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Licensing Committee

15 JANUARY 2018

PRESENT: Councillors M Hawkett (Vice-Chair, in the Chair), A Huxley, T Mills, L Monger, R Newcombe (In place of J Brandis), G Powell, S Renshell and B Russel

APOLOGIES: Councillors S Lambert, S Morgan and Sir Beville Stanier Bt

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 11 September 2017 be approved as a correct record.

2. TAXI AND PRIVATE HIRE LICENSING: FEES AND CHARGES

The Committee received a report which proposed a review of taxi and private hire fees and charges, and proposed the Regulatory Services Group Manager undertake formal consultation. This report had been considered at the Environment & Living Scrutiny Committee on 19 December 2017 in which Member feedback was sought to ensure additional governance. The Scrutiny Committee's focus for questions was on the legality of the proposed changes to fees and charges, and the response anticipated from the taxi trade.

Taxi and private hire license fees and charges had not been formally reviewed by AVDC for a number of years. Taxi licensing had been subject to a number of technological changes over the past two years in addition to changes in legislation and various initiatives brought in by Licensing Committee. AVDC was not allowed to make a profit from license fees and was obliged to carry forward any surplus or deficit to any future review of fees. LGA guidance was available [via this link](#) which aimed to provide Local Authorities with a breadth of considerations when assessing license fees. The LGA believed that regulatory services were at the heart of councils' economic growth and accounted to 50% of business' contact with the council. This guidance did not take into account specific statutory restrictions applicable to taxi and private hire fees so not all the costs listed were in the proposed fee structure.

The most significant change in fees were seen in the areas of hackney carriage and private hire driver licenses where the cost of a new three year license had risen from £156 to £193. This was due to the increased resource requirements imposed on local authorities by the Deregulation Act 2015 which enabled applicants from outside the Vale to apply for a driver license from AVDC. AVDC carried out a series of checks on all license applicants to determine whether they were fit and proper to drive and ensure they did not pose an unacceptable risk to the safety of the travelling public. These checks cost the authority staff resource and money in order to carry out.

It was proposed that hackney carriage vehicle and private hire vehicle license fees were reduced with new hackney carriage vehicle licence applications from £372 to £300 and new private hire vehicle licence applications from £342 to £307. This was due to the benefits of new digital technology which managed the bookings and issuing of licenses which had consequently reduced the necessary resource required for this service delivery. The fees themselves had originated from the cost of providing the service and took into account staff time as well as time for the administration of Licensing Committee meetings. The service could not make a profit but did not need to operate at a loss. The fees would be reviewed periodically to ensure they were correctly priced.

Members sought more information and were advised:-

- i. Changes to fees and charges had a clear rationale with a breakdown in figures available to the trade upon request.
- ii. The figure for license holder applications had plateaued but it was expected that the introduction of the English language and Safeguarding tests would reduce applications from outside Aylesbury Vale.
- iii. If objections were received and not withdrawn during the consultation period then Licensing Committee would consider these in May and agree the final fees with or without modification.

RESOLVED –

That the taxi and private hire licensing fees set out in the report be approved with effect from 1 April 2018 and that the Regulatory Services Group Manager be authorised to undertake the statutory consultation.

3. AMENDMENT TO TAXI AND PRIVATE HIRE POLICY

The Committee heard the proposal of a small amendment to AVDC's policy on Taxis and Private Hire in respect to licensing of private hire vehicles. It had been found that a number of applicants had applied for AVDC private hire vehicle licenses with the intention of leasing them despite not residing within Aylesbury Vale and neither holding an AVDC private hire driver or operator license. Whilst not unlawful, the private hire vehicle license required not just the applicant but other persons using the vehicle to be specified. In practice, this was not being done and it had been more difficult for Officers to monitor who was driving the vehicles. To overcome this concern, the additional requirement meant that a vehicle license needed to be from a licensed driver or operator license holder. This requirement would only affect a small number of businesses which had already been notified of the proposed amendment. No relevant responses had been received to the notification.

Members sought more information and were advised:-

- i. The amendment would not be a condition of license so would not be subject to legal challenge.
- ii. Whilst difficult to quantify why these types of applications had been received by AVDC, it was expected that if the vehicle license applicants applied for a private hire/hackney carriage driver license then it would be rejected due to the detailed checks Officers carry out.
- iii. Deregulation meant that AVDC were unable to restrict applications to only those that lived or worked within Aylesbury Vale.
- iv. The enhanced vehicle check introduction was still ongoing but it was expected that this would impact vehicle license applications on older vehicles.

RESOLVED –

That the additional requirement in respect to the licensing of private hire vehicles be introduced as per the Officer report.