

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

PRIVATE HIRE OPERATORS LICENCE

DEREGULATION ACT 2015

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members of the Licensing Committee of the need to review the licence fees relating to Private Hire Operators Licences due to changes made by the Deregulation Act 2015.

2. BACKGROUND INFORMATION

- 2.1 The Deregulation Act 2015 received Royal Assent earlier this year. Section 10 of the Act makes changes to the length of time that the Council may issue a Private Hire Operators Licence for.
- 2.2 Under section 55 of the Local Government (Miscellaneous) Provisions Act 1976 the Council could issue an operator's licence for up to five years. The change to the legislation is quite subtle in that the requirement is for the Council to issue a five year licence, save where it is deemed appropriate to issue a licence for a lesser period.
- 2.3 Considering that there will be a requirement to issue a licence for five years, there will be a need to review the licence fee for the licence. The current licence fee for a licence for one year is £72.00. When setting licence fees, there is a requirement for the Council to abide by the Provisions of Service Regulations 2009. These regulations state that the Council cannot charge more than it costs to administer and enforce the issue of the licence. The cost of processing a licence for one year is currently £142.54. This figure does not include an element for enforcement. On average, at least five hours is spent on enforcement per operator. Thus, the annual fee should be £317.54 and the fee for a five year licence should be £1017.54. Enforcement costs are based on £35.00 per hour which included all costs, including Central Establishment Charges.

2.4 It is proposed to offer businesses the choice of licence they wish to apply for. The proposed fee for each is –

- £315.00 for a yearly licence,
- £490.00 for a two year licence,
- £665.00 for a three year licence,
- £840.00 for a four year licence, and
- £1015.00 for a five year licence.

These fees will ensure that the Council covers the cost of delivering the service.

2.5 It is not proposed to change any of the other fees relating to Hackney Carriage and Private Hire Licensing as all fees demonstrate cost recovery.

2.6 Before the fees can be implemented, the fees must be advertised. It is proposed that following the 28 day consultation period, any objections be determined by the Licensing Manager and Chairman of the Licensing Committee.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1 – To approve the proposed fees as detailed in paragraph 2.4.

3.2 Option 2 – To set a fee other than the fee proposed.

3.3 Option 3 – To reject the changes to the fees.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – The proposed fees will enable the council to cover the cost of administering the issue and enforcement of a private hire operator's licence. The offer of a five year licence is in accordance with the Deregulation Act 2015, while the offer of a licence for a lesser period is not precluded providing that the applicant wishes to apply for it.

4.2 Option 2 – The fee cannot be set higher than it costs to issue the licence, therefore the fee would need to be less than proposed in this report.

4.3 Option 3 – Rejecting the proposed fee would result in the costs of issuing a licence not being covered. If rejected, applicants would be able to apply for a five year licence at the same cost of a one year licence.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no financial, staffing, property or IT implications from this report.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Statutory – Local Government (Miscellaneous) Provisions Act 1976 and Deregulation Act 2015.

6.2 There are no environmental, diversity, section 17, crime and disorder, risk or other implications from this report.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 Consultation will take place following this report. The fees will need to be published in a locally circulating newspaper. No conflicts of interest have been identified in this report.

8. RECOMMENDATIONS

8.1 That the proposed fees be approved and that they be advertised in accordance with the legal requirements. Should there be representations, that the Chairman of the Licensing Committee and the Licensing Manager have delegated authority to consider the said representations and set the fee thereafter.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report

➤ Hackney Carriage and Private Hire Policy