliance/MOT then these are investigated.

Any licence plates displayed in the rear window are actioned when reported or found during patrols. Please forward specific vehicle details for us to investigate.

the lack of Compliance Testing of PHV's.

When there were two members of staff there were plenty of resources, why is it that with six staff members "resources did not allow for this course of action". There was much more enforcement when the LA only had two staff than there is now.

LA Compliance administration re-active and not pro-active.

Taxi Trade Meeting 13/10/2016

5.	Civil Enforcement Officer Powers (CEO)
	SF: All 3 Taxi Enforcement Officers are now authorised to issue FPNs for vehicles parking/blocking ranks. These powers can also be used where licensed drivers' park and leave their vehicles for extended periods of time unattended. This will be trialed over the forthcoming months the licensing section needs to explore the different types of equipment available to issue the FPNs.

Comment: Spreadsheet: 2802 Training 2017/18 £680; 2018/19 £330. Two years equals £1,010.

The LA staff were trained in 2016 yet we are informed that no vehicle has been issued with a PCN in the two and a half years since.

Why is the Taxi Trade being charged for staff training ??.

Trade Meeting 13.10.16

The officers have not needed to issue these FPN's and pass intelligence to the Parking Officers. This was trialed but it was not found to be effective use of resources for the numbers involved.

Training – it is important that officers receive adequate training to be able to do their job such as vehicle inspection courses, taxi law updates and prosecution training. These are costs associated with running the service and therefore must be paid for by the trade accounts.

The late Lord Denning stated that a Taxi is a shop on wheels and that Taxi Proprietors/Drivers are small business men. No other small business is regulated as complexly as the Taxi Trade with the multitude of Statutes, Statutory Instruments and local Specifications and Conditions that we have to abide by so we require an efficient Licensing Authority to fairly administer the Taxi and Private Hire trades.

Plymouth Crown Court Case No: A19990007 21.09.1999

Key Cabs Ltd	and	Appellant
Plymouth City Council		Respondent

Page 4 2nd main paragraph

“...When cross-examined he {Mr. Shepherd} accepted that the sub-committee had not in fact considered whether the ban on advertising on the roof was “reasonably necessary” and said that aspect had not been considered.”

Page 5 paragraph 1

“...In the light of some of the evidence adduced before the Magistrates Key Cabs informed PCC on 15 January 1999 that it had changed it’s trading name from “TaxiFast” to “TF Value Cars” and wished to use the legend “Advance Bookings Only” on the side rear panels of its licensed PHVs. ...”

Key Cabs Ltd 2007 Case

This is not relevant to this review of licence fees, however members of the trade will recall that this related to the defence of a claim against the council’s policy in respect of hackney carriage vehicle licences; the trade supported the council’s position and the council were successful.



Page 8 paragraph 2

However, when the sub committee did consider the matter at its meetings on 17 September 1998 and 27 August 1999 they did not, in our view, correctly apply themselves to the question under S. 5 (1) (a) (ii) which had they asked themselves the correct question they must have answered No; they failed to consider whether a total ban on advertising on the roof of a PHV was reasonably necessary in 1998 or 1999 and in imposing such a prohibition they acted wrongly.

Comment: Why has the LA not enforced the removal of the word “Taxi”

What is a Taxi ? **SI 1994 No. 1519 4.** "taxi" means (a) in England and

Wales, a vehicle licensed under (i) section 37 of the Town Police Clauses Act 1847;

Private Hire Vehicles are not “taxis” yet this LA continues to aid and abet the false advertising on vehicles and around the city to the detriment of the

Use of the word “Taxi” on private hire vehicles – enforcement

This is not relevant to this review of the licence fees.

Licensed Taxi Trade.

**Key Cabs Limited t/a Taxifast Appellant v Plymouth City Council
Respondent**

CO/4369/2006

High Court of Justice Queen's Bench Division Administrative Court

8 November 2007

[2007] EWHC 2837 (Admin) 2007 WL 4190498 Before: Mr Justice Mitting

Thursday, 8th November 2007

Comment: Criticism was made by **Mr. Justice Mitting** in the High Court in London on

Thursday about the way in which Plymouth City Council had responded to an application by Key Cabs Limited for 30 hackney carriage licences.

He said he had “great sympathy for anyone dealing with the Council”, commenting that if the submission being put forward by Counsel on behalf [of the] City Council were put forward on instructions, he considered the approach of the Council, acting as a regulatory authority, left “much to be desired”.

Re-typed by R. W. Hamilton from notes that were taken by staff present in the

Court during the Hearing and provided by Ashford Solicitors.

(2) On the 21st July 2004 the Complainant Company submitted a Peugeot Euro 7 vehicle, registration number SF04 RJJ, to the Respondent Authority for plating and licensing as a hackney carriage.

Comment: It is understood that this vehicle did not meet hackney carriage specifications but was not tested by PCC. Had it been there would have been no Court Case or cost to the Taxi Trade Budget.

THE QUEEN ON THE APPLICATION OF KEY CABS LIMITED T/A TAXIFAST V PLYMOUTH
CROWN COURT CO/7689/2006

HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION ADMINISTRATIVE COURT

9 NOVEMBER 2007

[2007] EWHC 2800 (ADMIN)2007 WL 4190529BEFORE: MR JUSTICE MITTING

FRIDAY, 9TH NOVEMBER 2007

REPRESENTATION MR ALAN NEWMAN QC (INSTRUCTED BY MESSRS ASHFORDS ,
PLYMOUTH) APPEARED ON BEHALF OF THE CLAIMANT.

MR JAMES FINDLAY (INSTRUCTED BY PLYMOUTH LEGAL SERVICES) APPEARED ON
BEHALF OF THE INTERESTED PARTY.

JUDGMENT MR JUSTICE MITTING:

34 Even if that were the only information available to Plymouth, which it was not, on no reasonable view could the court have concluded that the costs would be anything less than £200,000, indeed, most likely, significantly more. Plymouth were aware that that was not the base figure because of the letter to which I have already referred dated 14th February 2006. It was incumbent upon Plymouth's legal department to instruct Mr Findlay on matters such as costs if, as was inevitable, he was going to make submissions about them. They had that letter in their possession. It was up to them to make it plain to Mr Findlay that the £150,000 was but the pre-hearing costs. If the court was misled, then it was misled, in my view, as a result of Plymouth's failure to give adequate instructions to Mr Findlay.

41 MR FINDLAY: My Lord, as a matter of practice I feel I should ask for permission to appeal your Lordship's judgment. The issue on which I — no one from Plymouth is here and we obviously have to take instructions,

Comment: 34. “Plymouth’s failure to give adequate instructions to Mr Findlay.”

41. “no one from Plymouth is here”

Why should the Taxi Trade Budget pay for the failures of our LA.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2018

10.0 Conditions of Driver Licence

10. 2 Regulation of hackney carriage drivers is achieved through the use of byelaws.

Hackney Carriage and Private Hire Licensing Policy 2018

The Council complies with its Policy.

The Secretary of State for Transport has approved a set of byelaws to regulate the hackney carriage trade operating within the City of Plymouth. These byelaws became effective from the 14 July 2009 and will remain in place until such time as they are updated or replaced.

Comment: We understand the Policy cannot be revisited for a period of twelve months.

It is the opinion of several Licensees that PCC as LA is failing to comply with its' own Policy

When a Taxi Proprietor sought a court ruling on whether Byelaws are required to regulate Taxi Drivers the Legal Department went out of house thereby incurring additional costs and raising the question, is the Legal Department fit for purpose ??.

	Spreadsheet	Taxis	PH	Total
5519	Legal Expenses	3,000	373	3,373
5703	Legal Agents	31,466	18,995	50,461

How can the Legal Department justify a cost of 34,466 this year. It is our opinion that the Taxi Trade should not have all of these costs imposed upon our budget.

The perceived past failures of the Legal Department to safeguard the Taxi Trade in Plymouth and the perceived bias towards Private Hire leaves very little faith in the Legal Department and the costs which have been imposed upon the Taxi Trade as a result.

Use of External Legal Advice

The reason that James Button was employed regarding this case was because he is a specialist Taxi Licensing Solicitor.

Legal Costs

All legal costs are time recorded to ensure accuracy and the trade should pay the costs attributable to licensing of the trade which would otherwise fall to be paid by the general council tax payer.

The Taxi Trade has now reached the stage that because of false advertising by Private Hire Companies and their persistent use of the word “taxi” unfettered by the LA the general public do not know what a taxi is and persistently ask whether they have to “pre-book” or are we “available for hire” when parked on Taxi Ranks.

The cost of purchasing a Vehicle, Insurance, Vehicle Test and Licence, Driver Licence, two Tyres, a Service and Fuel to pay for the preceding equates in this writers case to £2,851.

Broken down; fourteen days holiday, one day per week off, Bank holidays etc. say 290 working days per year with an eight hour working day.

A cost of £2,851 equates to £1.23 per hour. There are many hours when Taxi Drivers earn less than the minimum wage and any unreasonable increase in Licence Fees will cause great hardship to those younger Licensees with mortgages and families.

Vehicle Proprietors who rent out vehicles will look at the increase, work out that it is £2.54 per week and increase vehicle rents by £5.00. This is a large increase in cost for a Taxi Driver with a young family and could cause real hardship.

This could also have a knock on effect for Taxi Offices trying to recruit additional drivers to serve the public on a 24 hour basis.

Taxi Offices tend to reduce the numbers of Taxis at Taxi Ranks which alleviates congestion in certain areas of the city.

Any additional cost reducing the attractiveness of working through an office is detrimental to the city as a whole.

The First Annual Report of the Chief Executive and Town Clerk presented on the 8th

All costs associated with the taxi business may be claimed as an allowable deduction for tax purposes. Please contact the HMRC or your accountant for more information.

The Appeal Machinery

It is not clear from the representation but if the reference made is to the Plymouth City Council Act 1975 then the rights of appeal in that

March, 1977 states at paragraph “4. THE APPEAL MACHINERY.
There is a built in right of appeal from any decisions of the Council under the 1975 Act to the Magistrate’s Court. ...”

We assume that this right still exists. Can you please confirm that this is so?

For all of the above the Plymouth Licensed Taxi Association objects to the Proposed Licence Fees increase including various separate headings within the Spreadsheet.

Act have not changed since its introduction.