
Meeting: Regulation Committee

Date: 19 May 2010

Subject: Petitions received on fees and charges

Report of: Gary Alderson – Director of Sustainable Communities

Summary: This report is for member information in relation to objections received regarding the new Hackney Carriage and Private Hire fees.

Contact Officer: Margaret James, Licensing and Enforcement Officer

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Financial:

Fees are payable for this type of licence, the fees being charged represent the cost of the Council of producing this type of licence and have been set in line with the requirements of the fees and charges working group. By varying the fees in line with the objections received the council and council tax payer would have to subsidise the provision of this service.

Legal:

Local Government (Miscellaneous Provisions) Act 1976.
Town Police Clauses Act 1847.

Risk Management:

Ensuring that Hackney Carriage and Private Hire vehicles operating in Central Bedfordshire are safe and properly regulated.

Staffing (including Trades Unions):

There are no staffing implications.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

Community Safety:

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

Sustainability:

By regulating this service area we can ensure that those businesses that are compliant can be supported and resources can be focused at those businesses that will not comply.

RECOMMENDATION:

1. **that the Committee note the petitions and objection received in relation to hackney carriage and private hire fees.**

Background

1. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.

Central Bedfordshire Hackney Carriage and Private Hire Fees

3. Each year a member's working party considers the fees and charges that should be set in relation to the services provided within Central Bedfordshire. This year these included details of the harmonised fees that should be charged following the introduction of a single Central Bedfordshire licensing zone for all hackney carriage and private hire services.
4. All fees and charges were calculated using a formula provided by finance, which is based on officer time to provide the service, multiplied by officer costs.
5. As stipulated in the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976) the fees charged for the hackney carriage and private hire service can be set to cover the reasonable costs of providing the licensing scheme. Should the reasonable costs not be covered the council and as a result the local council tax payer would be required to subsidise the provision of this service.

6. On the 10 November 2009 the Executive considered and agreed the fees and charges report for 2010/11 including the fees for hackney carriage and private hire services.

Consultation with the trade.

7. In order to vary the fees charged for the provision of the hackney carriage and private hire service a notice (Appendix A) was published on 7 March 2010 in the Beds on Sunday (all editions), as required under the LG(MP)A 1976. The notice was also available for public inspection, at reasonable hours, in the council offices. A period of 28 days was allowed for any objections to be received.
8. A letter setting out the proposed fees and charges was also sent to all hackney carriage and private hire operators, proprietors and drivers on 5 March 2010.
9. Two petitions and one letter of objection were received and are shown at Appendix B.
10. Objections should be on the grounds that the fees are higher than the costs of the provision of the service. None of the objections received were on this basis.
11. One of the petitions also covered some matters which are being dealt with as part of the day to day running of the service and not matters that need consideration at Committee.
12. Members are asked to note the petitions and that there are no objections on relevant grounds to the fees as set out in the notice at Appendix A.

Further Actions

13. The LG(MP)A 1976 require that the variations to the fees shall come into force, with or without modification after consideration of the objections, on a date no later than two months from the expiration of the 28 day period starting the 7 March 2010.
14. The varied fees must come into effect before the 4 June 2010. It is proposed that the varied fees will come into effect from the 1 June 2010.

Appendices:

A – Copy of notice published in the Beds on Sunday (all editions) 7 March 2010

B – Petitions and letter of objection (Exempt from public due to signatures)

Background Papers:

Local Government (Miscellaneous Provisions) Act 1976

Location of papers: The Council Offices, Dunstable.