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Please ask for:
Graham Seal

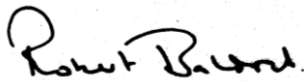
PLEASE NOTE TIME

6 June 2016

Dear Councillor

You are requested to attend a special meeting of the WELWYN HATFIELD BOROUGH COUNCIL to be held on Tuesday 14th June 2016 at **7.00 pm** in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully



Director (Governance)

**A G E N D A
PART 1**

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence, if any.

2. **DECLARATIONS OF INTERESTS BY MEMBERS**

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of the item on the Agenda.

3. **REVISED FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**
(Pages 1 - 6)

Report of the Director (Governance) asking the Council to consider and set fees for hackney carriage and private hire licences and to agree a date when these fees will come into effect.

Circulation: The Mayor and Members of the Welwyn Hatfield Borough Council
Executive Board
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Graham Seal, Governance Services Unit on 01707 357444, fax 01707 357257 or email – g.seal@welhat.gov.uk

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Part I

Item No: 3

Main author: Nick Long and James Vaughan

Executive Member: Roger Trigg

All Wards

WELWYN HATFIELD BOROUGH COUNCIL
SPECIAL COUNCIL – 14 JUNE 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

REVISED FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

1 Executive Summary

- 1.1 This report asks the Council to consider and set fees for the hackney carriage and private hire licences detailed in this report and to agree a date when these fees will come into effect.

2 Recommendation(s)

- 2.1 For the Council to:

a) ratify the decision of the Environment Overview and Scrutiny Committee to start the process for revising fees and

b) consider and agree the fees to be charged for the licences and activities set out in appendix A and

c) agree that these fees will come into effect on 15 June or any other day as the Council sees fit to agree which is before 29 June 2016.

d) agree that officers commence the process of revising Hackney Carriage Fares in accordance with the relevant statutory process

3 Explanation

- 3.1 Welwyn Hatfield Council is responsible for issuing licences in relation to hackney carriage (taxis) and private hire activities. The Council is entitled to recover fees from the applicants for such licences. These fees have not been increased since June 2006.

- 3.2 At a meeting on 25 January 2016, the Council's Environment Overview and Scrutiny Committee ("EOSC") considered a report and financial projections and agreed that officers should commence the statutory process for increasing fees, with any objections to the proposals to be considered as part of a report being made to the Council.

- 3.3 Accordingly a notice was placed in the local Welwyn Hatfield Times newspaper on 10 February 2016 indicating the proposed fees to be charged, details of how objections to the increase in fees could be made and specifying a commencement date of 1 May 2016.

- 3.4 One written objection and a petition containing 98 names objecting to the increase in the fees were received. These were initially considered by the Chairman and Vice-Chairman of EOSC and the Portfolio Holder (Governance and Public Health) and the details of the objections received, together with officer

comments are set out below so that the Council may take account of them when reaching their decision on the fees to be charged.

Details of objection	Officer comments
<p>"I don't think it's very fair that you feel you should put up your fees when we haven't had a price increase for eight years plus the taxi trade at the moment is not good due to the council giving too many taxi plates and private hires and also we have Uber working in Hatfield as well. Can't you address these issues first? I somehow feel that your job was to help us a bit, all you seem to be doing is making life even harder for any taxi driver in Hatfield and Welwyn garden. Since the station permits were taken away it's an absolute nightmare day, now any taxi driver the private hires pick up there in front and even ones that are not pre-booked. I've always spoken highly of you but you don't seem to be doing anything to help us at the moment."</p>	<p>The law does not allow the council to limit the number of private hire vehicles. The number of hackney carriages was capped at 231 and has since been delimited and there now there are approx 180 licensed by the council</p> <p>On numerous occasions we have tested the Uber app and it has always started that no vehicles were available for the borough. We continue to monitor this on a regular basis.</p> <p>Following refurbishment, the taxi rank at the Hatfield station is now part of the highway and is therefore available for use by any WHC licensed hackney carriage. We monitor the station area and to date all snap inspections have revealed that private hire vehicles checked have been pre-booked.</p>
<p>A petition of 98 names was received. The petitioners signing to say "they wish to make objections to the proposed increase in fees, as we all believe that the increase in fees are unfair and unnecessary. We note that some of the fees have increased by up to 50% which will have an impact on all the drivers who will only end up suffering as a result of the same. We understand that you state the last time the fees were increased were in June 2006. However the amount that the fees are proposed to be increased are just too high.</p> <p>We have previously in the past proposed a ten year limit be placed in cars and a 5 year limit be placed from the 1st plating. However this proposal was refused by yourselves</p> <p>If you decide to proceed with the increase in the fees from June 2016 the we all propose that the fares are also increased from the same date. All the divers want the fares to be increased if the fees are increased and we want you to consider the vehicle issues.</p> <p>We therefore request serious consideration be given to our proposal before an informed decision is made as to how you proceed with this matter. We attach a petition which has been signed by a number of drivers to confirm that we all object to the increase in the fees and if the fees are increased then we want the fares increased too."</p>	<p>The increase in fees is necessary to sustain the level of staff and service, as set out in the financial models discussed with EOSC. If the fees were not increased we would be unable to sustain staffing levels in the team meaning the public could be put at risk, and the service provided to the trade would decrease.</p> <p>All the fees reflect the costs of providing the service and advice has been taken from the council's finance team as part of the fee setting. The increase is generally 20%, but there are proposed fees for activities that have not previously been carried out. This is 10 years worth of increase coming in one hit, admittedly in future a more incremental approach could be adopted</p> <p>Vehicle age is irrelevant regarding the proposed increase in fees, there is a separate process for changing the terms and conditions which would deal with the ages of vehicles. The trade have been previously unsupportive of any proposed changes to the terms and conditions, however once final clarity is obtained regarding the prognoses of the Taxi Bill, it may become necessary to consider updates/changes to terms and conditions and this proposal could be considered at that stage.</p> <p>The council may only set fares for hackney carriage vehicles commencing and terminating a journey within the district. Operators are free to set their own tariff for vehicles operating as a private hire vehicle. There is a separate legal process for increasing the fares set by the council and upon receipt of a valid application for a fare review this would be considered in line with the legal process.</p>

- 3.5 It is clear from the objections received that there is resistance to the fees being increased, especially without a corresponding opportunity for the trade to have the fares increased. There is a separate process for increasing the fares, and it would be appropriate to consider this more fully. However in order for the service to continue to operate at the current staffing levels, which officers believe to be necessary to keep the travelling public safe, it is necessary for the fees to be increased. The fees have remained static since 2006 and in future, in order to avoid sudden large increases in fees, it could be considered if a more incremental approach to fee increases could be used.
- 3.6 In regard to the proposal from the trade for a corresponding increase in fares, should the fee increase happen this would need to be considered as part of a separate consultation exercise in accordance with the appropriate legislation as the views of the public and the trade would be relevant to any such decision.
- 3.6 As objections have been received following the consultation exercise, the legislation provides that the revised fees cannot come into effect on the date proposed in the public advertisement. Instead the Council must decide a date when the revised fees will come into effect, which must be no later than 2 months after 1 May 2016. A date of 21 June 2016 is proposed, although the Council are able to choose any other date, prior to the expiration of the 2 month period.
- 3.7 Having considered these objections balanced against the financial needs of the service, the need for current staffing levels to be kept in place to protect the travelling public and provide a service to the trade, the fact that the fees have not been increased since 2006 and that the consultation process for the increase in fees could be commenced, Officers are of the opinion that the Council should consider and agree that the fees in Appendix A will be charged from 21 June 2016.

4 Legal Implication(s)

- 4.1 There is a legal process, involving a public advertisement, which needs to be followed to increase fees for hackney carriage driver's licences; hackney carriage proprietors licences; hackney carriage vehicle licences; private hire vehicle driver's licences; private hire vehicle licences; private hire operators licences and this process has been followed. Although the law is silent on the process for increasing fees for other types of taxi/private hire licences, good practice has been followed by including those fees in the public advertisement so that any objections may be voiced and considered.

5 Financial Implication(s)

- 5.1 The budget for the hackney carriage team is ring fenced. At the meeting of 25 January 2016 EOSC considered various financial projections which had been prepared and agreed that an increase of 20% on the fees set in 2006 would be appropriate to provide sufficient funds to continue running the service with the present staffing levels.
- 5.2 The objectors proffer the view, that if the fees were to be increased then the fares should also be increased.

6 Risk Management Implications

- 6.1 There are risks to the travelling public and law abiding responsible members of the trade if the Council cannot fully resource the hackney carriage function.
- 6.2 There is a risk of legal challenge if the statutory process for raising and setting fees has not been followed.

7 Security and Terrorism Implication(s)

- 7.1 None directly arising from this report. Arrangements are in place for the hackney carriage officers to work closely with the Police as required to keep the travelling public safe.

8 Procurement Implication(s)

- 8.1 None directly arising from this report

9 Climate Change Implication(s)

- 9.1 None directly arising from this report, although the terms and conditions are helping reduce the number of older polluting vehicles on the road. Additionally the hackney carriage team are increasingly being asked to include hybrid vehicles on the fleet.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Corporate Priority "maintain a safe and healthy community"; protect and enhance the environment; help build a strong local economy; engage with our partners and provide value for money and is linked to statutory provisions under Hackney Carriage and Private Hire legislation.

11 Equality and Diversity

- 11.1 An Equality Impact Screening Assessment has been carried out in connection with the proposals that are set out in this report and that the results of that assessment show no adverse differential impacts on any of the 9 protected characteristics and as such the matter does not need to proceed to a full equality impact assessment.

Name of author	Nick Long
Title	Head of Public Health and Protection
Date	May 2016

Licence Fees

Operator	£275
Knowledge test	£35
Knowledge test re-take	£35
Internal Plate	
DVLA check	£5
Replacement Badge	£10
CRB check	£36
Livery	
Plate deposit	£20
Transfers	£50
External plate replacement	£20
Replacement bracket	£10

Hackney Carriage/Private Hire	
Vehicle 1 year	£242
Driver 3 years	£375

Application/Renewal Checklist

Log book or Proof of ownership	Yes/No
Insurance Certificate or Cover Note (Ensure you have the correct type)	Yes/No
Certificate of Compliance. (Within 28 days of the date of licensing)	Yes/No
Appropriate Fee	Yes/No

SCHEDULE OF FEES

Licence/ activity	Duration	Fee £
Hackney carriage driver licence	1 year	150
Hackney carriage vehicle licence	1 year	290
Private hire vehicle licence	1 year	290
Private hire driver licence	1 year	150
Private hire operator licence	1 year	330
Private hire operator licence	3 year	762
Private hire operator licence	5 year	1194
CRB check		50
Knowledge test (per attempt)		60
Replacement plate		20
Replacement bracket		15
Replacement driver's badge		15
Extra copy/duplicate of licence		5
DVLA		10
Vehicle transfers		100