

AGENDA

Regulatory Panel

**Wednesday, 26 October 2016 AT 14:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meeting

3 - 10

To note the minutes of the meeting held on 21 September 2016.

[Copy Minutes herewith]

PART A

To be considered when the Public and Press are present

A.1 REVIEW OF CHARGES 2017/18 - LICENSING 11 - 24

The Environmental Health Manager to submit a report setting out the proposed fees and charges for areas falling within the responsibility of the Licensing Section of the Governance Directorate.

(Copy Report GD.54/16 herewith)

A.2 HACKNEY CARRIAGE FARES REVIEW 25 - 28

The Licensing Manager to submit the Hackney Carriage Fares Review for the period October 2016 until September 2017.

(Copy Report GD.58/16 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members of the Regulatory Panel:

Conservative – Bainbridge, Bowman S, Layden, Morton, Mrs Parsons, Collier (sub), Higgs (sub) Nedved (sub)

Labour – Bell (Chairman), Ms Franklin (Vice Chairman), Sidgwick, Mrs Warwick, Wilson, Ms Patrick (sub), Dr Tickner (sub), Miss Williams (sub)

Independent - Tinnion, Betton (sub)

Enquiries, requests for reports, background papers, etc to Democratic Services Officer:

Rachel Plant 817039 or rachel.plant@carlisle.gov.uk

REGULATORY PANEL

WEDNESDAY 21 SEPTEMBER 2016 AT 2.00PM

PRESENT: Councillor Franklin (Vice-Chairman), Bowman S, Collier (as substitute for Councillor Bainbridge), Layden, Morton, Sidgwick, Dr Tickner (as substitute for Councillor Bell), Tinnion, Mrs Warwick, Williams (as substitute for Councillor Osgood) and Wilson.

OFFICERS: Legal Services Manager
Licensing Manager
Licensing Officer

RP.36/16 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bell, Bainbridge and Osgood.

RP.37/16 DECLARATION OF INTEREST

Councillor Tinnion declared a disclosable pecuniary interest in accordance with the Council's Code of Conduct in respect of Agenda Item B.1 – Private Hire Driver – Disclosure from Police. The interest related to the fact that he knew the Private Hire Driver and his family.

Councillor Layden declared an other personal interest in accordance with the Council's Code of Conduct in respect of Agenda Item B.1 - Private Hire Driver – Disclosure from Police. The interest related to the fact that he knew the Private Hire Driver as a taxi driver.

RP.38/16 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.39/16 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meetings held on 13 July 2016 be agreed as a correct record of the meetings and signed by the Chairman.

2) That the minutes of the meeting held on 17 August 2016 be noted.

RP.40/16 HACKNEY CARRIAGE DRIVER – COMPLAINT

The Licensing Officer presented report GD.52/16 regarding a complaint against a Hackney Carriage Driver.

Mr Miah, the licensed driver, Messrs Warbeck and Maddison, the complainants, were in attendance.

The Legal Services Manager outlined the procedure the Panel would follow. Mr Miah confirmed that he had received, read and understood the Licensing Officer's report. The

Legal Services Manager advised Mr Miah that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer stated that Mr Miah had held a Hackney Carriage driver's licence since 31 March 2016 and he had completed all of the application criteria at the time.

The Licensing Officer reported that the Licensing Authority had received a telephone complaint on 3 August 2016 from Mr M Warbeck. Both Mr Warbeck and his colleague, Mr Maddison, were employees of Scot Rail and regularly booked taxis through Cab-find to take them from Carlisle Railway Station to Dumfries Railway Station.

A taxi had been ordered for Mr Warbeck and Mr Maddison for 10.15pm on 2 August 2016. The complainants reported that the taxi driver had not known where Dumfries Railway Station was located and started to programme his Satellite Navigation System (Satnav) whilst driving off the station grounds. The complainant also reported that the vehicle was being driven at a speed of up to 65mph on Scotland Road and reduced speed suddenly on the approach to the motorway, entering the slip road at approximately 10mph.

Having realised the driver did not have his vehicle lights on the complainant and his colleague asked the driver to switch the lights on and the driver appeared to be confused and switched the heater on and then started flashing his main headlight beam. At this point the vehicle was on the motorway and the driver had increased his speed to approximately 100mph and continued the journey with no lights on.

The complainants had been concerned for their safety and asked the driver to drop them off at Gretna where they would find another taxi. When the vehicle approached the slip road at Gretna the driver suddenly reduced his speed to 10mph. Whilst waiting for a different taxi the complainants saw the driver trying to put his lights on before he pulled away through a red light and in front of a bus.

The taxi driver had been identified and Mr Miah had attended a meeting with the Licensing Officer. Mr Miah responded to each of the complainants' allegations, details of which were set out in section 3 of the report. Mr Miah had stated that he had not needed to use his Satnav and denied speeding on Scotland Road and the motorway. In response to questions regarding his headlights Mr Miah had stated that his headlight bulb had blown and he had put his full beam on after the complainants had asked him to put his lights on. Other drivers were flashing at him and it was at this point that he put his fog lights on. He denied driving through a red light and pulling in front of a bus. Mr Miah's recollection of the journey had been attached at appendix 2 of the report.

The allegation had been brought before the Panel due to the short time period Mr Miah had held a licence and the seriousness of the complaint made against him.

The Licensing Officer reported that during the investigation of the complaint Mr Miah's vehicle had been observed by a member of the Licensing Team parked up and unattended at the bottom of Scotch Street whilst Mr Miah was queuing in the Post Office. Mr Miah had been interviewed and he was reminded that the entrance to Scotch Street was to allow emergency vehicles access. Mr Miah had responded that he had been waiting for a passenger in the Post Office for a few minutes. The Licensing Office dealt with the matter by issuing a warning letter.

Mr Warbeck and Mr Maddison addressed the Panel. They reported that they had asked Mr Miah to put his headlights on and he initially put his radio on then put his full beam on.

The taxi was on the motorway at this point and other vehicles, which included lorries, thought Mr Miah was flashing them into his lane. The complainants were concerned that the taxi could be crushed by lorries. Mr Miah then drove over 100mph which is why they asked to be dropped off at Gretna. Mr Miah had struggled to set the Satnav whilst leaving the station and then tailgated a car from the Sands Centre before reaching 65mph on Scotland Road. They had reminded Mr Miah it was 30mph area and he had reduced his speed.

In response to questions Mr Warbeck and Mr Maddison clarified the following:

- When the taxi reached the slip road to the motorway they could see the vehicles lights were not on and they started to panic as he had also reduced his speed to 10mph to join the motorway;
- In trying to put his lights on Mr Miah put the radio on then his heater. He held his full beam on then started flashing it on and off which confused other drivers;
- When Mr Miah dropped them off at Gretna they could see he was still trying to switch his lights on and kept getting out of the car to check, he then proceeded to go through a red light and pull in front of a bus;
- It had been dark when they were on the motorway;
- They used taxis on a regular basis and had done so for fifteen years, they had a lot of experience of taxi drivers but this had been the most traumatic journey they had experienced;
- Both of them could drive;
- When they reached Gretna they called Cab-find to arrange another taxi and had to wait for 45 minutes;
- The two decisions made, namely whether to leave the vehicle and whether to report Mr Miah had not been actions they had taken lightly;
- It was the first time they had complained to a Local Authority about a driver although they had previously complained to their area manager;
- Mr Miah had been trying to programme the Satnav from leaving the Station and past the Citadel;
- Mr Miah had reached his top speed near the BMW garage at Kingstown Industrial Estate;
- They had been watching the speedometer in the vehicle the whole time;
- The vehicle speed had reduced gradually to 10mph whilst Mr Miah was focussing on trying to put the lights on rather than paying attention to maintaining his speed;
- There had been some communication issues but Mr Miah had understood where they were going, that they wanted the lights on and that they wanted to be dropped off at Gretna;
- They had called for a replacement taxi, it was not arranged by Mr Miah.

Mr Miah then addressed the Panel. Mr Miah explained that he had asked Mr Warbeck and Mr Maddison for the postcode for the Satnav because it was easier to find the way but he had not needed it as he had been to Dumfries Station on two other occasions. He disputed the claims that he had driven at 65mph on Scotland Road and stated he travelled at 25-30mph, it was not possible to drive faster due to the traffic on the road and because his lights were not working.

He did not understand how he could have driven at 10mph and stated that he did control his speed. When he was travelling on to the slip road his right bulb went off but the left bulb was working. He put the full beam on but switched it off when he got onto the motorway and only travelled at 55-70mph. The passengers asked him to switch his

lights on and he told them the bulb had gone off but they pushed him to put them on. He took the passengers to Gretna and called his office to inform them that his bulb had gone then he travelled back to Carlisle.

In response to questions Mr Miah clarified the following:

- He had held a driving licence for four years and had driven throughout that period mainly in Carlisle;
- He had been driving this taxi for two months;
- He knew how his lights worked and his vehicle had a warning informing him his light had gone off;
- He stopped working once he reached Carlisle;
- He rented his vehicle from Radio Taxis and they were responsible for the maintenance of the vehicle;
- He knew the speed limits for built up areas and for the motorway;
- He thought the passengers had asked to stop at Gretna because he did not have both lights working;
- He would not have carried on the journey to Dumfries had the passengers not asked to stop;
- He had wanted to stop on the hard shoulder but his passengers had said not to;
- He had thought the Service Station between Carlisle and Gretna would be closed;
- He denied all of the allegations and did not know why the passengers may have made them up.

The Licensing Officer clarified that during her interview with Mr Miah she had asked why Mr Miah had not stopped at the Service Station and he had stated he did not know.

The Licensing Officer outlined the relevant Legislation and outlined the options open to the Panel. She highlighted Option 5 which requested Mr Miah to undertake a Driving Standards Agency (DSA) Taxi driving Test. Since the publication of the report the Licensing Office had been notified that the DSA were no longer running the tests and as a result this Option was no longer available to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – The Panel had carefully considered and read the evidence in the report and listened carefully to the responses from Mr Miah, Mr Warbeck, Mr Maddison and the Licensing Officer.

The Panel noted that Mr Miah had received a letter of warning regarding his unattended vehicle parked in an emergency vehicle access area following the receipt of the complaint from Mr Warbeck and Mr Maddison.

The Panel had regard to Sections 59 and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1076 when determining if Mr Miah was still considered a fit and proper to continue to hold his licence.

Mr Miah had been carrying two fare paying passengers, who had been concerned enough about the actions of Mr Miah and for their own safety that they complained to the Local Authority and attended the Panel meeting and this was a fact which the Panel considered

to be the most worrying aspect of the matter. The two passengers had made a number of allegations concerning unsafe and illegal driving, each and everyone of which was denied.

The Panel accepted the evidence given by Mr Warbeck and Mr Maddison and found that they were credible witnesses with no reason to make false allegations. It accepted that they had felt in danger and asked Mr Miah to stop at Gretna where they called another taxi. Both witnesses were drivers and would know that Mr Miah's driving was erratic.

With regard to the evidence given by Mr Miah, the Panel did not accept his version of events, which was contradictory. Mr Miah said that he wanted to pull onto the hard shoulder which he had not said previously. By denying each and every allegation in the face of clear evidence, he showed a lack of responsibility for his actions.

The Panel was satisfied that Mr Miah exceeded speed limits to a considerable degree and continued to drive at speed knowing that his lights were not working properly, and that he drove through a red light.

The safety of passengers should be a driver's primary concern and exceeding prescribed speed limits, with or without defective lights, could lead to accidents and harm being caused to passengers, members of the public and drivers. Happily this was not the case here, but the Panel wanted to impress upon Mr Miah the importance of respecting prescribed speed limits. The fact that the lights were not working made this more dangerous and Mr Miah should have stopped at the first safe opportunity which he did not.

The decision of the Panel was that Mr Miah was not fit and proper to be driving the public and that his licence should be revoked.

The reasons for the decision were:

1. Mr Miah had only held a licence for a few months
2. In that time Mr Miah had a serious complaint made and had received a warning letter about another a matter
3. Mr Miah failed to demonstrate that he met the standard of driving which the City Council expected from a driver
4. Mr Miah put two fare paying passengers in fear for their safety
5. The Panel's primary concern was for the safety of the public
6. Mr Miah had not shown that he put the safety of his passengers paramount

The Panel considered that this matter was sufficiently serious and public safety would be put at risk if Mr Miah continued to drive pending any appeal he might decide to make. This was because Mr Miah failed to appreciate the importance of safe driving and in one incident he had driven so erratically that the passengers so feared for their safety that they got out his car and added an hour to their journey. Mr Miah had denied the allegations and accepted no responsibility for his actions. The Panel were not convinced, therefore, that Mr Miah would improve his driving as a result of today's decision.

A letter would be sent to Mr Miah confirming the decision and setting out his right of appeal.

Having declared a disclosable pecuniary interest, Councillor Tinnion left the meeting.

RP.41/16 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.42/16 PRIVATE HIRE DRIVER – DISCLOSURE FROM POLICE (Public and Press excluded by virtue of Paragraph 1)

The Licensing Manager presented report GD.53/16 regarding a disclosure from Cumbria Constabulary regarding a Private Hire Driver.

The Private Hire Driver (PHD) and representatives from Cumbria Constabulary were in attendance.

The Legal Services Manager outlined the procedure the Panel would follow. The PHD confirmed that he had received, read and understood the Licensing Manager's report. The Legal Services Manager advised the PHD that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Manager outlined the PHD's licensing history which began in 2008. The PHD had previously been charged with four offences which had taken place between 2002 and 2004 however, criminal proceeding had been discontinued in 2010. The PHD's licence had been suspended pending the outcome of the criminal case, during which time the licence had expired. The PHD had applied for and was granted his licence in 2010.

The PHD had come to the attention of the Licensing Office on a number of occasions as detailed in the report and in August the Licensing Office received a disclosure from Cumbria Constabulary that the PHD had been investigated for further offences. Upon receipt of the information the PHD had been interviewed and his licence was suspended.

The PHD had indicated that he disputed the information disclosed and wished to appeal the decision to suspend his licence; an appeal would need to be heard by the Magistrates Court.

The Licensing Manager responded to questions from the Panel and confirmed that, while the PHD had held a contract with Cumbria County Council to transport school children, this had been terminated following an investigation into an allegation that the PHD had made racist comments to a passenger.

Representatives from Cumbria Constabulary detailed the disclosures that they had sent to the Licensing Office and the questions which they had answered as a result of the disclosures. They also set out the allegations made against the PHD and the evidence they had.

The representatives from Cumbria Constabulary responded to Members questions and clarified issues raised.

The PHD drew the Panel's attention to an allegation set out in appendix three of the report and informed the Panel that the allegation had been resolved and Cumbria Constabulary confirmed this.

The PHD addressed the Panel. He detailed the circumstances surrounding the allegations and the evidence he had which disputed them. He felt he was a victim of previous allegations and that "mud sticks" and this had resulted in further allegations. None of the allegations were true and he could prove that they were not as he had done before.

The Legal Services Manager clarified some areas for the Panel with regard to the allegations and whether the PHD had proved the earlier allegations were untrue bearing in mind that the matter had not proceeded to trial.

The PHD responded to questions from the Panel, the Legal Services Manager and the Licensing Manager.

The Licensing Manager outlined the relevant Legislation and the options open to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – The Panel had carefully considered and read the evidence in the report and listened carefully to the responses and heard from the Private Hire Driver, the Licensing Officer and Cumbria Constabulary.

The Panel noted the Private Hire Driver's licensing history as detailed in report GD.53/16.

The Panel had regard to Sections 59, 61(1), 16(2)(a) and 61(2)(b) of the Local Government (Miscellaneous Provisions) Act 1976 when determining if the Private Hire Driver was still considered a fit and proper person to continue to hold his Private Hire Driver's licence.

The Panel had listened carefully to the concerns expressed by Cumbria Constabulary and the responses given by the Driver. The allegations made were extremely serious and had safeguarding issues, and the Panel must take these seriously, although there were no criminal convictions, as they were relevant to his position as a taxi driver.

The decision of the Panel was that the Private Hire Driver's licence should be revoked.

The reasons for this were:

1. Cumbria Constabulary had felt it necessary to bring the concerns to the City Council's notice, which is unusual and reflects the seriousness of their concerns;

2. Cumbria County Council had also felt it necessary to terminate its contract with the driver to transport school children;
3. As a taxi driver, he had to transport vulnerable persons;
4. The Panel noted that several allegations of a similar nature had been made against the driver and did not accept his explanation that “mud sticks”;
5. It was entirely inappropriate to allow the 14 year old girl into his house and discuss personal matters with her;
6. At the very least, the driver had a tendency to behave in a manner inappropriate for a taxi driver;
7. The Panel’s primary concern was for the safety of the public;
8. The Panel did not consider the driver to be a fit and proper person to be driving a taxi;
9. Accordingly the driver’s Private Hire Driver’s Licence would be revoked.

A letter would be sent to the Driver confirming the decision and setting out his right of appeal.

(The meeting ended at 4.50pm)

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 26th October 2016
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: REVIEW OF CHARGES 2017/18 - LICENSING
Report of: Director of Governance and Regulatory Services
Report Number: GD54/16

Purpose / Summary:

This report sets out the proposed fees and charges for areas falling within the responsibility of the Licensing Section of the Governance and Regulatory Services Directorate. The Regulatory Panel has responsibility for determining the licence fees, with the exception of those under the Scrap Metal Dealers Act 2013 which falls to the Executive

Recommendations:

The Regulatory Panel is asked to agree the charges as set out in Appendices 'A' and 'B', with the exception of the Scrap Metal Act fees which have been determined by the Executive.

Tracking

Executive:	26th November 2016
Overview and Scrutiny:	
Council:	

CITY OF CARLISLE

To: The Members of the Regulatory Panel on 26 October 2016

REVIEW OF CHARGES 2017/18

GOVERNANCE AND REGULATORY SERVICES DIRECTORATE - LICENSING

1. BACKGROUND

- 1.1 Each Directorate is required to carry out an annual review of fees and charges.
- 1.2 This report proposes the review of charges within the Governance and Regulatory Services Directorate in respect of Licensing Charges. The report has been prepared in accordance with the principles approved under the Council's Corporate Charging Policy.
- 1.3 The charges, which have been reviewed, are addressed separately below.
- 1.4 Attached at **Appendix A & B** is an extract from the summary of charges book, which shows the current and proposed level of charge for each of these services.

2. CORPORATE CHARGING POLICY 2017

- 2.1 The Corporate Charging Policy, which is part of the Strategic Financial Framework, was approved by the Executive and Full Council and sets out the City Council's policy for reviewing charges.
- 2.2 It is recognised that licence fees (that can be determined by local authorities) can only be set at a level which recovers the cost of administration, inspection and in some cases compliance of existing licences, which arise out of carrying out their licensing functions under the various legislation. Under European Directive 2006/123 art 13(2), any charges which an applicant for a licence may incur shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures.
- 2.3 The Supreme Court in *Hemming v Westminster City Council*, however, held that a fee for renewing or retaining a licence may be charged, which may reflect the cost of enforcing the licensing regime. The Supreme Court referred this point to the European Court of Justice for a determination as to whether this is consistent with the European Directive. A final ruling is awaited. In the meantime, enforcement costs are not included in the relevant licensing fees.
- 2.4 It is Council policy to maximise charges to maintain full cost recovery wherever possible, and this should be the case when setting charges. In the case of licensing we are currently operating at an income level that is achieving full cost recovery.
- 2.5 Recognition should be made of the risk that licensing income levels can be subject to market forces out with the Council's overall control, including new responsibilities and the repeal of other legislation. In previous years, shortfalls in income projections

for certain services were encountered. This reinforces the message that any practice of simple annual increments in charges in line with the rate of inflation is inappropriate, as is a copycat approach that simply compares prices with other authorities, without taking into account other local factors, demand, and the achievement of Council priorities. The full range of factors identified in the guidance must be taken into account when setting charges, with the overall aim of achieving target income levels to achieve the full cost recovery of the administration, inspection and compliance with the licensing function.

- 2.6 In addition, the policy recognises that each Directorate is different, and requires Directors to develop specific principles for their particular service or clients groups.

3. LICENCES

4.1 Introduction

Licensing income covers an extremely wide range of functions for which the Council is the licensing authority and the number of applications for various licences fluctuates each year. The current principal functions relate to the issue of licences for e.g. Premises and Personal (Licensing Act 2003), Hackney Carriages/Private Hire (Vehicles, Drivers and Operators), Gambling Premises and Machine Permits (Gambling Act 2005), Street Trading, Auctioneers and Sex Establishments.

The Licensing Act 2003 includes a number of licensable activities under one 'Premises Licence'. These include one or more of the following - liquor, Public Entertainment, Cinema, Theatre and Late Night Refreshment Houses. The fee structure is fixed by the Government.

The licensing budget has been directly affected by the Council's responsibilities under the Licensing Act 2003. The Government has identified that the administration of the legislation will be self-funded through the scale of charges, which have been set nationally. There remains the potential for the administration to require financial support from the Council should the nationally set fees fail to meet the operating costs of the licensing service. The Government set up an Independent Fees Review Panel in 2006, to enquire into the new fee structure to establish if it is sufficiently robust to provide the level of income required to administer the licensing function. The result of this review has been published, and the result is the Police Reform and Social Responsibility Act 2011. Section 121 amends the Licensing Act 2003 to give Local Authorities the power to set fees under the Act. However, after government consultation on this matter, including concerns from the licensed trade, it has been decided not to introduce locally set fees at this present time.

As a consequence of the Gambling Act 2005, local authorities assumed responsibility for licensing gambling premises and gaming machines during 2007, whilst the Gambling Commission licensed operators and personal licence holders. These premises include betting shops, bingo halls and racecourses. The machine permits include family entertainment centres, adult gaming machine centres and licensed premises gaming machines in alcohol licensed premises.

The fee banding was set nationally and licensing authorities were given the flexibility to set their fees within these bands, dependent upon local circumstances. On 4th April 2007 the Licensing Committee (through delegated authority) determined the fees in accordance with the regulations which are included in Appendix B. Fees under the Act for Lottery registration are fixed by central Government.

A review of the remaining charges (excluding Licensing Act 2003, Gambling Act 2005 and Sex Establishments) has identified that an increase is required in 2017/18 to keep pace with inflationary costs. This will not compromise the Council's position as a fair charging authority and should achieve full cost recovery.

Licensing functions are also undertaken by other Council Departments, such as Environmental Health in respect of tattooing, acupuncture and pet shops and Community Services for vehicle testing. The Council's Housing and Pollution teams issue licences in respect of houses of multiple Occupancy and Caravan Sites.

4.2 Licensing Act 2003

4.2.1 Premises Licences & Club Premises Certificates

The total number of premises and club certificates currently licensed is 508. This will always fluctuate each year and applications for variations will continue. We are now in a position to predict with a fair degree of accuracy what the income will be in 2017/18. Educational, church and community premises that apply for an entertainment only premises licence are exempt from the licence fee and we currently license 24 such premises.

The fee structure is fixed by central government and is based upon five non-domestic rateable value bands. The number of licences issued appears to have reached a plateau. There is no change in the fee structure, although an Independent Licensing Fees Review Panel has reported on this and we are waiting for the Government to publish legislation. Based upon the current number of licences issued, it is estimated that there will be an income of £99,000 in 2017/18, as set out in the fee bands at Appendix A.

4.2.2 Personal Licences

Any person who authorises the sale of alcohol requires a personal licence. All premises that are licensed for the sale of alcohol must therefore have a personal licence holder to authorise that sale.

We currently have a total of 1647 Personal Licences issued to date.

From 1 April 2015 it became no longer necessary to renew a Personal Licence under the Deregulation Act 2015 and all licences issued from 1st April are now for an 'indefinite period'.

We will continue to receive requests for amendments to licences at a cost of £10.50.

Based upon the current numbers of amendment applications received between 1st April 2016 and the 1st October 2016 it is estimated that this will continue at the same level and generate an estimated annual income of £1100.

4.3 Vehicle Licences

4.3.1 Hackney Carriages

Under the provision of the Local Government (Miscellaneous Provisions) Act 1967, the City Council may fix a reasonable fee to cover the cost of administration of Hackney Carriage Licences and vehicle inspections. Each Hackney Carriage is subject to an inspection by the Transport Department or Community Services before a licence is granted. Vehicles can be inspected up to 3 times per year dependant on the age of the vehicle.

In 2007 the application criteria for licensing Hackney Carriages was amended by the Regulatory Panel. With effect from 1st August 2007, all new licences issued will be for wheelchair accessible vehicles only.

Traditionally this Council has charged a lower fee for wheelchair accessible vehicles to encourage proprietors to purchase this type of vehicle. This is no longer necessary due to the decision of 1st August 2007 and the decision in the Hemming case. It was agreed in the 2009/10 budget process that we gradually bring the two fees closer together over the next few years. It is proposed that an increase of 3% is charged for non-wheelchair vehicles and the charge for wheelchair accessible vehicles be increased by 5% this year. This increase should maintain the current level of income and will be repeated next year to bring the fees closer together.

Hackney Carriage Driver Licences

New driver licences have increased to reflect work that is currently undertaken with prospective new drivers that has never previously been charged for. This includes:

- Advice in the first instance regarding how the trade works and how to become a licensed driver
- Attendance of 2 hour disability awareness session
- Knowledge test that is now a spoken test with a Licensing Officer to ensure language skills are acceptable
- Assisting and verifying a criminal record check application

Renewal driver licences have only increased as per the recommended rate.

4.3.2 Private Hire Vehicles

The Local Government (Miscellaneous Provisions) Act 1976 provides for the regulation of the private hire trade by means of the issue of licences for operators, vehicles and drivers. The arrangements for vehicle inspections and the provision of the new licence plates are as for Hackney Carriages.

Private Hire Driver Licences

New driver licences have also increased to reflect work that is currently undertaken with prospective new drivers that has never previously been charged for. This includes:

- Advice in the first instance regarding how the trade works and how to become a licensed driver
- Attendance of 2 hour disability awareness session
- Knowledge test that is now a spoken test with a Licensing Officer to ensure language skills are acceptable
- Assisting and verifying a criminal record check application

Renewal driver licences have only increased as per the recommended rate.

- 4.3.3 As part of the Policing and Crime Bill, it will be mandatory to deliver training to all drivers on recognising the signs of Child Sexual Exploitation (CSE). This should receive Royal Assent in January 2017 and training will commence thereafter. Costs of this will be met through existing licence renewal fees and new licence fees. The training will be delivered to groups of 20/30 drivers at a time over 2017/18.

The fees for drivers, vehicles and operators, which aim to generate income of £73,000 for Hackney Carriage and £29,000 for Private Hire in 2017/18 are set out in Appendix A.

4.4 Sex Establishment

The City Council has issued two sex establishment licences. A reduced fee structure was introduced in 2009/10 as a result of a national campaign by the trade and the recognition that the licence fee had risen dramatically since first being set in 1990. The fee for this licence was the subject of Hemming v Westminster discussed earlier in this report. Previously, this fee included a percentage for enforcing unlicensed operators. As a result of the Hemming, this element is no longer included. No increase on charges are proposed this year but the fee structure will be reviewed in 2017/18.

4.5 Auctioneers

We only have one premise which requires licensed auctioneers. Currently we have 13 licensed Auctioneers. This would suggest an income of £559 in 2017/18.

4.6 Pleasure Boats & Boatmen

The number of pleasure boats and boatmen has remained static in recent years. This coming year, the Licensing section intends to issue all boatmen with Identity cards along with their licences. The suggested charge aims to generate income of £1100 in 2017/18.

4.7 Scrap Metal Dealers

The Scrap Metal Dealers Act 2013 which commenced on 1st October 2013 brings together two earlier pieces of legislation that covered Scrap Metal and Motor Salvage Operators. The licence covers a three year period therefore the income will vary from year to year. The income from existing operators was received in October 2013. Renewal fees will be due in October 2016 for the forthcoming 3 year licences.

The current fee was agreed by the Executive on 1st August 2016 for a period of three years and will be reviewed again in 2019.

The current renewals expect to generate income of £3578 in 2017/18, as set out in Appendix A.

4.8 Gambling Act 2005

Lottery Licences

The fee for lottery registrations is determined by central government and is at present £40 and the renewal fee is £20.00; these charges were last increased in September 2007. There has been a decrease in the number of applications received over recent years and the current level is expected to be maintained. The current fee should generate approximately £4,400 in 2017/18.

Gambling Premises and Machine Permits

The fee bands are set by central government and the Licensing Committee sets its own fees within these limits, based upon full cost recovery of providing the licensing service. These fees were determined on 4th April 2007 by this committee and we continue to recover the full cost of providing the service and no change is recommended.

At the current level of fees, an estimated income of £14,000 for Gambling Premises and Machine Permits will be received during 2017/18, which is set out in Appendix B.

4.9 Street Trading

The number of licensed street traders has remained consistent over the last couple of years. A full review of our street trading policy is currently being undertaken to update our existing policy that dates back to 1984. This includes identifying all consent and prohibited areas, as well as investigating all trading estates, parks and arterial routes into the City. Consultation with Responsible Authorities, trade and public will also be exercised to ensure all views and opinions are taken into account to ensure Licensing objectives will not be compromised. It is recommended that the Street Trading charges are significantly increased for 2017/18 from £105 to £210 for an annual permit. Our existing charges are low compared to other local authorities (SLDC charge £252 and Eden £310 for equivalent permits in 2016/17) We currently licence 32 Street traders. If this level remains, the income generated will be £6,720 in 2017/18.

4.10 Riding Establishments

The current number of licensed riding establishments is 5. Based on this number and the revised fee this should provide an income of £515 in 2017/18, as set out in Appendix A.

5 SUMMARY OF INCOME GENERATED

- 5.1 The introduction of the charges proposed is an estimate (based upon the current and estimated number of licences) to generate income of £236,800 in 2017/18 which is summarised in the table below:

Service Area	Updated Budget 2016/17 £	MTFP Target 2017/18 £	Original Estimate 2017/18 £	Shortfall or (Excess) over MTFP £	
Licensing Act 2003 - Premises	104,000	104,000	99,000	0	*
Licensing Act 2003 – Personal Licenses	4,000	4,000	1,100	2,900	*
Hackney Carriage (1)	78,000	78,000	73,000	5,000	
Private Hire (1)	21,600	21,600	29,000	(7,400)	
Sex Establishment	3,800	3,800	3,800	0	
Auctioneers	600	600	600	0	
Pleasure Boats	1,100	1,100	1,100	0	
Scrap Metal (<i>Renewal</i>)	1,000	1,000	3600	(2600)	
Gambling Act 2005 – Lotteries	4,400	4,400	4,400	0	*
Gambling Act 2005 – Premises and Gaming Machines	14,000	14,000	14,000	0	*
Street Trading	3,300	3,300	6,700	(3,400)	
Riding Establishments	400	400	500	(100)	
Total	236,200	236,200	236,800	(600)	

* Fixed fees

6 CONSULTATION

- 6.1 Consultation to Date -
None

- 6.2 Consultation Proposed -
Hackney fees must be advertised in the local press after determination.

7 RECOMMENDATIONS

The Regulatory Panel is asked to agree the charges as set out in Appendices 'A' and 'B' with effect from 1st February 2017.

8 REASONS FOR RECOMMENDATIONS

To ensure that the City Council's Corporate Charging Policy is complied with and sufficient income is generated to cover the costs associated with administering and enforcing the Council's statutory licensing function

Contact Officer: Scott Burns

Ext: 7328

**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance –

Local Environment –

Resources -

Appendix A

LICENSING

		<u>Charge</u> <u>from 1/2/16</u> £	<u>Charge</u> <u>from 1/2/17</u>	<u>Implementation</u> <u>Date</u> <u>of increased</u> <u>fees</u>
1 (A) <u>Licences - Licensing Act 2003</u>				

Premises +

(Based on non-domestic RV)

	New	Annual Fee	Annual Fee	
			-	
Band A	100.00	70.00	70.00	24.11.05
Band B	190.00	180.00	180.00	24.11.05
Band C	315.00	295.00	295.00	24.11.05
Band D	450.00	320.00	320.00	24.11.05
Band E	635.00	350.00	350.00	24.11.05

Personal +

Personal Licence amends	10.50	10.50	24.11.05
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+ These Charges are currently set by the Home Office

(B) Licences - Public TransportVehicles

	<u>Last</u>
<u>Hackney Carriages</u>	<u>increase:</u>

Hackney Carriage:	New	1.02.16	225.00	231.00	1.02.17
	Renewal	1.02.16	191.00	197.00	1.02.17
Hackney Carriage (whchair):	New	1.02.16	205.00	215.00	1.02.17
	Renewal	1.02.16	168.00	176.00	1.02.17
Hackney Carriage:					
Driver 1 year Licence	New	1.04.16	110.00	125.00	1.02.17
Driver 1 year renewal	renewal	1.04.16	75.00	75.00	
Driver 3 year Licence	New	1.04.16	235.00	242.00	1.02.17
Driver 3 year renewal	Renewal	1.04.16	185.00	185.00	

Certificate of Compliance	1.02.11	8.00	10.00	1.04.17
Transfer of Licence/Change Vehicle	1.02.14	25.00	30.00	1.04.17
Duplicate Items	1.02.14	10.50	12.00	1.04.17
New Identity Card	1.02.14	10.50	12.00	1.04.17
New Licence Plate	1.02.16	13.00	13.00	
#Test Fee ..	1.02.16	50.00	50.00	
#Re-test Fee	1.02.13	35	35.00	

Private Hire Vehicle:	New	1.02.16	195.00	200.00	1.02.17
	Renewal	1.02.16	160.00	160.00	
PH Driver 1 year	New	1.04.16	110.00	115.00	1.02.17
PH Driver 1 year	Renewal	1.04.16	75.00	75.00	
PH Driver 3 year Licence	New	1.04.16	235.00	242.00	1.02.17
PH Driver 3 year renewal	Renewal	1.04.16	185.00	185.00	
PH Operator			1 year	5 year	
1-5 vehicles		1.04.16	175.00	495.00	
6-10 vehicles		1.04.16	245.00	550.00	
11-20 vehicles		1.04.16	460.00	670.00	
21-30 vehicles		1.04.16	595.00	745.00	
Private Hire Vehicle:					
#Test Fee		1.02.16	50.00	50.00	
#Re-test Fee		1.02.13	35.00	35.00	
Certificate of Compliance		1.02.11	8.00	10.00	1.02.17
Transfer of Licence/Change Vehicle		1.02.14	25.00	30.00	1.02.17
Duplicate Items		1.02.14	10.50	12.00	1.02.17
New Identity Card		1.02.14	10.50	12.00	1.02.17
New Licence Plate		1.02.16	13.00	13.00	

Subject to increases in fees from Resources (Facilities) being passed on.

(C) Licences - Miscellaneous
(VAT Outside the Scope)

Auctioneers		1.02.16	42.00	43.00	1.02.17
Riding Establishments (plus Vets Fee)		1.02.16	100.00	103.00	1.02.17
Sex Establishments	New	1.02.14	2500.00	2500.00	
	Renewal	1.02.14	1900.00	1900.00	
	Variation	1.02.14	250.00	250.00	
	Transfer	1.02.14	125.00	125.00	
Street Traders		1.02.16	105.00	210.00	1.02.17
Street Traders (Occasional)		1.02.16	35.00	50.00	1.02.17
New Permit Plate		1.02.16	13.00	13.00	

Scrap Metal Dealers (3 year licence - charge effective from 1/12/13)

Collector: New	1.10.16	250.00	250.00	
Renewal	1.10.16	250.00	250.00	
Vary name/address	1.12.13	30.00	30.00	
Site: New	1.10.16	415.00	415.00	
Renewal	1.10.16	415.00	415.00	
Vary name	1.12.13	30.00	30.00	
Vary Site Manager	1.12.13	30.00	30.00	
Vary Site/Collector	1.12.16	165.00	165.00	
or add site				
Boats	1.02.16	45.00	45.00	
Boatman	1.02.16	25.00	25.00	
Miscellaneous duplicate items	1.02.14	10.50	12.00	1.02.17

(D) Licences - Gambling Act 200005 - Premises (Based on fee bands set by DCMS and
determined by Licensing Committee)
 See appendix.B for Gambling premise fees

Appendix.B.

APPENDIX 'B'

Gambling Act 2005 Premises Licence Fee Structure

Type of Premises	Provisional Statement Premises	New Application Premises	Annual Fee	Seasonal Annual Fee	Variation Application	Provisional Statement Application	Transfer	Re-instatement
Regional Casino	£8,000	£15,000	£15,000	£15,000	£7,500	£15,000	£6,500	£6,500
Large Casino	£5,000	£10,000	£10,000	£10,000	£5,000	£10,000	£2,150	£2,150
Small Casino	£3,000	£8,000	£5,000	£5,000	£4,000	£8,000	£1,800	£1,800
Converted Casino			£3,000	£3,000	£2,000		£1,350	£1,350
Bingo	£1,000	£2,500	£700	£700 pro-rata* min £300	£1,250	£2,500	£500	£500
Adult Gaming Centre	£600	£1,600	£700	£700 pro-rata* min £300	£800	£1,600	£400	£400
Betting (Track)	£950	£2,500	£1,000	£1,000 pro-rata* min £300	£1,250	£2,500	£950	£950
Family Entertainment Centre	£600	£1,600	£400	£400 pro-rata min £200	£800	£1,600	£300	£300
Betting (Other)	£600	£1,800	£500	£500 pro-rata* min £200	£900	£1,800	£300	£300

All premises: Fee for copy of Licence £15 Fee to accompany notification of change of circumstances £30

Approved 4th April 2007

Report to Regulatory Panel

Agenda
Item:

A.2

Meeting Date: 26th October 2016
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework NO
Public / Private Public

Title: HACKNEY CARRIAGE FARES REVIEW
Report of: Director of Governance
Report Number: GD.58/16

Purpose / Summary:

The members are asked to consider reviewing the Hackney Carriage Tariff for the period October 2016 until September 2017. The Panel last reviewed the tariff on the 9th September 2015.

Recommendations:

Members are requested to approve the recommendation outlined on page 3 of the report.

Tracking

Executive:	-
Overview and Scrutiny:	-
Council:	-

HACKNEY CARRIAGE FARES REVIEW

1. HISTORY

On the 9th September 2015 the Regulatory Panel reviewed the Hackney Carriage Tariff. The retail price index in relation to transport costs had risen by 1% since the last increase and Members agreed that the tariff rate should remain unchanged. The last increase was in September 2014 when Members agreed to an increase of 15p on the flag fall which equated to an increase of 2.83% on the benchmark 2 mile journey.

2. INFLATION

The Council's Financial Services have produced the changes in the RPI to the identified criteria for transport costs since the last increase (12mths). These changes have been multiplied by the "weighting" agreed with the Taxi Association previously and an overall decrease of -1.1% in transport costs has been identified. The 2 main costs are fuel and labour and although fuel prices have continued to fall, wages have increased for a second year. See table 4 below. Inflation overall has risen by 1.8%.

3 2016-2017 TARIFF

In view of the decrease in transport related inflation (-1.1%) it is not recommended that an increase to the 2016/2017 tariff is made.

4 TABLE OF COSTS

Main Costs Per Year	August 2015	August 2016	Variance	Weighting	Total
Fuel & Oil	334.20	319.20	-4.49	18.95	-85.03
Insurance	573.20	675.50	17.85	4.95	88.41
Maintenance	409.20	414.90	1.39	9.34	13.00
Labour & Wages			2.20	54.49	119.88
Vehicle Purchasing	93.10	90.90	-2.36	11.05	-26.11
Licensing (Badge, Plate, COC & Taxi Test x 2)	330	330	0.00	1.23	0.00
				100	110.14

Average
Increase/decrease **-1.10%**
RPI Inflation **1.8%**

5 CUMBRIA COMPARISON

If the tariff is left unchanged Carlisle would still be ranked 3th highest of the 6 Cumbrian Councils for the benchmark 2 mile journey.

District of Cumbria	Charge for 2 Miles £	2 Miles Ranking	Date Reviewed
South Lakeland	6.40	1	April 2014
Eden DC	5.50	2	Aug 2011
Carlisle	5.45	3	Oct 2015
Barrow BC	5.40	4	July 2012
Copeland	5.00	5	Aug 2013
Allerdale	4.85	6	June 2010

6 RECOMMENDATIONS

That the Hackney Carriage tariff for 2016-2017 remain unchanged.

Contact Officer: Nicola Edwards

Ext: x7025

**Appendices A Current Table Of Fares
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Community Engagement – N/A

Economic Development – N/A

Governance – Included within report

Local Environment – N/A

Resources – N/A

**APPENDIX A****HACKNEY CARRIAGE (MAXIMUM) FARES****MILEAGE****TARIFF ONE**

If the distance does not exceed 0.7 mile (Approx. 1126 metres)	£2.85p
For each subsequent 170yds or uncompleted part thereof (Approx. 155 metres)	£0.20p

WAITING TIME

For each period of one minute or uncompleted part thereof.	£0.25p
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TARIFF TWO

For hirings commenced between 2300 hours and 0700 hours, and between 1200 hours and 1800 hours on Christmas and New Years Eve.	Plus One Third of Tariff One rate of fare
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TARIFF THREE

All day of Bank and Public Holidays and between 1800 hours and 2400 hours on Christmas and New Years Eve.	Plus One Half of Tariff One rate of fare
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EXTRA CHARGES

For each ADULT (17 yrs & over) in excess of four	£0.50p
For each perambulator or dog conveyed. (Other than Assistance Dog)	£0.10p
For each article of luggage conveyed outside the passenger compartment of the carriage.	£0.10p
A charge may be requested if the user soils the vehicle. This will not exceed:-	£35.00p