



Classification

Item No.

Open / Closed

Meeting:	Licensing and Safety Committee
Meeting date:	8 June 2023
Title of report:	Representations received in respect of the proposed increase to the hackney carriage and private hire vehicle licence fees and private hire operator licence fees
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report relates to representation received from the Private Hire Drivers Association in relation to the recently advertised proposed increase to the Hackney Carriage and Private Hire Vehicle licence fees and Private Hire Operator License fees.

Recommendation(s)

It is recommended that the Licensing and Safety Committee considers the following options:

- To approve the advertised fees without modifications
- To approve the advertised fees with modifications

Background

1.1 Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 gives authority to a District Council to set the fees in relation to the Licensing of Hackney Carriage and Private Hire Vehicles and also for Private Hire Operator

licenses. Having varied the fees, the Council is required to advertise them in a local newspaper to allow persons wishing to object to them a period of 28 days from the date of publication of the notice to object. The requirement does not apply to Hackney Carriage and Private Hire Drivers licence fees.

2.0 INTRODUCTION

2.1 In February 2023, Full Council approved increases in fees and charges for 2023/2024. The proposed increase are shown below and should have come into operation on the 4 May 2023.

2.2 Current Fees

Vehicles under 3 years old	£238.00 (£182.00 plus £56.00)
Vehicles over 3 years old	£294.00 (£182.00 plus £112.00)
Private Hire Operators 1-2 vehicles (One Year)	£288.00
Private Hire Operators 3 or more vehicles (One Year)	£410.00
Private Hire Operators 1-2 vehicles (5 Year)	£1401.00
Private Hire Operators 3 or more vehicles (5 Year)	£1955.00

Proposed Fees

Vehicles under 3 years old	£260 (£200.00 plus £60.00)
Vehicles over 3 years old	£320 (£200.00 plus £120.00)
Private Hire Operators 1-2 vehicles (One Year)	£315.00
Private Hire Operators 3 or more vehicles (One Year)	£450.00
Private Hire Operators 1-2 vehicles (5 Year)	£1540.00
Private Hire Operators 3 or more vehicles (5 Year)	£2250.00

2.3 The vehicle test fee element of the respective vehicle licence fee payable by the Licensing Section to Bradley Fold garage is currently £56.00. The licensing service have been notified that this fee will increase to £60.00 per vehicle inspection. It is the intention that the second approved testing station at Sunnybank Service Station will charge the same fee for the vehicle compliance test.

2.4 Members are advised that the vehicle compliance tests are conducted in accordance with the Councils Vehicle Testing manual which includes a full MOT inspection in accordance with the Ministry of transport inspection manual. The inspection of Hackney Carriage vehicles also includes their taxi meter being tested over a fixed distance to determine the accuracy of the meter and other non-standard MOT checks being carried out.

3.0 Licensing Income and Expenditure: -

- 3.1 The total cost of the Taxi Licensing Service for the financial year 2022/23 was £372k and the total income received by the service was £327k. This resulted in an under recovery of costs to the value of £45k.
- 3.2 In addition, the cost of operating the service will increase in 2023/24 due to inflation and fees and charges therefore need to be increased.
- 3.3 Each licensing authority considers their own fees and charges in line with the costs of operating the service and the income received. It should be noted that Wolverhampton have significantly more vehicles licenses than Bury (in the region of 20,000 and therefore it is not a suitable comparison).

4.0 REPRESENTATIONS

- 4.1 There are currently 752 private hire vehicles, 33 hackney carriage vehicles and 28 Private Hire Operators licensed with this Authority. In accordance with the legislation the proposed fees were published in the Bury Times on 6 April 2023.
- 4.2 An objection to the increases in fees and charges was received by the Licensing Service on 3 May 2023 from the Private Hire Drivers Association who state the following:

There are several reasons why we are requesting a review of the current price structure for taxi licensing fees.

We understand that the cost of licensing is essential for the provision of regulatory resources and necessary services. However, we believe that charging significantly higher fees than Wolverhampton not justified and is making it difficult for our members and partners to continue operating the business

Firstly, we have conducted a thorough analysis of the fees charged by the Bury licensing regulatory authority and discovered that our members and taxi trade partners are being charged significantly higher fees in comparison to Wolverhampton. This is causing financial strains on our members and partners while Wolverhampton license holder working in GM taking full advantage of low cost licensing structure

Secondly, we believe that a fair and reasonable charging structure is necessary for ensuring public safety while also enabling our members and partners to carry out their operations effectively. Therefore, we propose that the current fee structure is reviewed to ensure that it aligns with Wolverhampton fees.

We believe that the regulatory authority should take into account the financial burden imposed by the licensing fees on our members and partners. A fair and reasonable fee structure will help businesses to thrive, ensuring that the public is provided with safe and reliable transportation services and we always encourage our members to stick to Bury licensing

Overall full review of the current price structure for licensing fees is necessary to ensure that it is fair, reasonable, We hope that the bury licensing regulatory authority takes our proposal into consideration and takes appropriate measures to alleviate the financial strain experienced by our members and partners.

5.0 CONCLUSIONS

- 5.1 Members are requested to consider the objection from the Private Hire Drivers Association and to determine if the proposed fees are to be applied.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

The licensing service undertakes its statutory duty to ensure that the residents and visitors to Bury are reassured that the Hackney Carriage/Private Hire trade is properly regulated, and safety is paramount.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	The Licensing and Safety Committee give consideration to the representation and determine accordingly.

Consultation:

The Licensing Service have advertised in a local newspaper the proposed fees in line with Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

Financial Implications:

The cost of the licensing function is funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5208
Email: m.bridge@bury.gov.uk

Background papers:

Representation from the Private Hire Drivers Association

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning