

EXECUTIVE COMMITTEE

LEADER: Cllr Jeremy Christophers

DATE: 3 November 2015
REPORT OF: LICENSING OFFICER
SUBJECT: PRIVATE HIRE OPERATOR LICENCE FEES

PART I

RECOMMENDATION

That the Executive

- (a) approves the proposed licence fees outlined in this report with an implementation date of 1 October 2015;
- (b) If objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter must come back before the next appropriate Committee meeting so that any such objections can be considered, modifications be considered, and a new date for the introduction of the variations can be set; and
- (c) That on 1 October 2015 paragraph 10.1 of the Hackney Carriage and Private Hire Licensing Policy be amended to: **If you operate a Private Hire service you must apply to the Council for a Private Hire operator's licence. Such licences will be valid for a maximum of 5 years and on application the Council requires a completed application form and payment of the licence fee'.**

1. PURPOSE

The purpose of this Report is to recommend new licence fees for private hire operators to reflect the change in the duration of a licence.

2. BACKGROUND

- 2.1 The Deregulation Act 2015 amends the sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the duration of private hire vehicles and operators' licences for private hire vehicles.
- 2.2 The present practice in Teignbridge is to grant these licences for a period of one year only.

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- 2.3 The amendments made by the Deregulation Act establish a standard duration for a private hire operator's licence of 5 years. A licence may be granted for a shorter period where there is a justifiable reason. This reason would be related to the circumstances of an individual case and could not flow from a blanket policy.
- 2.4 The commencement date for these measures is 1st October 2015. The purpose of this Report is to recommend new licence fees for private hire operators to reflect the change in the duration of a licence.

3. PROPOSED FEES

- 3.1 The table below shows the existing fees compared with the proposed new fees.

	Existing Fee	Proposed 1 Year	Proposed 5 Year
PH Operator	£70	£70	£210

- 3.2 Although the legislation states that an operator's licence should be granted for 5 years there may be circumstances in which it may be appropriate to grant a licence for a shorter period e.g. where an operator requests a 1 year licence or the licence holder has a pending prosecution. Therefore proposed fees for both a 1 year licence and 5 year licence have been calculated for approval.

4. CHANGES TO POLICY & CONDITIONS

- 4.1 The change in licence duration will require amendments to be made to the current Hackney Carriage and Private Hire Licensing Policy. As it refers to a licence duration of 1 year.
- 4.2 Section 10.1 of the Policy will need to be amended as follows:

'If you operate a Private Hire service you must apply to the Council for a Private Hire operator's licence. Such licences will be valid for a maximum of 5 years and on application the Council requires a completed application form and payment of the licence fee.'

5. FINANCIAL IMPLICATIONS

The report sets out the proposed fee change to take effect from 1st October 2015.

6. LEGAL IMPLICATIONS

- 6.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees in respect of private hire operators' licences. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.

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- 6.2 The Act, which dates from 1976, states that the fee for operators' licences shall not exceed £25 or such other sum as the Council may from time to time determine. In the light of current costs £25 is not seen as a realistic fee.
- 6.3 When the Council proposes to set new fees for operators' licences it is required by Section 70 of the 1976 Act to publish notice of the proposed variation in a local newspaper stating that objections may be made within a period of not less than 28 days. If objections are received and not withdrawn the Council must consider them and set a further date on which the variation shall come into force with or without modifications.

Hayley Carpenter
Licensing Officer

Wards affected	All
Contact for any more information	Hayley Carpenter
Background Papers (For Part I reports only)	Deregulation Act 2015 Hackney Carriage and Private Hire Licensing Policy Local Government (Miscellaneous Provisions) Act 1976
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N