

<b>DECISION-MAKER:</b>		<b>LICENSING COMMITTEE</b>	
<b>SUBJECT:</b>		LICENSING FEES (HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES)	
<b>DATE OF DECISION:</b>		2 JUNE 2010	
<b>REPORT OF:</b>		SOLICITOR TO THE COUNCIL	
<b>AUTHOR:</b>	Name:	Richard Black	Tel: 023 8083 3523
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<b>STATEMENT OF CONFIDENTIALITY</b>			
None			

### **BRIEF SUMMARY**

A report on the proposed increase in fees for the grant and renewal of hackney carriage and private hire vehicle licences was initially considered by the Licensing Committee on 11<sup>th</sup> March 2010.

The original report is attached at Appendix 1.

Any amendment to fees in relation to the grant and renewal of such licences are required to be advertised in the local press by way of public consultation.

The public notice was published in the Southern Daily Echo on Wednesday 24<sup>th</sup> March 2010 with a closing date for objections of 21<sup>st</sup> April 2010.

### **RECOMMENDATIONS:**

- (i) To consider and determine the proposal to increase the fees for the grant and renewal of hackney carriage and private hire vehicle licences;
- (ii) To increase the fees, as proposed, so as to reflect the costs of the service.

### **REASONS FOR REPORT RECOMMENDATIONS**

1. The proposed increases in fees reflect the increased costs in providing the service since the previous revision in 2007.
2. Fees for hackney carriages and private hire vehicles are ring-fenced and cannot be cross-subsidised from income received in respect of other licensing functions.

### **DETAIL (Including consultation carried out)**

3. The public notice was published in the Southern Daily Echo on Wednesday 24<sup>th</sup> March 2010.
4. On the 31<sup>st</sup> March 2010 Mr. Clive Johnson, the Chairman of the Southampton Trade Association (STA), wrote objecting to the proposed fees. A copy of his letter is attached at Appendix 2.
5. The objection is on the basis of the STA objecting to the proposed increase in fares and that other, wholly unrelated, fees have been substantially reduced.

6. Fees in relation to hackney carriages and private hire vehicles are levied to finance the administrative function of issuing those licences and enforcement work specific to them.
7. Fees generated from other licensing functions cannot, as a matter of law, be used to cross-subsidise activity in relation to hackney carriages and private hire vehicles.
8. Although Mr Johnson's letter states that he objects to the proposed fee increase on behalf of the STA, he has produced no evidence of consultation with the members of that organisation and gives no substantive details to support the objection.
9. Mr Johnson has been invited to submit detailed information in support of his objection, but has indicated that he would make the Committee aware of his reasons at the hearing. No further information on the objection or the reasons for it is available to the Licensing Team.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

10. A failure to set fees at a level which reflects the full costs of the service would result in a revenue shortfall and a budget deficit for this particular function.

### **Property/Other**

11. None

## **LEGAL IMPLICATIONS**

### **Statutory Power to undertake the proposals in the report:**

12. As a matter of law, the City Council can only charge reasonable fees for the purpose of recouping the cost of administering the Licensing system. Relevant statutory provisions for the setting of the fees outlined include:
  - sections 53 and 70, Local Government(Miscellaneous Provisions) Act 1976
  - schedule 6, Local Government Planning and Land Act 1980
  - section 46, Town Police Clauses Act 1847

### **Other Legal Implications:**

13. Before setting fees for licences for the grant or renewal of licences for hackney carriages and private hire vehicles, the City Council is required to advertise any proposals and consider any representations made.

## **POLICY FRAMEWORK IMPLICATIONS**

14. None

## SUPPORTING DOCUMENTATION

### Appendices

1.	Report to Licensing Committee - 11 <sup>th</sup> March 2010
2.	Letter of objection from Mr. Clive Johnson, STA.

### Documents In Members' Rooms

1.	None.
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### Background Documents

Title of Background Paper(s)      Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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**Background documents available for inspection at:**      Licensing Office, Southbrook Rise

**FORWARD PLAN No:**      N/A      **KEY DECISION?**      NO

<b>WARDS/COMMUNITIES AFFECTED:</b>	N/A
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