

# CHILTERN DISTRICT COUNCIL

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## Licensing & Regulation Committee

Thursday, 15th January, 2015 at 6.30 pm

Large & Small Committee Room, King George V House, King George V Road,  
Amersham

### A G E N D A

- 1 Evacuation Procedures
- 2 Minutes (*Pages 3 - 6*)  
To sign the Minutes of the meeting held on 23 October 2014.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Hackney Carriage and Private Hire Licensing Fees (*Pages 7 - 10*)  
*Appendix 1 (Pages 11 - 12)*  
*Appendix 2 (Pages 13 - 14)*  
*Appendix 3 (Pages 15 - 16)*  
*Appendix 4 (Pages 17 - 20)*  
*Appendix 5 (Pages 21 - 22)*
- 6 Exclusion of the Public  
To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

7 Private Reports (if any)

**Note:** All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: Licensing & Regulation Committee**

Councillors: P N Shepherd (Chairman)  
M Vivis (Vice-Chairman)  
N L Brown  
Mrs J A Burton  
M J Cunnane  
G K Harris  
P M Jones  
D J Lacey  
D G Meacock  
M Prince  
N M Rose  
J J Rush  
C H Spruytenburg  
J F Warder  
A P Williams

**Date of next meeting – Thursday, 5 March 2015**

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**CHILTERN DISTRICT COUNCIL**

**MINUTES of the Meeting of the  
LICENSING & REGULATION COMMITTEE**  
held on **23 OCTOBER 2014**

**PRESENT:** Councillor P N Shepherd - Chairman

Councillors: G K Harris  
P M Jones  
D G Meacock  
C H Spruytenburg  
J F Warder

**APOLOGIES FOR ABSENCE** were received from Councillors M Vivis, N L Brown, Mrs J A Burton, M J Cunnane, D J Lacey, M Prince, J J Rush and A P Williams

**21 MINUTES**

The Minutes of the meeting held on 1 May 2014, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

**22 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**23 STREET COLLECTION**

At the Licensing and Regulation Committee on 1 May 2014 a report was requested by the Committee advising of the current policy and procedures for Street Collections. The Committee noted that a licence was required to collect money and to sell items on the street. The Council's policy stated that only one licence should be granted per area unless there were exceptional circumstances, such as national or international disaster appeals. Applications for Street Collecting permits have to be made to the Council at least a month prior to when the collections were planned to take place. A single permit can cover a period of up to 10 days within which collections can take place. A charity can use as many collectors as it likes within the area that the permit covered, but each collector would have to be at least 25 metres from another.

It was noted that the Council could not levy a charge for a permit, and therefore the process had been made as automated as possible. As no income can be generated, the Licensing Team were also not actively searching for collectors operating without a licence unless a complaint was submitted against them.

Members questioned whether the policies and procedures covered direct debit collectors, and were advised that they could not be controlled through

Street Collection permits. It was stated that if their behaviour was considered aggressive it could be considered to be a breach of the peace and it may be possible to control with new anti-social behaviour legislation.

It was asked whether the Council could control the frequency that an organisation was granted a permit, and it was noted that the only control available to the Council was that only one permit was granted per area. The report outlined a limited number of organisations with repeated permits. Permits were required on any land that was accessible or open to the public, including in shop doorways. It was noted that Tesco in Old Amersham often had collectors outside the shop, yet it did not appear as though many of these had applied for a licence. It was suggested that the Licensing Team write to Tesco to advise them of the necessity for the collectors to be licensed.

### **RESOLVED:**

**That the report be noted.**

*Note: Councillor J Warder entered the meeting at 6.40pm*

## **24 MEDICAL REQUIREMENTS FOR TAXI AND PRIVATE HIRE DRIVERS**

The Licensing and Regulation Committee had previously requested a report on the medical requirements for Taxi and Private Hire Drivers following the death of a Private Hire driver whilst on duty. It was noted that no other persons were in the vehicle at the time and that the vehicle was stationary at Chesham Train Station at the time. This highlighted the importance of medical checks as part of the Council's approach to monitoring the health of the drivers for the safety of the public.

Councillors were advised that drivers under 45 had to have a medical every 5 years. Drivers aged between 45 and 65 would have a medical every 3 years, and drivers aged over 65 would have to have annual medical checks. Drivers with insulin treated diabetes would be allowed to have a licence, but would have annual medical checks. The current policy states that the medical examinations would be carried out by the driver's GP. An alternative to this would be to ask that an independent doctor carry out the check, but they would have no access to background history. Currently, reminders were sent to drivers two months before the medical check was due to expire. A suspension notice would be given 28 days after the medical check had expired. It was also in the Council's power to request a medical check at any time.

Councillors raised concerns that the suspension notice if a valid medical check had not been carried out was not issued for 28 days, and questioned whether this was too lenient. If the driver's own GP was unavailable, it was suggested that they should find a doctor who was able to perform the check before the deadline. It was also questioned what affect driving without a valid health check would have on the driver's insurance should an incident occur.

It was stated that it would be possible for a suspension to be issued immediately if Members considered this to be a risk to public safety. It was noted that it was rare that a driver would not return a valid medical check by the deadline. Members suggested that unless there were exceptional circumstances, the licence should be suspended immediately. The Licensing Team would also increase the number of reminders sent to drivers. If the driver worked through an operator, it would also be possible for reminders to be sent to the company.

**RESOLVED:**

**That the report be noted.**

**25 EXCLUSION OF THE PUBLIC**

**RESOLVED –**

**That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.**

*Note: The relevant paragraph number from Part 1 of Schedule 12A is indicated at the end of the Minute heading.*

**26 LICENSING AND ENFORCEMENT UPDATE**

Winkers Nightclub

Winkers Nightclub had previously been moving patrons into cars at the end of an evening, and in this manner had been acting as an operator for taxis. If this had continued the nightclub would require an operator's licence. It was noted that the nightclub now provided a phone for patrons to use to arrange taxis as well as a list of private hire companies.

The Licensing Team had been notified that Winkers had been holding evenings where lap dancing was provided, without currently holding a licence permitting this type of activity. Without a specific licence, Winkers would be able to hold no more than 11 events per year, with no more than one occurring in a month. The nightclub had been advised that it would need to apply for a licence to continue these activities, and had advised the Licensing Team that they were considering putting an application together.

Kings Chapel, Old Amersham

It was noted that this premises had recently been licensed and there had been noise complaints, which Environmental Health was investigating. There was a good relationship between the Council and the licence holder, who had been

inviting local residents to engage in discussions and had been measuring noise levels.

### Shared Services

One comment that had arisen during the service reviews was that it may be beneficial for the Licensing Team to visit parts of the District in the evenings. Officers had visited Chesham and Amersham late in the evenings, and there would be no problems with that continuing in the future.

### Newlands Manor

Newlands Manor was a licensed wedding venue. Complaints had been received regarding fireworks being set off by patrons on land near the licensed venue. Concerns were raised by local horse owners, but it was noted that the fireworks were not being set off on the licensed land. Environmental Health was leading on the investigation into the complaints.

### **RESOLVED:**

**That the report be noted.**

*Note: Councillor Harris left the meeting at 19.22*

**The meeting ended at 7.30 pm**

**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE - 15 JANUARY 2015**

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*Background Papers, if any, are specified at the end of the Report*

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES**

*Contact Officer: Nathan March 01494 732056 nmarch@chiltern.gov.uk*

**RECOMMENDATIONS**

- **To consider the proposed changes to the fees and charges to Hackney Carriage and Private Hire Licensing for 2015/16**
- **To consider the impact of these changes on the Policy and agree in principle changes to the policy which are impacted by the proposed fees and charges**

**Background**

- 1 The fees were last increased in 2007/8 following the Licensing and Regulation Committee meeting on 15th March 2007. This report sets out the options for the fees for April 2015/16
- 2 The licence fees for vehicles, operators and drivers are subject to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 ("1976 Act"). Section 53(2) of the 1976 Act in respect of Drivers Licences for Hackney carriages and private hire vehicles provides that the Council may charge and recover the reasonable costs of issue and administration.
- 3 Section 70 of the 1976 Act further provides that the Council may charge such fees for the grant of vehicle and operator licences as may be sufficient to cover in whole or part the reasonable costs of carrying out inspections of vehicles, reasonable administrative or other costs, and the control and supervision of Hackney carriages and private hire vehicles. The 1976 Act requires that where it is proposed that a fee exceeding £25 be imposed, an advertisement be made in the local newspaper, giving 28 days for objections.
- 4 If objections are received the authority must give them due consideration before either modifying or confirming the charges. Once agreed, whether modified or otherwise, the fee will come into operation with immediate effect or on the date to be agreed, without the need for further consultation.
- 5 The service has been through the service review process as part of the shared service programme, and the reduction in the cost of the service has helped to keep any fees and charges increases to a minimum.

**Fee setting process**

- 6 The Licensing Service should be operated on a cost neutral basis as the legislation allows for full cost recovery of the licensing functions but requires that the service does not make a profit.
- 7 There have been a number of legal challenges to the level of fees that have been levied by licensing authorities. The focus of these challenges has been where fees are considered to be higher than the cost of exercising the functions connected to the provision of licences and also where it has been considered that cross subsidisation is occurring. Cross subsidisation is not permitted under the legislation and requires that fees are charged to the correct licence holders for the specific functions connected to that licence.
- 8 Surpluses and deficits need to be taken into consideration when setting fees. The provision of Hackney Carriage and Private Hire licences have to be treated separately, so one cannot offset the other.
- 9 The figures for the income and expenditure for the licensing service suggest that each year since 2011/12, the Licensing Service has had surpluses in relation to the provision of taxi and private hire licences. However, the service review has identified that the proportion of work undertaken in respect of Hackney Carriages and Private Hire was underestimated. **Appendix 3** shows that 63% of the licensing activity is spent on Hackney Carriages and Private Hire.
- 10 To ensure that the Council's fees are set appropriately for each licence, the following process has been used for the estimation of costs:
  1. The volume of work and the time taken to carry out all licensing functions associated with each licence was estimated using data from the last 12 months.
  2. The Licensing Service resource costs were taken from the current year joint service budget (**Appendix 2**).
  3. Items 1 and 2 above were used to establish the cost of the time spent on each function. This enabled the costs associated with the time spent on Hackney Carriage and Private Hire to be identified.
  4. The calculated costs of Hackney Carriage and Private Hire (shown in **Appendix 5**) were compared to current fees to consider appropriate level of the proposed fees.
  5. As the costs have to be considered separately for all Hackney Carriage and Private Hire licences, the table in **Appendix 4** shows the breakdown of time that is spent on each licence type and the associated cost in doing so.
- 11 The proposed fees aim to move the service closer to being cost neutral. The impact in Chiltern will be mainly on new applicants and in relation to the renewal of Private Hire vehicles and the issue of Private Hire Operator licences

Classification: OFFICIAL

12 None of the proposed fees are higher than the estimated cost of recovery for the licensing function to ensure that the Council is protected against the risk of a challenge connected to these fees and charges. If the fees are agreed as proposed, it is estimated that £253k of the cost of the licensing service will be recovered. The cost of providing the service in relation to Taxi and Private Hire is estimated at 289k, so full in year cost recovery will not be achieved despite the increases.

13 The full table of proposed fees is attached in **Appendix 1**

14 Private Hire Operators

The Council currently charges a flat rate of £100 for Operators Licences, irrespective of the number of vehicles that work for them. It is considered that the licensing functions connected to operators is affected by the number of vehicles that the operator uses and therefore it is likely that cross subsidisation could occur where operators of few vehicles are paying the same fee as those with many. As a result of this the proposed fees introduce a banding system for operators as follows:

rate 1 vehicle  
 rate 2-4 vehicles  
 rate 5-10 vehicles  
 rate 11+ vehicles

This proposed structure involves a cost increase for all operators with the aim of moving closer to full cost recovery for the associated licensing functions. However, as this was a flat rate of £100 previously, the larger operators will experience more significant increases.

15 Fee charged when application is not granted

A fee of £47 has been proposed for applications which are refused, or not proceeded with. This is the estimated cost of one hour work of a member of the Healthy Communities section and is to cover the cost of the partially processing of an application.

16 Introduction of 3 year driver licences

As part of the proposed fees, an option to allow drivers to be licensed for 3 years has been developed. Allowing drivers to be licensed for 3 years rather than just 1 reduces the cost to the Council as it reduces the amount of admin required over the 3 year period, this could reduce officer time required on processing applications and would allow the applicant to obtain a 3 year licence at a lower cost than that of obtaining annual licences over the same period. This would not affect the requirement for criminal record checks or medicals, and would not prevent the Council from taking appropriate action against any driver involved in any incident reported to the authority.

***Background Papers***

The fees have been calculated using an excel database which is available on request.

**CDC Hackney Carriage and Private Hire Fees**

<b>Type of licence</b>	<b>Existing Fee (£)</b>	<b>Proposed Fee (£)</b>
One year Hackney Carriage Vehicle Licence Grant	300	399
One year Hackney Carriage Vehicle Licence Grant using LPG and CNG Fuels	135	199.50 (50%)
Renewal Hackney Carriage Vehicle Licence	300	300
Renewal Hackney Carriage Vehicle Licence using LPG and CNG Fuels	135	150 (50%)
Hackney Carriage Drivers Licence Grant 1 year	95	161
Hackney Carriage Drivers Licence Grant 3 year	N/A	332
Hackney Carriage Drivers Licence Renewal 1 year	95	95
Hackney Carriage Drivers Licence Renewal 3 year	N/A	256
One year Private Hire Vehicle Licence Grant	200	329
One Year Private Hire Vehicle Licence Grant using LPG and CNG Fuels	135	164.50 (50%)
Renewal Private Hire Vehicle Licence	200	230
Renewal Private Hire Vehicle Licence using LPG and CNG Fuels	135	115 (50%)
Private Hire Drivers Licence Grant 1 year	95	161
Private Hire Drivers Licence Grant 3 year	N/A	332
Private Hire Drivers Licence Renewal 1 year	95	95
Private Hire Drivers Licence Renewal 3 year	N/A	256
Executive Plate	63	65
Transfer of Licence	80	90

Change of Vehicle	67	67
Replacement Internal Licence or badge	15	15
Replacement Plate	25	25
Private Hire Operators		
To operate 1 vehicle	100	155
To operate 2-4 vehicles	100	205
To operate 5-10 vehicles	100	255
To operate 11+ vehicles	100	305
Knowledge test	25	25
Bracket Charge	10	Cost of replacement
Disclosure and Barring Scheme	51	Cost of check (currently £44) +£8.50 Admin Charge
Admin charge should licence not be issued	N/A	47

**2014-15 Joint Licensing Service Costs**

The costs in the table are for the full provision of all Licensing regimes that the joint service has responsibility for across the two authorities

<b>Joint Service Costs</b>	<b>Cost (£)</b>
Staff costs (salary, training etc)	196,912
Section costs (equipment etc)	2,210
Recharges	265,199
Total joint service costs	464,321



**Proportionate breakdown of Licensing regimes dealt with by the Licensing section**

	<b>Total Hours</b>	<b>% of total time</b>
<b>Taxi</b>	4011	62.41
<b>LA03</b>	1374	21.38
<b>GA05</b>	165	2.56
<b>Pet Shop</b>	73	1.13
<b>Boarding</b>	124	1.92
<b>Home Boarding</b>	92	1.43
<b>Breeding</b>	15	0.23
<b>Riding</b>	19	0.29
<b>DWA</b>	5	0.08
<b>Needles</b>	45	0.70
<b>Street Trading</b>	0	0.00
<b>Scrap Metal</b>	116	1.81
<b>Mobile Homes</b>	102	1.58
<b>Sex Establishment</b>	0	0.00
<b>H2H/Street</b>	288	4.48
<b>Total</b>	<b>6426</b>	<b>100.00</b>



### CDC Time Estimates for Taxi and Private Hire Related Licensing

#### Hackney Carriage Driver licence

Action	Total	Time Taken (minutes)	Total Time (minutes)
HCDL 1yr new application	1	30	30
HCDL 1yr renewal application	177	30	5310
HCDL send renewal pack	187	10	1870
Medical Reminder	61	6	366
DBS Reminder	60	6	360
Medical Suspension letter	6	10	60
DBS Suspension letter	6	10	60
Medical Received	61	7	427
DBS Received	61	7	427
DBS check returned faulty	5	15	75
Sub-Committee reports	1	60	60
Case briefings to management	1	60	60
		<b>Total</b>	<b>9105</b>

#### Private Hire Driver Licence

Action	Total	Time Taken (minutes)	Total Time (minutes)
PHDL 1yr new application	4	30	120
PHDL 1yr renewal application	161	30	4830
PHDL 3yr new application	0	30	0
PHDL 3yr renewal application	0	30	0
PHDL send renewal pack	191	10	1910
Medical Reminder	62	6	372
DBS Reminder	62	6	372
Medical Suspension letter	6	10	60
DBS Suspension letter	6	10	60
Medical Received	62	7	434
DBS Received	62	7	434
DBS check returned faulty	5	15	75
Sub-Committee reports	2	60	120
Case briefings to management	2	60	120
		<b>Total</b>	<b>8907</b>

## Hackney Carriage Vehicle Licence

Action	Total	Time Taken (minutes)	Total Time (minutes)
HCVL new application	1	30	30
HCVL renewal application	137	30	4110
HCVL variation application	102	30	3060
HCVL transfer application	14	30	420
HCVL send renewal pack	166	10	1660
Insurance Reminder	165	6	990
MOT Reminder	169	6	1014
Compliance Reminder	255	6	1530
Insurance Suspension letter	21	10	210
MOT Suspension letter	20	10	200
Compliance Suspension letter	25	10	250
Insurance Received	168	7	1176
MOT Received	172	7	1204
Compliance Received	247	7	1729
Accident Report Form Received	22	7	154
Hackney Carriage initiatives	2	420	840
Complaint visits	0	90	0
Inspections following accident	0	15	0
Sub-Committee reports	0	60	0
Case briefings to management	0	60	0
		<b>Total</b>	<b>18577</b>

## Private Hire Vehicle Licence

Action	Total	Time Taken (minutes)	Total Time (minutes)
PHVL new application	1	30	30
PHVL renewal application	87	30	2610
PHVL variation application	38	30	1140
PHVL transfer application	5	30	150
PHVL send renewal pack	137	10	1370
Insurance Reminder	134	6	804
MOT Reminder	130	6	780
Compliance Reminder	190	6	1140
Insurance Suspension letter	6	10	60
MOT Suspension letter	9	10	90
Compliance Suspension letter	19	10	190
Insurance Received	111	7	777
MOT Received	132	7	924
Compliance Received	198	7	1386
Accident Report Form Received	13	7	91
Private Hire initiatives	2	420	840
Complaint visits	0	90	0
Inspections following accident	0	15	0
Inspections at Council	0	10	0
		<b>Total</b>	<b>12382</b>

**Private Hire Operators Licence**

<b>Action</b>	<b>Total</b>	<b>Time Taken (minutes)</b>	<b>Total Time (minutes)</b>
PHOP new application	0	30	0
PHOP renewal application	31	30	930
PHOP send renewal application	41	10	410
Private Hire base inspections	44	90	3060
Complaint visits	4	90	360
Sub-Committee reports	0	60	0
Case briefings to management	2	60	120
		<b>Total</b>	<b>5780</b>



**Average cost per licence for Joint Licensing Service**

The table below shows the average cost for providing each type of licence. The average cost does not take account for the difference in granting a new licence, compared to renewing an existing licence, this has been considered separately. The figures used show the work that the Licensing Service does in relation to Taxi and Private Hire Licensing across the 2 authorities i.e. the figures are the combined figures for CDC and SBDC. The only work that the joint service does in relation to taxi and private hire licensing that is not shown is the work done to provide dual badges, this is not shown as these are only available for SBDC drivers.

<b>Licence Type</b>	<b>Time</b>	<b>Percentage of Taxi Licensing time</b>	<b>Cost</b>	<b>No. Issued</b>	<b>Estimated average cost per licence (£)</b>
HCD	10497	14.07	40,818.59	242	168.67
PHD	11245	15.08	43,727.26	270	161.95
HCV	22591	30.29	87,847.27	217	404.83
PHV	20780	27.86	80,805.02	224	360.74
PHO	8140	10.91	31,653.17	65	486.97
<b>Total</b>	<b>73253</b>	<b>98.22*</b>	<b>284,622.15</b>		
Total cost of Taxi and PH Licensing (62.4% of Licensing Service)	289,782.05				

\*The Percentage Figure does not equate to 100% as 1.8% is used to deal with Dual Badges which are only provided for SBDC

