

Public Document Pack



**North East
Derbyshire**
District Council

Our Ref:

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Date: Wednesday, 30 October 2024

To: **Members of the General Licensing Committee**

Please attend a meeting of the General Licensing Committee to be held on **Thursday, 7 November 2024 at 2.00 pm in Meeting Rooms 1 & 2**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group	Liberal Democrat Group
Councillor Michael Roe Councillor Martin E Thacker MBE JP Councillor Richard Welton	Councillor Clive Fletcher Councillor Pat Kerry Councillor Carol Lacey - Chair Councillor Fran Petersen	

For further information about this meeting please contact: Amy Bryan 01246 217391

AGENDA

1 **Apologies for Absence**

2 **Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 **Minutes of Last Meeting** (Pages 3 - 4)

To approve as a correct record and the Chair to sign the Minutes of the meeting of the General Licensing Committee held on 21 February 2024.

4 **Review of the Council's Taxi Licensing Fees** (Pages 5 - 20)

Report of the Joint Assistant Director for Environmental Health.

5 **Matters of Urgency**

To consider any other matter which the Chair of the Committee is of the opinion should be considered as a matter of urgency.



**North East
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District Council

Access for All statement

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GENERAL LICENSING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY, 21 FEBRUARY 2024

Present:

Councillor Carol Lacey (Chair) (in the Chair)

Councillor Clive Fletcher
Councillor Michael Roe

Councillor Fran Petersen
Councillor Richard Welton

Also Present:

R Munir	Legal Services Manager
C Terry	Environmental Health Team Manager (Licensing)
L Spinks	Senior Legal Officer
L Delamore	Licensing & Enforcement Officer
T Scott	Governance and Scrutiny Officer

GLC/ Apologies for Absence

7/23/

24 Apologies were received from Councillors D Higgon and M E Thacker MBE JP.

GLC/ Declarations of Interest

8/23/

24 None.

GLC/ Minutes of Last Meeting

9/23/

24 RESOLVED - That the Minutes of the meeting held on 15 September 2023 were approved as a correct record and signed by the Chair.

GLC/ CCTV Update

10/2

3/24 The Environmental Health Team Manager (Licensing) delivered an update on the progress of the CCTV Policy which had made it mandatory for vehicles licensed by the Council to include a CCTV camera inside.

The Committee was informed that the policy was now fully implemented, and 5 exemptions to the policy had been granted with 4 waiting to be considered.

The Committee agreed that the policy and its implementation had now been completed, so would not require any further progress updates from the Environmental Health Team Manager (Licensing).

The Chair asked how many licensed vehicles the Council had in 2020, with the intention of comparing the amounts before and after the policy was introduced. Environmental Health Team Manager (Licensing) stated that she would circulate the specific number to Members after the meeting.

RESOLVED – That the update was noted.

GLC/ Matters of Urgency

11/2

3/24 None.

North East Derbyshire District Council

General Licensing Committee

7 November 2024

REVIEW OF THE COUNCIL'S TAXI LICENSING FEES UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Report of the Joint Assistant Director for Environmental Health

<u>Classification:</u>	This report is public
<u>Report By:</u>	Lindsey Delamore, Licensing and Enforcement Officer & Charmaine Terry, Environmental Health Team Manager (Licensing)
<u>Contact Officer:</u>	Charmaine Terry, Environmental Health Team Manager (Licensing), 01246 217228, charmaine.terry@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To review the licence fees for Hackney Carriage and Private Hire Vehicles, Drivers, and Operators.

RECOMMENDATIONS

1. The Committee approves the revised draft licence fees for consultation.
 2. The Committee requires the Joint Assistant Director of Environmental Health conduct a consultation directly with the trade and place the statutory notice in the relevant local newspaper, on the Council premises and on the Council website.
 3. In the event objections are received, the Committee requires the Joint Assistant Director of Environmental Health to report any objections to the modified fees back to the General Licensing Committee in line with the legislative requirements.
 4. In the event no objections are received, the Committee requires the Joint Assistant Director of Environmental Health implement the new fees and charges.
-

IMPLICATIONS

Finance and Risk: **Yes** **No**

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets.

Having fees that are up to date ensure the Council is delivering a cost neutral service.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

Details:

It is a legal requirement under the Local Government (Miscellaneous Provisions) Act 1976 that a licensing authority does not make a profit when delivering a taxi licensing regime. Having fees that are up to date; compliant with the legislation; justified; proportionate; clear; objective; made public in advance; transparent; and accessible reduces the risk of legal challenge by way of appeal or judicial review.

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	All
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Yes, appended.
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/></p>	Yes Details: Chair of General Licensing Committee Portfolio Holder for Environment

Links to Council Plan priorities, including Climate Change, Economic and Health implications.
All

REPORT DETAILS

1 **Background** (reasons for bringing the report)

- 1.1 North East Derbyshire District Council is responsible for the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

- 1.2 Under s.53 and s.70 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act'), Local Authorities are permitted to set licence fees in respect of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators.
- 1.3 The Act only permits the Council to make a charge for the administration and supervision of licences at the point of the grant of a licence and does not make provision for additional charges during the currency of a licence. For example, to cover the cost of a replacement licence. However, under s.93 of the Local Government Act 2003 ('the LG Act 2003') the Council is permitted to make a charge for discretionary services. Where a charge is not permitted under the Act a discretionary services charge has been included in line with the provisions of the LG Act 2003.
- 1.4 In line with regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000, fee setting for taxi licensing is a non-Executive function of the Council and decisions are to be taken by the General Licensing Committee.
- 1.5 The Local Government Association (LGA) sets out what can and cannot be included when setting fees. A copy of the guidance can be found at <https://www.local.gov.uk/publications/lga-guidance-locally-set-licensing-fees>. Whilst this guidance does set out a methodology for the review of licensing fees, the guidance does not take account of specific statutory restrictions applicable to taxi licensing and has therefore been used as a starting point only.
- 1.6 Any fee in relation to taxi licensing must only recover reasonable costs associated with the administration and supervision of licences and cannot generate a profit to cross subsidise other areas of licensing or the Council. Any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income.
- 1.7 In recent years, case law has provided clarity on what costs can be recovered as part of the taxi licensing regime. R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019), provided clarification that the costs of enforcement and compliance can be recovered against driver fees; and R (Cummings) v Cardiff [2014] confirmed that charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.
- 1.8 Licence fees cannot be used to recover the cost of enforcement against unlicensed drivers, vehicles, and operators, as such, any cost for enforcement

against unlicensed activity must be met out of general funds and recovered, where possible through prosecution costs in court

2. Details of Proposal or Information

- 2.1 Since the last review of the Council's taxi licensing fees, costs have continued to rise and an increase in statutory requirements and changes to policy have placed further pressures on the Licensing Team. This means that our current taxi fees are no longer sufficient to recover costs.
- 2.2 The Joint Environmental Health Service has conducted a comprehensive review of the current taxi licensing fees. In calculating the fees, a robust methodology, adopted widely across the Country, has been used, with input from the Council's s.151 officer. When calculating the proposed fees, the Licensing Team has taken into consideration the time taken to process each type of licence along with staffing costs, costs of materials, enforcement against current licence holders, policy development and general overheads. A table of proposed fee calculations are attached as **Appendix 1**. The fees have been calculated in line with the legislation and case law and have been rounded up/down to the nearest pound.
- 2.3 To assist Members in considering if the proposed fees are reasonable, officers have benchmarked the licence fees against those charged by other local authorities in Derbyshire. Benchmarking shows that the proposed fees remain competitive with other Derbyshire local authorities and a comparison table can be found attached as **Appendix 2**.
- 2.4 Whilst the majority of the fees have increased, we have seen a reduction to some fees. This has been achieved through efficiency savings via reviewing internal processes and transferring processing duties to that of a lower graded post. Whilst those same efficiency savings have been achieved in most areas of taxi licensing, the level of increased statutory requirements and the increase in material costs outweigh the efficiency savings.

Next Steps

- 2.5 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that any proposed variation to fees for hackney carriage and private hire vehicles and private hire operators must be advertised in a local newspaper and be displayed in the Council Offices where they can be readily seen by members of the public. The Council must allow at least 28 days for comments to be made on the proposed variation. A draft notice has been prepared and can be found attached as **Appendix 3**.

- 2.6 There is no requirement to consult on or advertise any variations for other fees, such as those in relation to drivers' licences and miscellaneous items. However, it is proposed that the proposed changes to all fees be advertised.
- 2.7 In addition to advertising the statutory notice, licence holders will also directly be notified of the proposed fee changes.
- 2.8 If no objections are received during this period, the fees will come into force 28 days after the date that the public notice is advertised in the local newspaper. However, if objections are received, a further report will be placed before the General Licensing Committee no later than 2 months after the first specified date on which the new fares would come into force.

3 Reasons for Recommendation

- 3.1 Modifying the fees will ensure the Licensing Service remains cost neutral and recovers all reasonable costs in the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators.
- 3.2 Failing to set licence fees in accordance with the statutory requirements could lead to a challenge against the Council. This may result in any unlawful licence fees having to be refunded to members of the trade. Failure to modify the fees could also result in the Council operating the service at a loss. Should the taxi licensing service operate at a loss, the Council as a whole will bear the cost.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could choose to keep the current fees in place. If the Council keeps the current licence fees in place, this will result in the service operating at a loss for most licence types and for others may result in the Council overcharging.

DOCUMENT INFORMATION

Appendix No	Title
1	Proposed Taxi Licensing Fees
2	Fee Comparison
3	Draft Newspaper Advert
4	EIA Stage 1 Screening Document
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)</p>	
Financial accounts and Council records	

Appendix 1 – Proposed Fees

Private Hire Operator				
1 Year	2 Year	3 Year	4 Year	5 Year
£291	£369	£447	£526	£604
Combined Hackney Carriage and Private Hire Vehicle Driver Licence (or single licence), plus the DBS fee if required				
1 Year	2 Year		3 Year	
£194	£256		£311	
Hackney Carriage & Private Hire Vehicle Licences				
Six-month licence (New)			£151	
Six-month licence (Renewal)			£123	
Transfer ownership*			£23	
Vehicle Test (inc. MOT where requested)**			£75	
Re-test fees**			£10 for the first item £5 for each additional item up to a maximum fee of £25 £35 full retest	
Missed test appointment**			£20 (if less than 24 hours' notice)	
Miscellaneous Costs				
Driver Theory test			£50	
Replacement lost licence plate*			£26	
Replacement lost licence badge*			£17	
Replacement paper licence*			£10	

*costs recovered as discretionary fee via Local Government Act 2003

** fee set by Transport Depot

Appendix 2 – Fee Comparison

Fee Type		Bolsover and North East Derbyshire (CURRENT)	Bolsover and North East Derbyshire (PROPOSED)	Amber Valley	Chesterfield	Derby	Derbyshire Dales	Erewash	High Peak	South Derbyshire
Private Hire Operator	1 Year	£234.00	£291.00	-	-	-	-	-	£107.00	-
	2 Year	£337.00	£369.00	-	-	-	-	-	-	-
	3 Year	£438.00	£447.00	-	-	-	-	-	-	-
	4 Year	£541.00	£526.00	-	-	-	-	-	-	-
	5 Year	£644.00	£604.00	£306.00	£845.00 (plus £37.00 per vehicle)	£113.00 (per vehicle)	£540.60	£441.00	£321.50	-
	5 Year (1-5 cars)	-	-	-	-	-	-	-	-	£382.00
	5 Year (6-20 cars)	-	-	-	-	-	-	-	-	£505.00
	5 Year (21-50 cars)	-	-	-	-	-	-	-	-	£684.00
	5 Year (51 cars+)	-	-	-	-	-	-	-	-	£893.00

Hackney Carriage & Private Hire Driver Licence	Hackney Carriage 1 Year	£150.00	£194.00	-	-	-	-	£85.00	-	£135.00
	Hackney Carriage 2 Year	£165.00	£256.00	-	-	-	-	-	-	£190.00
	Hackney Carriage 3 Year	£180.00	£311.00	£223.00	£268.00 initial/ £268.00 renewal	£361.00	£217.50	£245.00	-	£265.00
	Private Hire 1 Year	£150.00	£194.00	-	-	-	-	£85.00	£76.00	£135.00
	Private Hire 2 Year	£165.00	£256.00	-	-	-	-	-	-	£190.00
	Private Hire 3 Year	£180.00	£311.00	£223.00	£268.00 initial/ £268.00 renewal	£361.00	£217.50	£245.00	£153.00	£265.00
Hackney Carriage, Private Hire & Executive	6 months	£92.00	£151.00 (New) £123.00 (Renewal)	-	-	-	-	-	-	-

Hire Vehicle Licences	Hackney Carriage 1 Year (New)	-	-	£409.00	£193 + £10 limitation check	£211.00	£402.80	Vehicle under 5 years £245 + 1 test £43 = £288 Over 5 years - £245 + 2 tests £86 = £331	£183.50	£190.00
	Hackney Carriage 1 Year (Renewal)	-	-	£338.00	£134 + £10 limitation check	134 + £10 limitation check	£402.80	Vehicle under 5 years £245 + 1 test £43 = £288 Over 5 years - £245 + 2 tests £86 = £331	£183.50	£190.00
	Private Hire 1 Year (New)	-	-	£409.00	£193.00	£104.00	£402.80	Vehicle under 5 years £245 + 1 test £43 = £288	£183.50	£121.00

								Over 5 years - £245 + 2 tests £86 = £331		
	Private Hire 1 Year (Renewal)	-	-	£293.50	£134.00	£104.00	£402.80	Vehicle under 5 years £245.00 + 1 test £43.00 = £288.00 Over 5 years - £245.00 + 2 tests £86.00 = £331.00	£183.50	£121.00
	Executive Hire 1 Year (New)	-	-	-	£86.00	£161.00	-	-	-	-
	Executive Hire 1 Year (Renewal)	-	-	-	£75.00	-	-	-	-	-

	Vehicle test	£75.00	£75.00*	-	£76.00	-	-	-	-	-
	Retest fee (first item)	£10.00	£10.00*	£34.00	£10.00	-	£38.50 (two items or less)/ £80.60 (3 or more items)	30 mins - £22.00	-	-
	Retest fees (additional items)	£5.00 up to a maximum of £25.00	£5.00 up to a maximum of £25.00*	-	£5.00 up to a maximum of £25.00	-		1 hour - £43.00	-	-
	Retest fee (full retest)	£35.00	£35.00*	-	£36.00	-	£80.60	-	-	£31.00
	Limousine test	-	-	-	£25.00	-	-	-	-	-
	Missed test appointment	£20.00	£20.00*	£33.00	-	-	£41.50	£22.00	-	£31.00
Miscellaneous Costs	DBS Application Cost	-	-	-	£72.00	£71.00	-	£38.00	-	-
	Administration Fee	-	-	-	-	£63.00	£2.75	£22.00	£10.50	-
	Route 2 DBS Check Admin Fee	-	-	-	-	-	-	-	-	-

Driver Theory Test	£30.00	£50.00	£35.00	£64.00	£117.50	£41.00	£38.00	£20.50	£38.40
Replacement lost licence plate	£15.00	£26.00	£15.00	£9.00 (front)/ £11.00 (rear)	£35.00	£11.75	£27.00	£10.00	£15.00
Replacement driver badge	£15.00	£17.00	£10.00	£4.00	£24.00	£4.10	£27.00	£10.00	£15.00
Replacement paper licence	£8.00	£10.00	£10.00	£1.00	£30.00	£12.85	-	£10.00	£10.50
Vehicle Change	-	-	£48.00	£48.00	£20.00	£41.50	£120.00	£51.00	£38.00
Vehicle Details Change	-	-	£43.00	£43.00	£34.00	-	£22.00	£10.50	£10.50

*Fee set by the transport depot

Appendix 3 – Public Notice



**North East
Derbyshire**
District Council

Variation of Fees for Hackney Carriage & Private Hire Combined Driver Licence, Hackney Carriage Vehicle, Private Hire Vehicle Licence, and Private Hire Operator Licences 2024

Notice is hereby given, in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, that North East Derbyshire District Council proposes to vary the fees for the grant and renewal of a Hackney Carriage & Private Hire Drivers Licence, Hackney Carriage or Private Hire Vehicle Licence, and a Private Hire Operator Licence as follows:

DRIVER LICENCES	CURRENT	PROPOSED
1 YEAR	£150.00	£194.00
2 YEAR	£165.00	£256.00
3 YEAR	£180.00	£311.00
VEHICLE LICENCES	CURRENT	PROPOSED
6 MONTHS (RENEWAL)	£92.00	£123.00
6 MONTHS (NEW)	£92.00	£151.00
TRANSFER OWNERSHIP	N/A	£23.00
OPERATOR LICENCES	CURRENT	PROPOSED
1 YEAR	£234.00	£291.00
2 YEARS	£337.00	£369.00
3 YEARS	£438.00	£447.00
4 YEARS	£541.00	£526.00
5 YEARS	£644.00	£604.00
MISCELLANEOUS	CURRENT	PROPOSED
DRIVER THEORY TEST	£30.00	£50.00
REPLACEMENT DRIVER BADGE	£15.00	£17.00
REPLACEMENT PAPER LICENCE	£8.00	£10.00
REPLACEMENT PLATE (Cost includes plate only and does not include replacement brackets or fixings, an additional charge will be applicable in the event replacement fixings are required)	£15.00	£26.00

A copy of the notice may be inspected at North East Derbyshire District Council, 2013 Mill Lane, Chesterfield, S42 6NG without payment during normal office hours for twenty-eight days from the date of the first publication of this notice. Appointments to view the notice can be arranged by contacting us at 01246 217884 / 217885 or e-mailing us (see below).

Any objections should be made in writing to the Licensing Department, 2013 Mill Lane, Chesterfield, S42 6NG or by email to: Licensing.Consultation@ne-derbyshire.gov.uk. Any objections must be received by ** **** 2025. If no objections to the variation are received within twenty-eight days from the date of the publication of the notice, the variation shall come into operation on ** **** 2025.

Appendix 4 – EIA Screening



**North East
Derbyshire**
District Council

Stage 1 – Equality Impact Assessment Screening

Any new policy, strategy, function, service, practice, or proposal will need to be screened to decide whether it's relevant to equality and if this is the case, it is necessary to build an assessment (Stage 2) into the **initial drafting or development** of the piece of work.

The relevant strands of equality are:

Age, Disability, Gender identity/Gender reassignment, Race, Religion or belief, Sex, Sexual orientation, Women who are pregnant or have recently had a baby.

Also, for issues affecting staff, consider employees who are married or in a civil partnership.

The next section sets out the points you may need to consider in determining whether to carry out an EIA (stage 2). For advice/support in making this determination, please contact the Performance & Improvement Team (Equality lead).

Title of policy or proposal	REVIEW OF THE COUNCIL'S TAXI LICENSING FEES
Name of EIA lead	Charmaine Terry
Briefly describe the aims of the policy, strategy, service, decision or proposal, its aims, the likely outcomes, and the rationale for it	To review the licence fees for Hackney Carriage and Private Hire Vehicles, Drivers, and Operators. Modifying the fees will ensure the Licensing Service remains cost neutral and recovers all reasonable costs associated with administering the licensing regime. The fees are likely to increase in some areas and decrease in others. Increased costs for staffing, materials, and general overheads means fees are likely to increase. Increased levels of checks are also likely to result in an increase. Some efficiency savings have been made by streamlining processes which has seen a reduction in some areas.

	Initial Assessment Considerations	Yes	No	Comments
1.	Does this policy/proposal affect people: <ul style="list-style-type: none"> • Customers • Residents • Staff 	X		
2.	Does it have the potential to adversely impact on any of the protected characteristics?		X	
3.	Can the council influence the impact? E.g., is it a statutory requirement, national guidance etc.	X		Statutory requirements and case law dictate the recoverable costs
4.	Are existing equality monitoring processes already in place? If so, please note under comments	X		The Council's processes and standards are set out in a Policy, for which an EIA has been undertaken.

If the answer to questions 1 to 3 above is 'yes', then an **Equality Impact Assessment** (Stage 2) may be necessary.

A copy of the form should be sent via email to the Performance and Improvement (Equality Lead) amar.bashir@ne-derbyshire.gov.uk and a copy should be retained with your policy/proposal documentation.

Equality Officer Recommendation	Tick as appropriate	Date
EIA Stage 2 required		
EIA Stage 2 NOT required	X	03.10.2024

Copy to be returned to the EIA lead with Equality Officer recommendation.

Performance and Improvement Team to keep a central electronic record of all decisions made under Stage 1.