

MISSION STATEMENT

***To Improve the Quality of Life
For Those Who Live and Work in The District***

12 April 2006

Dear Councillor

You are hereby invited to a meeting of the **Licensing Committee** to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **Monday, 24 April 2006** commencing at **10.00 am**.

The agenda is set out below.

PUBLIC SESSION

1. **APOLOGIES FOR ABSENCE** and Notice of Substitution.
2. **DISCLOSURE OF INTEREST**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. **MINUTES**

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 10 April 2004 (to follow)

4. **PROCEDURE**

To outline the procedure to be followed at the meeting (pages 5 to 6 attached).

5. **CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**
6. **HACKNEY CARRIAGE TARIFFS AND FEES** – Report of the Head of Legal and Democratic Services (pages 7 to 14)
7. **PRIVATE SESSION**

It will be recommended that in accordance with Section 100(A)(4) of the Local Government Act 1972 in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 4 and 7 of Part 1 of Schedule 12(A) of the Act.
8. **CONSIDERATION OF FITNESS OF LICENSED PRIVATE HIRE DRIVER TO OPERATE ON BEHALF OF SELBY DISTRICT COUNCIL** – Report of the Head of Legal and Democratic Services (pages 15 to 21)
9. **APPLICATION BY HACKNEY CARRIAGE DRIVER FOR A HACKNEY CARRIAGE LICENCE** – Report of the Head of Legal and Democratic Services (pages 22 to 30)

M Connor
Chief Executive
12 April 2006

DISCLOSURE OF INTEREST – GUIDANCE NOTES:

- (a) Members are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

[Please note that the papers relating to the applications have been circulated to Members of the Licensing Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].

DATES OF FUTURE MEETINGS OF THE LICENSING COMMITTEE

Date	Deadline
15 May 2006	2 May 2006
12 June 2006	30 May 2006
10 July 2006	27 June 2006

MEMBERSHIP OF THE LICENSING COMMITTEE
10 MEMBERS

Conservative

J Ashton
J Dyson
K McSherry
C Pearson (Vice Chair)
R Sayner (Chair)
D Peart

Labour

G Croston
D Davies
S Duckett

Independent

J McCartney

Enquiries relating to this agenda, please contact Tracey Peam on:

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DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

AGENDA ITEM NO: 4

LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Members of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, will then withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Head of Legal Services will write to the applicant informing them of the decision of the Licensing Committee.

AGENDA ITEM NUMBER

PUBLIC SESSION

TITLE: HACKNEY CARRIAGE TARIFFS AND FEES

TO: LICENSING COMMITTEE

DATE: 24TH APRIL, 2006

BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES

AUTHOR: TIM GROGAN – ENFORCEMENT OFFICER - LICENSING

1. LINK TO COUNCIL POLICY

To promote community safety.

2. PURPOSE OF THE REPORT

To bring to the attention of this Committee the annual review of the hackney carriage tariffs and licensing fees.

3. **LINK TO CORPORATE AIMS AND PRIORITIES**

To work in accordance with Council aims and priorities.

RECOMMENDATION

THAT MEMBERS CONSIDER AND APPROVE THE TARIFF INCREASE AND INCREASE IN LICENSING FEES.

4. IMPACT ON CORPORATE POLICIES

4.1 Best Value

N/A

4.2 Equalities

N/A

4.3 Community Safety

N/A

4.4 Procurement

N/A

4.5 Risk Management and Risk Register

Members should note that, in relation to the proposed fee increase for Licences, the increased income generated will be subject to continued demand for Licences. There is a risk, therefore, that demand for Licences may fall as a consequence of the price increase although this is not anticipated.

4.6 Sustainability

N/A

4.7 Gershon Efficiency Savings

N/A

5. EXECUTIVE SUMMARY

5.1 The District Council seeks permission to approve an increase in hackney carriage tariffs.

5.2 The District Council seeks permission to approve an increase in Licensing fees.

6. SUPPORTING INFORMATION

6.1 A review of hackney carriage tariffs takes place each year and the present tariff has been in place since 2005.

6.2 On the 20th March, 2006, the Licensing Committee reviewed the tariffs in order to decide an appropriate increase. At this time the Committee considered a number of letters and heard a spokesman for the trade. At this time, a number of proposals were discussed but due to the complex nature of the material available, the matter could not be resolved. As a consequence, the issue was deferred in order that the Licensing Committee and the trade could carefully consider the various options as follows:-.

(a) The current tariff. New fares from 1st August, 2005.

(b) Proposed tariff by the trade.

(c) Proposed tariff by the Licensing Department following consultation with the trade and Licensing Committee members.

6.3 In relation to the increase in Hackney Carriage and Private Hire fees, this matter was similarly deferred from the Licensing Committee meeting on the 20th March, 2006, until the tariff situation was resolved.

(d) Schedule of proposed Licence fees showing a potential increase of 6% or 10% over a two year period.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications for the Council as a result of the change in tariffs.

7.2 In relation to the proposed increase in fees for the Hackney Carriage Licences, assuming the current number of licences in issue (vehicle and personal), and on the basis of the current combined budget, there should be a net additional income as shown in the table below.

	6%	10%
Increased income from fees	£1,250	£2,080
Less advertising fee	£550	£550
Net annual income	£700	£1,530

8. BACKGROUND DOCUMENTS

8.1 Licensing Committee report for 20th March, 2006, held in the Legal Section.

8.2 Licensing Committee Minutes for meeting on 20th March, 2006, held in Legal Section.

8.3 Hackney Carriage tariff file held in the Legal Section.

LICENCE FEES FOR HACKNEY CARRIAGE & PRIVATE HIRE 2006 / 2007

Please find attached list of proposed charges for Hackney Carriage and Private Hire for the year 2006 / 2007.

These charges are reviewed every two years and were last increased by 5% in April 2004.

It is proposed to increase it by either 6% which is double the increase for other licenses, or 10% (see graph of charges) to ensure that costs are adequately covered, and make them comparable with other Authorities.

Apportioned costs for involvement of:-

Licence Enforcement Officer

Administrator

Legal advice from solicitor

Convening Licensing Committee to consider taxi licensing matters.

Advertising for licence fees.

Advertising hackney carriage tariff.

**SELBY DISTRICT COUNCIL
HACKNEY CARRIAGE FARE STRUCTURE**

NEW FARES FROM MONDAY 1 AUGUST 2005

TARIFF ONE

DAYTIME 7am – 11pm
(Monday to Saturday)
£2.50 for the first ¼ mile
£1.30 for every mile thereafter
(10p for every other 1/13 mile (135yards))

TARIFF TWO

NIGHT TIME 11pm – 7am.
(all day Sunday & Bank Holidays)
£3.00 for the first ¼ mile
£1.60 for every mile thereafter
(10p for every other 1/16 mile (110 yards))

WAITING TIME

£11.00 per hour (10p every 33 seconds)

WAITING TIME

£14.00 per hour (10p every 26 seconds)

TARIFFS 3 & 4 CHRISTMAS & NEW YEAR

Double the appropriate tariff
1800 hours 24 December to 0700 hours 27 December each year and
1800 hours 31 December to 0700 hours 2 January each year.

NEW TARIFFS FROM WEDNESDAY 1 JUNE 2005

TARIFF 5 (to be used only when carrying 5 or more passengers in a vehicle licensed so to do)

Day & night time including Sundays & Bank Holidays
£3.00 for the first ½ mile
£2.00 for every mile thereafter. (10p every 1/20 mile)

TARIFF 6 CHRISTMAS & NEW YEAR

Double Tariff 5
18.00 hours 24 December to 0700 hours 27 December each year and
18.00 hours 31 December to 0700 hours 2 January each year.

EXTRAS

CATS & DOGS	Carried at the Driver's discretion 20p
GUIDE DOGS	Free carriage
FOULING CHARGE	£30.00

**SELBY DISTRICT COUNCIL
HACKNEY CARRIAGE FARE STRUCTURE**

PROPOSED TARIFFS BY THE TRADE

TARIFF ONE

ALL DAY (24 HOURS)

(Monday to Sunday inc. Bank Holidays)

£3.00 for the first ¾ mile

£1.60 for every mile thereafter

(10p for every other 1/16 mile (110yards))

WAITING TIME

£20.00 per hour (10p every 18 seconds)

TARIFF TWO

Double Tariff one

1800 hours 24 December to 0700 hours 27 December each year and

1800 hours 31 December to 0700 hours 2 January each year.

TARIFF THREE (to be used only when carrying 5 or more passengers in a vehicle licensed to do so)

ALL DAY (24 HOURS)

(Monday to Sunday inc. Bank Holidays)

£3.50 for the first ½ mile

£2.20 for every mile thereafter

WAITING TIME

£20.00 per hour (10p every 18 seconds)

TARIFF FOUR

Double Tariff three

1800 hours 24 December to 0700 hours 27 December each year and

1800 hours 31 December to 0700 hours 2 January each year.

EXTRAS

CATS & DOGS

Carried at the Driver's discretion 20p

GUIDE DOGS

Free carriage

FOULING CHARGE

£30.00

**SELBY DISTRICT COUNCIL
HACKNEY CARRIAGE FARE STRUCTURE**

PROPOSED BY THE LICENSING DEPT.

TARIFF ONE

DAYTIME 7am – 11pm
(Monday to Saturday)
£2.50 for the first ¼ mile
£1.50 for every mile thereafter
(10p for every other 1/15 mile (117yards))

TARIFF TWO

NIGHT TIME 11pm – 7am.
(all day Sunday & Bank Holidays)
£3.50 for the first ¼ mile
£1.60 for every mile thereafter
(10p for every other 1/16 mile (110 yards))

WAITING TIME

£15.00 per hour (10p every 24 seconds)

WAITING TIME

£20.00 per hour (10p every 18 seconds)

TARIFFS 3 & 4 CHRISTMAS & NEW YEAR

Double the appropriate tariff
1800 hours 24 December to 0700 hours 27 December each year and
1800 hours 31 December to 0700 hours 2 January each year.

TARIFF 5 (to be used only when carrying 5 or more passengers in a vehicle licensed so to do)

Day & night time including Sundays & Bank Holidays
£3.50 for the first ½ mile
£2.00 for every mile thereafter.
(10p every other 1/20 mile (88yards))

WAITING TIME

£20.00 per hour (10p every 18 seconds)

TARIFF 6 CHRISTMAS & NEW YEAR

Double Tariff 5
18.00 hours 24 December to 0700 hours 27 December each year and
18.00 hours 31 December to 0700 hours 2 January each year.

EXTRAS

CATS & DOGS	Carried at the Driver's discretion 20p
GUIDE DOGS	Free carriage
FOULING CHARGE	£50.00

CURRENT LICENCE FEES 2005 / 2006

**PROPOSED LICENCE FEES
SELBY 2006 / 2007**

	LEEDS	YORK	EAST RIDING	RYEDALE	SELBY		6%	10%
PRIVATE HIRE VEHICLE	80.00	132.00	144.00	215.00	111.00		118.00	122.00
HACKNEY CAR. VEHICLE	80.00	132.00	144.00	215.00	119.00		126.00	131.00
4/6 MONTH TEST	35.00	35.00			34.00		36.00	37.50
VEHICLE RE-TEST		25.00		30.00	15.00		16.00	16.50
FAIL TO ATTEND TEST	30.00			85.00	34.00		36.00	37.50
P.H.V PLATE EXTERIOR	15.00	12.50c		17.50e	15.27c		No change	
H.C.V PLATE EXTERIOR		22.00			23.50		No change	
INTERIOR PLATE	10.00	5.00			5.87		No change	
METER TEST & SEAL	10.00				8.00		8.50	9.00
DRIVER - NEW	90.00	90.00	64.00	80.00	42.00		44.50	46.00
DRIVER - RENEWAL	75.00	54.00	42.00	70.00	36.00		38.00	40.00
OPERATORS LICENCE								
1 - 4 VEHICLES	300.00	45.00	64.00 + 17 each veh.	170.00	65.00		69.00	71.50
5 - 10 VEHICLES		62.00			69.00		73.00	76.00
11 plus		76.00			75.00		79.50	82.50
OPERATORS RECORD BOOK					3.50		No change	
REPLACEMENT BADGE	5.00	6.00			8.00		8.50	9.00
REPLACEMENT LICENCE	5.00	12.00			7.00		7.50	8.00
LICENCE AMENDMENT	20.00			30.00	26.00		27.50	28.50
SCHOOL CONTRACTOR				80.00	38.00		40.00	42.00
CHANGE OF VEHICLE								
Rebate on current licence - Against change of vehicle					4.50 per month		5.00 per month	5.00 per month

LICENCE FEES COMPARISON 2006/2007