

Licensing Fees & Charges 2016 - 17

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| <i>Portfolio Holder:</i> | <i>Peter Gubbins, Licensing Portfolio Holder</i> |
| <i>Assistant Director:</i> | <i>Laurence Willis, Environment</i> |
| <i>Service Manager:</i> | <i>Nigel Marston, Licensing Manager</i> |
| <i>Lead Officer:</i> | <i>Nigel Marston, Licensing Manager</i> |
| <i>Contact Details:</i> | <i>Nigel.marston@southsomerset.gov.uk or 01935 462150</i> |

Purpose of the Report

To advise Licensing Committee of objections received to the proposed fees for private hire operators and hackney carriage drivers for the 2016/17 financial year. The fees having been set at a level to ensure that the Council's costs in providing the Licensing Service are being recovered in full, wherever the relevant legislation permits.

Public Interest

Whenever changes are proposed to taxi fees, it is recommended and confirmed by case law that where there is no specific requirement to consult on the changes conferred by statute, it would appear sensible for an authority to follow the same procedure as contained in Local Government (Miscellaneous Provisions) Act 1976 s70. This relates specifically to fees for drivers and operators licences.

Recommendations

That Licensing Committee consider the objections and either

1. Modify the proposed fees and set a new date for these to take effect
2. Agree not to modify the proposed fees and set a new date for these to take effect.

Background

Members will recall that at the meeting of the Licensing Committee on the 19th February 2016, fees and charges for 2016/17 were agreed and recommended to Full Council as part of the budget setting process.

In accordance with the legislative requirements, once these fees were agreed by Full Council then they were required to follow the procedure outlined below.

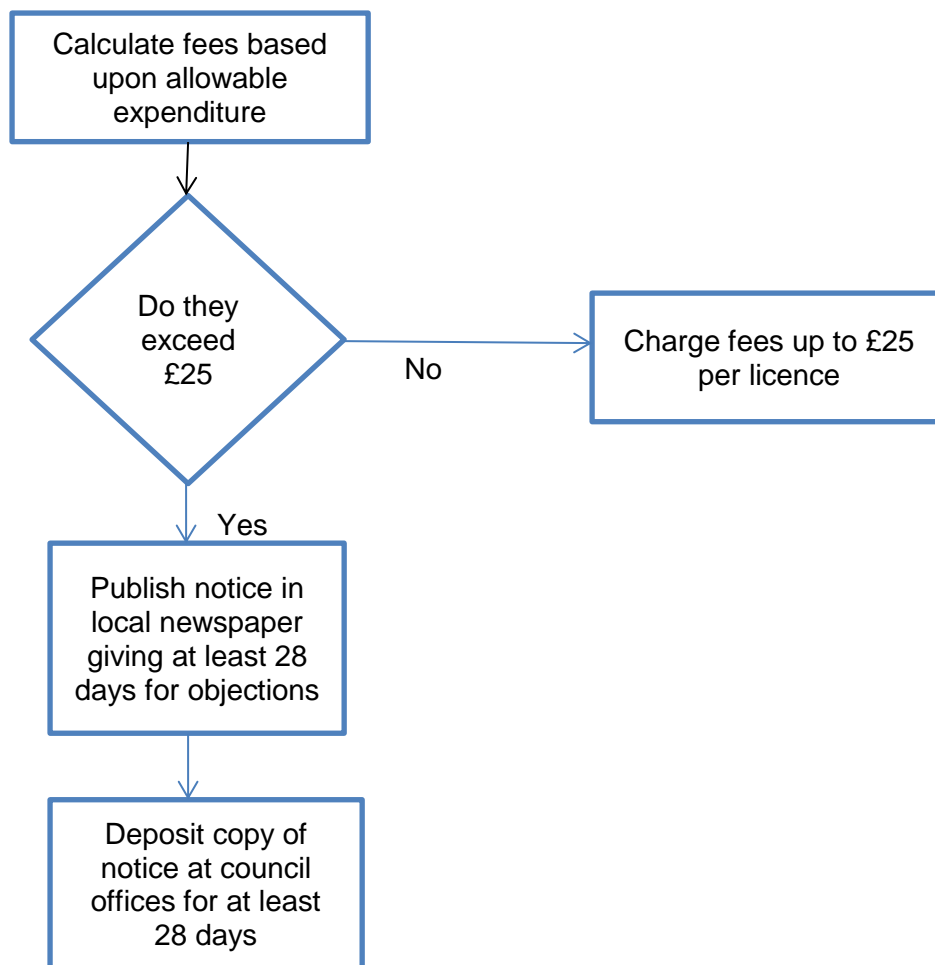
1. A notice must be published in a local newspaper, stating the proposed fees.
2. The notice to specify a date, not less than 28 days from the date of publication. The date has two functions;
 - (a) it is the date by which any objections must be lodged; and
 - (b) it is the date on which the revised fees will come into effect if either-
 - (i) no objections are received; or
 - (ii) any objections received have been withdrawn before that specified date.
3. It must also state where objections should be addressed, and how they can be made.
4. A copy of the notice must be available at the council offices for inspection, free of charge at all reasonable times.

5. Once the objection period (usually 28 days) has expired, if there have been no objections received or those received have subsequently been withdrawn, then the new fees take effect, either at the end of the objection period, or when the last objection is withdrawn.
6. If objections are made and not withdrawn, then the council must consider the objections.
7. In the light of the objections (although they must be considered, the Council does not have to vary the proposals as a result of them) the council then sets a second date, which cannot be more than two months after the first date specified, when the new fees come into force.

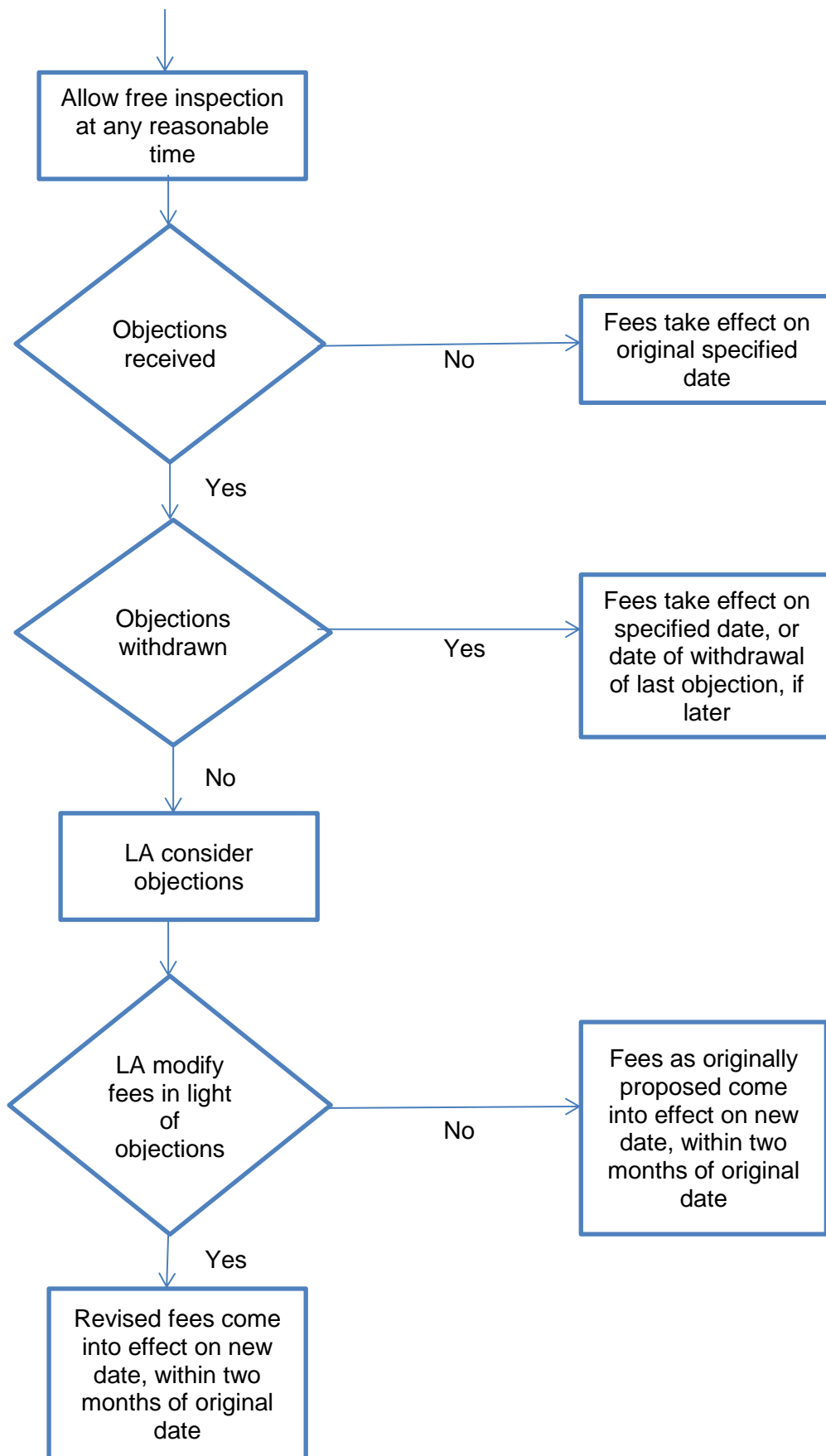
It would appear that any failure to comply with all these requirements would render the fees invalid, this is reinforced by the remarks of Schiemann LJ in the case of *Kelly v Liverpool City Council*¹ where, in relation to fees levied under s70 he stated:

“What is clearly important is that any proposed increase is advertised and considered in the way envisaged in subsections (70)(3)-(5).”

Flow Chart For Fees Set Under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976



¹ [2003] EWCA Civ 197, [2003] 2 all ER 772



The Process

The agreed fees were set by Licensing Committee at a level to ensure total cost recovery as endorsed by Scrutiny Committee, District Executive and Full Council.

The fees were advertised by publishing a notice in the Western Gazette on the 25th February 2016.² The notice specified that all objections were required to be made in writing within 28 days of the publication date. All objections needed to be received by the 24th March 2016.

A notice was placed on the Statutory Notices board at the Council Offices on the 25th February 2016.

A total of three letters and one e-mail of objection have been received to the proposed fees, none of these objections have been withdrawn. The objections relate specifically to the cost of a private hire operators licence and to a hackney carriage/private hire drivers badge.

The objections are attached as Appendix 1.

The Councils solicitor has advised that these objections would best be considered by the Licensing Committee.

The Proposed Fees

| Details of Licence/Fees | Fee 2015/16 | VAT @ 20% if applicable | Fee 2016/17 | Comments | Statutory or Discretionary |
|-----------------------------|-------------|-------------------------|-------------|--|----------------------------|
| Private Hire Operator 3 yrs | £85.00 | N/A | £820.00 | Now 5 years Application processing £42 Consumables £44 Policy development £57 Enforcement (record checks) 2 hrs x 2 per year over 5 years at £33.88 (to include all on costs) = £677 | Discretionary |
| Drivers badges 3 years | £80.00 | N/A | £260.00 | Application processing £43 Consumables £45 Administration £172 | Discretionary |

² The Licensing Manager has a copy of the paper notice.

Financial Implications

The proposed fees have been set at a level to ensure full cost recovery, any changes to the fee level will impact on the licensing budget. The fee setting method and calculations were designed in conjunction with the finance and legal teams.

Council Plan Implications

This proposal will have an effect on theme 5 – It will enable the Council to continue to deliver well managed cost effective services valued by our customers.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

None

Privacy Impact Assessment

None required

Background Papers

Licensing Committee 09/06/15 & 19/01/16
Scrutiny Committee 01/12/15
District Executive 03/12/15
Full Council 25/02/15
