



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Review of Hackney and Private Hire Fees
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	11 February 2013
Policy Document:	Hackney/Private Hire Licence Fees
Directorate:	Customers and Communities

1. Purpose

1.1 To consider the objections received by the Licensing Department to the proposed increase in the Hackney, Private Hire and Operator licence fees.

2. Recommendations

2.1 That with effect from 1 April 2013 the above fees be revised in line with the recommendations at Appendix A.

2.2 Following the advertising in the press of the proposed increases in line with legal requirements, objections must be considered. (Appendix C.)

3. Issues and Choices

3.1 Report Background

3.1.1. The Licensing Committee of 4 November 2008 and Cabinet of 20 May 2009 resolved that hackney carriage and private hire licence fees should be increased with effect from 1 June 2009 to their current level. They have not been increased since that date.

3.1.2. At the time of this report the current number of drivers, vehicles and operators licensed by Northampton Borough Council is.

Hackney/Private Hire Drivers	935
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Hackney/Private Hire Vehicles	700
Private Hire Operators	56

- 3.1.3. Application and renewal fees for the above will not have seen any increase for 4 years but during this period the cost of administration, compliance checks, computer software, manufacture of plates and badges, and officer time involved has increased.
- 3.1.4. The fees that may be charged for licenses are governed by legislation which requires that the Council sets fees intended to recover up to its reasonable costs and does not charge a fee which is intended to make a profit. The Council may therefore seek to charge less than cost, but not seek to charge more than cost.
- 3.1.5. All Operators were notified with regard to the proposed increases and were asked to cascade that information to all drivers within their company. This gave those most affected by the increases the opportunity to make their objections. An advertisement was also placed in the local press setting out the new fee structure the same information was also available on the Council website.
- 3.1.6. This consultation took place with those who are subject to the increase even though there was no legal requirement to do so. The Council is only legally required to advertise in the local press. By consulting with those subject to the increase the Council has gone above and beyond its legal requirement.
- 3.1.7. Having advertised the fee increases any objections must be considered before that or an alternative increase is implemented.

4.1 Choices (Options)

4.1.1. Allow fees to remain unchanged.

This would not take into account the increasing cost of administration, enforcement, computer software and the cost of the materials used in making the plates and badges. This would mean that the Council Tax Payer meets a greater part of the costs that would be the case if these charges are raised now.

4.1.2 Recommend an increase in fees by less.

This would not take into account the increasing cost of administration, enforcement, computer software and the cost of the materials used in making the plates and badges. This would mean that Council Tax payers meet a greater part of the costs than would be the case if these charges are raised.

4.1.3. Recommend different increases.

It would be possible to vary the charges for individual elements in other ways, and it is suggested that a review of fees will need to look closely at what costs are actually attributable to what class of license. However the information needed to vary the pattern of charges is not yet available.

4.1.4.Recommend the proposed increases.

Thereby reducing the burden on Council Tax Payers.

4.1.5.It is not possible to implement charges which would create a surplus.

5. Implications (including financial implications)

5.1 Policy (Hackney and Private Hire Licensing)

There are no new policy implications.

5.2 Resources and Risk

5.2.1 The estimated increase in revenue if these proposals are adopted will pay in part for the increase in costs in both administration and compliance.

5.2.2 The increase in management on costs is due to the reorganisation of the licensing department following the recent restructure and includes an additional member of the team, and a proportional contribution to the service by the Director, Head of Service and Manager.

5.2.3 A recent income/expenditure analysis carried out by the finance department shows that the service is subsidised at this time. (Appendix D.)

5.3 Legal

5.3.1 The Local Government (Miscellaneous Provisions) Act 1976, S53 (2) allows the Local Authority to set fees in respect of drivers licences for both Hackney Carriages and Private Hire Vehicles.

5.3.2 S70 of the same act allows a local authority to set fees in respect of Hackney Carriage proprietor's licences, Private Hire Vehicle licences and Private Hire Operator's licences.

5.3.3 The cost of a licence has to be related to the cost of the licensing scheme itself, and can be set to be subsidised by the Council but cannot be set to make a surplus.

5.4 Equality

5.4.1. An equality impact assessment has been undertaken and the key equalities factor was identified as being a negative financial impact on the trade if the increase in fees is introduced. (Appendix B)

5.4.2 There will be no change in the fees associated with vehicle testing.

5.5. Resources and Risk

5.5.1. There is no recognised financial risk, the Licensing Team will continue to administer and enforce the issue of Hackney and Private Hire Licenses.

5.5.2.The estimated increase in revenue if these proposals are adopted will help to pay for the increased costs in both administration and compliance.

5.5.3.This will reduce the amount the service is subsidised by other resources.
(i.e The Council Tax payer).

5.6. Consultees (Internal and External)

5.6.1.Legal

5.6.2.Finance.

5.7. Background Papers

5.7.1.Local Government (Miscellaneous Provisions) Act 1976. (Relating to Hackney and Private Hire fees).

5.7.2.Taxis-Licensing Law and Practice – James Button.

**Report Author: Philip Bayliss .
Senior Licensing officer
X7099**

APPENDIX A

LICENCE		2012/13	2013/14
New Grant/ Renewal		45.50	50.00
Renewal of licence with CRB		91.50	101.00
Failure to attend Appointment		10.00	15.00
Combined New Grant / Renewal		57.00	63.00
Hackney Carriage written Test		50.00	55.00
Replacement HC or PH Badge		15.00	20.00
Replacement HC or PH Licence		20.00	25.00
Temporary Private Hire/ Hackney Badge		10.00	15.00
New Private Hire/Hackney Application (inc bracket)		90.00	99.00
Vehicle Licence every 6 months		85.00	93.00
Transfer of vehicle		10.00	12.00
Replacement Vehicle Plate		15.00	16.00
Replacement Vehicle Licence		20.00	22.00
Replacement Platform Plate		10.00	15.00
Replacement Condition Booklet		5.00	6.00
Replacement Fixing Bracket		10.00	15.00
	Vehicles		
New Private Hire Operators Licence		300.00	330.00
Operator Number of Vehicles	1	200.00	220.00
	2-5	300.00	330.00
	6-9	400.00	440.00
	20-29	500.00	550.00
	30-39	600.00	660.00
	40-49	700.00	770.00
	50-59	800.00	880.00
	60-69	900.00	990.00
	70-99	1000.00	1100.00
	100-149		1300.00*
	150-199		1500.00*
	200+		1800.00*
Notification – Change of operator		200.00	220.00
Driver Induction Course		350.00	370.00
Recovery of monies, cheque not honoured		30.00	35.00

*These new fees have been introduced in order that cost can relate more to the size of our current Private Hire Operators. Over recent years companies have increased the number of vehicles that they operate and a fee has been introduced to account for the increased work load that this entails.



Equality Impact Assessment

Part 1: Screening

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	This is a proposal to increase the fees for Hackney and Private Hire Vehicles, Drivers and Operators.
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2. Screening undertaken (please complete as appropriate)	
Director or Head of Service	Steve Elsey
Lead Officer for developing the policy/activity/practice	Philip Bayliss
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Steve Elsey, Debbie Ferguson, Licensing Legal Team, Silvina Katz, Communications Team.

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.

Please note that the increase relates to both Hackney Carriages and Private Hire Vehicles and Operators.

- To request that the Licensing committee determine whether an increase in fees relating to Hackney and Private Hire vehicles and drivers and Operators are appropriate and justified at this time. We will be advertising the proposed increases in a local newspaper and consulting with stakeholders to identify issues and consider any objections to the proposed increases.

The Local Government (Miscellaneous Provisions) Act 1976, S53 (2) allows the Local Authority to set fees in respect of drivers licences for both Hackney Carriages and Private Hire vehicles.

In adopting the Local Government (Miscellaneous Provisions) Act 1976 The Local Authority is able to levy fees in respect of driver's licences for both Hackney Carriages and Private Hire drivers (sec 53(2)) and Hackney Carriage Proprietor licenses and Private Hire vehicle and Operator licenses (sec 70).

The authority does not have the discretion to charge whatever it likes for a licence. The cost of the licence has to be related to the cost of the scheme itself.

4 Relevance to Equality and Diversity Duties

- By increasing the licence fees for hackney carriages, private hire vehicles, drivers and operators all licence holders will be subject to the increase. All groups identified as being affected will be affected equally.
- The consultation when carried out will establish whether there are valid objections to any increase in fees.
- The consultation itself will provide evidence of any significant impact on any group and whether the increase would create financial hardship.
- Any decision must be made taking into consideration the current financial climate.
- There would also be an indirect effect on the paying public as increased costs to the trade would be passed on to customers.

If you have indicated there is a negative impact on any group, is that impact:

Legal?

Yes
No

Please explain: We are consulting with all interested parties including those owners

who may be affected by the proposals.

There is no intention for the proposal to have a negative impact on any particular group. The proposal is aimed at recovering the cost of the licensing service to the council. If this is not achieved the service will run at a deficit.

5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Vehicle Owner Ethnicity - NBC Licensing Records.

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

No but it is intended

Initial consultation has taken place internally with both legal and finance to ensure we are proceeding with this process in the correct way.

Once the increase has been advertised in a local newspaper there will be a 28 period for any person to make their objections.

Any objections received will then be considered by the Licensing Committee.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

We are required to advertise the proposed increase in fees and give a reasonable time for any objections to be made. We are aware of the potential impact and are therefore not predetermining any decision. We feel that the introduction of these proposals are reasonable to assess our desired outcomes of cost recovery.

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

Yes

Any decision taken by the Licensing Committee can be appealed through the Magistrates Court and by Judicial review

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

No

An increase in fees will apply to the whole of the trade.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

From the evidence you have and strategic thinking, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race	<p>There would not be a disproportionate negative impact on drivers/owners from minority backgrounds.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Disability	<p>The introduction of the proposals should not result in a reduction of wheelchair accessible vehicles. Fees will apply to all vehicles.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Gender or Gender Identity/Gender Assignment	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Pregnancy and Maternity (including breastfeeding)	<p>No risks have been identified at this stage.</p> <p>However any increase in</p>	

	fees could result in an increase in fares or a reduction in the number of vehicles available.	
Sexual Orientation	No risks have been identified at this stage. However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	
Age (including children, youth, midlife and older people)	No risks have been identified at this stage. However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	
Religion, Faith and Belief	No risks have been identified at this stage. However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	
Human Rights	No risks to Human rights have been identified at this stage. However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.	

7 Proportionality

The objection period will attempt to ensure that all groups have an opportunity to input into this process.

All drivers and owners will be contacted and provided with the information they need.

There could be a negative response from the trade as would be expected having regard to the current financial climate.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: .../.../20...

EITHER: We judge that a full impact assessment is not necessary since:

OR: We judge that a full impact assessment is necessary since:

1. Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

3. to improve how services identify and meet needs of adults with autism and their families.

4. Human Rights include:

5. Rights under the European Convention include not to be subjected to degrading **treatment; right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education; right to hold free elections by secret ballot.** The European Convention is given effect in UK law by the Human Rights Act 1998.