

# LICENSING COMMITTEE

Thursday, 26th October, 2017  
6.30 pm





# LICENSING COMMITTEE

## BURNLEY TOWN HALL

Thursday, 26th October, 2017 at 6.30 pm

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Governance, Law & Regulation by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website [www.burnley.gov.uk/meetings](http://www.burnley.gov.uk/meetings).

### **AGENDA**

#### **1) Apologies**

To receive any apologies for absence.

#### **2) Minutes**

To approve as a correct record the Minutes of the last meeting as enclosed.

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#### **3) Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

#### **4) Declaration of Interest**

#### **5) Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

#### **6) Public Question Time**

To consider questions, statements or petitions from members of the public.

## **7) *Taxi Licensing Fees 2018***

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To confirm the level of taxi license fees effective from January 2018.

### **MEMBERSHIP OF COMMITTEE**

Councillor Ann Royle (Chair)  
Councillor Gary Frayling (Vice-Chair)  
Councillor Gordon Birtwistle  
Councillor Bill Brindle  
Councillor Frank Cant  
Councillor Ida Carmichael  
Councillor Saeed Chaudhary  
Councillor Jean Cunningham

Councillor Danny Fleming  
Councillor Shah Hussain  
Councillor Mohammed Ishtiaq  
Councillor Anne Kelly  
Councillor Sobia Malik  
Councillor Elizabeth Monk  
Councillor Christine White

**PUBLISHED**

Wednesday, 18 October 2017

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## LICENSING COMMITTEE

BURNLEY TOWN HALL

Thursday, 15th June, 2017 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Royle (Chair), G Frayling (Vice-Chair), G Birtwistle, B Brindle, F Cant, I Carmichael, S Chaudhary, J Cunningham, D Fleming, S Hussain, A Kelly, S Malik, E Monk and C White

### OFFICERS

Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer
Peter Henderson	– Principal Licensing Officer

#### 1. Apologies

Apologies were received from Councillor Mohammed Ishtiaq.

#### 2. Minutes

The minutes of the meeting held on 27<sup>th</sup> October 2017 were approved as a correct record.

#### 3. Public Question Time

Councillor Alan Hosker addressed the Committee under the Council's Right to Speak Policy on

#### 4. Amendments to Taxi Licensing - Policy Guidelines to Fitness and Propriety Including Convictions and Other Relevant Information.

Members gave consideration to the adoption of new policy guidelines when determining whether new applicants or current drivers are 'fit and proper' persons to hold hackney carriage or private hire drivers' licences.

The adoption of the new policy guidelines would ensure that Council Policy was aligned to the Local Government Association's (LGA) 'Example Taxi and PHV Licensing Criminal Convictions Policy' which was published in March 2017. It would also strengthen the Council's principal licensing objective to protect the safety of the public.

The convictions policy aids a consistent approach when considering whether an applicant or existing licence holder is a fit and proper person to hold such a licence.

## **RESOLVED**

1. That approval be given to the Policy Guidelines to Fitness and Propriety including Convictions.
2. That the revised Policy be applied immediately for new applicants for drivers' licences and for existing drivers on renewal, though reserving the right to apply the updated policy to existing drivers before renewal in appropriate circumstances.

## **5. Appointments to Licensing Sub Committees**

Consideration was given to the sub delegations of function to a Licensing Act 2003 Sub Committee for a final hearing procedure and to Taxi Licensing Sub Committees for functions relating to taxi licences.

## **RESOLVED**

1. That a Licensing Act 2003 Sub Committee be established for the sub delegation of functions under the Licensing Act 2003 for a final hearing procedure;
2. That two Taxi Licensing Sub Committees be established for the sub delegation of functions vested in the Licensing Committee relating to taxi licensing functions as set out in Part 3 of the Council's Constitution; and
3. That members be appointed to the sub committees on a rotational basis subject to their availability.

## REPORT TO LICENSING COMMITTEE



DATE	26 <sup>th</sup> October 2017
PORTFOLIO	Housing & Environment
REPORT AUTHOR	Karen Davies
TEL NO	01282 425011
EMAIL	kdavies@burnley.gov.uk

## Taxi Licence Fees 2018

### PURPOSE

1. To determine the level of taxi licence fees effective from January 2018.

### RECOMMENDATION

2. To agree to maintain current fees for the following licences:  
Private Hire Driver, Hackney Carriage Driver, Private Hire Vehicle, Hackney Carriage Vehicle and Private Hire Operator.

### REASONS FOR RECOMMENDATION

3. To set fees to recover those costs which are permitted by legislation from the holders of taxi licences. The costs include issuing and administering all taxi licences, together with the costs of supervision and control of vehicle and operator licences, and the costs of inspection and provision of hackney ranks.

### SUMMARY OF KEY POINTS

4. Taxi licence fee setting is a function of the Licensing Committee. Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 permit the Council to set driver, vehicle and operator licence fees to recover certain specified costs. The effect of the legislation is that the service must not generate a profit to the Council. There are some costs which cannot legally be recovered from fees and are borne by the Council's general fund.
5. Whenever it is proposed to vary vehicle and operator fees so that they exceed £25, the legislation requires that a 28 day public notice of the proposed fee must be advertised within which time any person may object to the variations. Where no objections are made, or if all objections are withdrawn, the fees come into effect at the end of the 28 day period. Where objections are not withdrawn, the Council must consider the objections before determining the fee level and setting a further date, not later than two months after the first

specified date, on which the new fees shall come into force. As no variation is proposed at this time, no advertisement is required.

6. In Burnley the vehicle test element is payable direct to one of the five testing stations approved to carry out taxi testing, each setting their own charges within a competitive marketplace. This fee is payable in addition to the licence fee. New drivers are required to sit a knowledge test at an additional cost.
7. Following an extensive review in 2015, which took into account the emerging legal precedent and audit guidance, this year's review has sought to ensure that fees are still in line with expenditure.
8. In accordance with the framework agreed with the trade, via Taxi Task Group, costs are apportioned to each taxi licence regime (ie operators, private hire vehicles, private hire drivers, hackney proprietors & hackney drivers), and the costs of each licence type are recovered solely through fees for that particular regime. Any surplus or deficit is then applied to that regime. Driver licences are issued for three years and in order that there is some fairness to drivers through that period, fees will be maintained at the same level for three years unless there is a substantial indication to the contrary. In the third year fees will be reviewed to take account of the previous three years costs.
9. There is no indication of a need to vary fees at this time.
10. As budgets are built up from zero, with costs that reflect work-streams within a relatively short period of one year, there will inevitably be significant year on year variations in the allocated costs depending on where time has been spent. This may lead to fee fluctuations in future years. As there are comparatively few hackney drivers and vehicles to bear the costs associated with each of these regimes this inevitably has a disproportionate effect on fees for hackney licences. Similarly the small number of operators must bear the costs of supervising & controlling their businesses arising from enforcement activities. By contrast, because the pool of private hire drivers is much larger, the costs of administering this regime are spread across the larger group.
11. The Taxi Reserve is anticipated to be in surplus by £6767 at the end of this financial year. Following the detailed review it was agreed to refund the surplus generated from the private hire driver regime with effect from January 2016. The reserve has been used to provide a £45 discount per private hire driver renewal since then. This will continue until Dec 2018 when it is expected that the surplus will have been fully refunded.
12. For information, last year's actual spend, together with this years revised expenditure and next year's estimated expenditure are provided at Appendix A (which also includes the surplus/deficit accounted for in the reserve).

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

13. The proposed fees seek to recover permitted costs in accordance with the Council's taxi fee policy.

#### **POLICY IMPLICATIONS**



14. None.

**DETAILS OF CONSULTATION**

15. Taxi Task Group Meeting October 2017.

16. Councillors Townsend, Ishtiaq, Royle and Frayling.

**BACKGROUND PAPERS**

17. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Karen Davies**

**ALSO:**

**Peter Henderson**

**3 YEARS BUDGET**

Cost Code		Actual	Estimated	Estimate
		2016/17	Out-turn	2018/19
		£	£	£
	<b>Expenditure</b>			
	<u>Supplies &amp; Services :</u>			
R6160/1811	Operational Equipment	10,194	11,000	11,000
R6160/1904	Stationery - General	1,088	300	300
R6160/1952	Legal and Professional Services	8,657	4,500	4,500
R6160/1977	Private Wires	-	-	-
R6160/2032	Advertising	-	-	600
R6160/2053	Training	6,984	-	-
R6160/2039	Refunds	3,622	1,500	3,000
	Lalpac Software	-	4,000	4,000
		30,545	21,300	23,400
	<u>Agency &amp; Contracted Services</u>			
R6160/2101	Other Council Committees	2,696	2,998	2,998
	<u>Support Costs</u>			
R6160/2329	Gov & Legal Services	9,713	15,000	15,000
R6160/2330	Customer Services	13,675	17,008	13,675
R6160/2333	Accountancy Services	1,172	1,418	1,418
R6160/2352	BTH Postages	1,046	1,175	1,175
R6160/2375	EH & Licensing Support*	88,263	74,311	75,000
			-	-
		113,869	108,912	106,268
	<u>Special Items</u>			
R6160/2702	Safety / Seasonal Initiatives	3,034	2,500	2,500
		<b>150,144</b>	<b>135,710</b>	<b>135,166</b>
	<b>Income</b>			
	<u>Fees and Charges</u>			
R6160/3331	Licences	129,997	130,000	130,000
	Use of Reserves	10,372	4,710	5,066
		140,369	134,710	135,066
	Grants & Contributions	5,500	-	-
R6160/3527	Fees for Search Information	-	-	-
R6160/3542	Court Costs	4,275	1,000	100
		<b>150,144</b>	<b>135,710</b>	<b>135,166</b>
	<b>Net Expenditure/ (Income)</b>	-	-	-
	Less - Transfer (From) / To Taxi Licensing Reserve	(10,372)	(4,710)	(5,066)
	<b>Taxi Reserve Fund Balance</b>	<b>11,477</b>	<b>6,767</b>	<b>1,701</b>
	* 2016/17 includes Lalpac costs			