

**REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
16th June 2017**

PROPOSED CHANGES TO PRIVATE HIRE OPERATOR FEES

1.0 Background

1.1 Section 10 and 11 of the Deregulation Act 2015 make provision for the reduction in legislative burdens on businesses, organisations and individuals and relates specifically to taxi and private hire licensing.

2.0 Deregulation changes

2.1 The Licensing Authority, under the Local Government (Miscellaneous Provisions) Act 1976, has the discretion to issue licences for Private Hire Operators for up to 5 years.

2.2 Licences for a shorter duration, in accordance with the Deregulation Act 2015 can still be made available by the Licensing Authority but this will be on a case by case basis as is considered appropriate based on the circumstances of the case.

2.3 There is no further legislative guidance in relation to what the 'circumstances of the case' must be however current legal opinion suggests that the circumstances in which an annual licence can be issued may include e.g. where Members have concerns over an applicant's criminal history or conduct. It is also suggested that a request by an applicant for a one year licence would also be hard to refuse especially in relation to financial concerns.

3.0 Current Position

3.1 Due to the changes made to the legislation and the need to provide the opportunity for 5 year licences, the Licensing Section has undertaken a comprehensive review of the existing licensing processes, procedures and fees.

3.2 Following the review, which has resulted in improvements through streamlining the procedures and processes in place for private hire operators, a new fee structure has been developed which reflects the improvements made and allows the licensing authority to as accurately as possible recover the fees to cover the cost of administering the service.

3.3 A table detailing the current and proposed fees is provided in paragraph 4 of the report.

- 3.4 Fees relating to private hire operators must be approved in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 and may be set to recover reasonable costs of providing the service.
- 3.5 The process for the setting of Private Hire Operator fees is in two stages, the proposed fees must be approved for consultation by the General Licensing Committee prior to being advertised in a local newspaper. A period of 28 days must be allowed for any person affected/interested to make comment or objection in writing. After the 28 days have passed, if no objections have been received the new fees will become effective on the date specified in the Notice.
- 3.6 If objections are received these will be reported to the General Licensing Committee for consideration and to agree any amendments to the proposed fees considered necessary. A new implementation date for the proposed fees must also be specified by the General Licensing Committee and this date must be within two months of the first date specified.
- 3.7 Operator fees were previously varied in 2004.

4.0 Proposed Fees

- 4.1 The proposed fees have been calculated using the “All Wales Expert Panel Toolkit” which has been endorsed for use by the Directors of Public Protection Wales and the Local Government Association.
- 4.2 The toolkit requires the use of data collected over a period of time which details the time spent by officers administering the particular service. Data relating to the service expenditure is also used and when all relevant costs are entered into the toolkit a licence fee is generated. The section of the toolkit used and the data collected is specific to each licence type.
- 4.3 It is proposed that the fees for 1 and 5 year Private Hire Operator licences identified in the table below are agreed to allow cost recovery in accordance with the legislation.

	Current	Proposed
Operator Grant 1 year (including restricted Operator)	£500.00 (Full) £125.00 (Restricted)	£350.00
Operator Grant 5 year (including restricted Operator)	N/A	£1410.00
Operator Renewal 1 year (including Restricted Operator)	£500.00 (Full) £125.00 (Restricted)	£300.00
Operator Renewal 5 year (including Restricted Operator)	N/A	£1355.00

5.0 Financial Implications

5.1 If the proposed fees are not agreed it is likely that the fees recovered will not reflect the cost of administering the service.

6.0 Legal Implications

6.1 The statutory procedure must be followed when setting fees in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

6.2 The fees to be charged cannot exceed the reasonable cost for the provision of the services set out in Section 70(1) of the 1976 Act by the Licensing Authority.

7.0 RECOMMENDATIONS

7.1 It is recommended that:

Members approve the proposed fees to be advertised.

The Licensing Committee's instructions are requested.

Background Papers: None
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