

# Agenda

Meeting:LICENSING COMMITTEEDate:7 JANUARY 2013Time:10.00AMVenue:COMMITTEE ROOMTo:Councillor Mrs S Duckett, Councillor K Ellis, Councillor MrsP Mackay, Councillor Mrs C Mackman, Councillor Marshall,<br/>Councillor Mrs K McSherry, Councillor Mrs S Ryder,<br/>Councillor Sayner, Councillor R Sweeting and Councillor J<br/>Thurlow

### 1. Apologies for absence

### 2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at <u>www.selby.gov.uk</u>.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

### 3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 3 December 2012 (pages 4 to 6 attached).

### 4. Procedure

To outline the procedure to be followed at the meeting (Pages 7 to 8)

Licensing Committee 7 January 2013 5. Chair's Address to the Licensing Committee

# 6. Hackney Carriage and Private Hire Licensing Policy – A Review of Vehicle Age Limits / Emissions Standards

To receive the report of the Solicitor to the Council L/12/11 (pages 9 to 23)

### 7. Increase in Licensing Fees

To receive the report of the Senior Enforcement Officer L/12/12 (pages 24 to 30)

### 8. Approval to Increase Hackney Carriage Tariffs

To receive the report of the Senior Enforcement Officer L/12/13 (pages 31 to 63)

### 9. Private Session

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 item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.

### **10. Application for a Private Hire Driver's Licence**

To receive the report of the Senior Enforcement Officer L/12/14 (pages 64 to 68)

# 11. Issue concerning the behaviour of a Licensing Hackney Carriage Driver

To receive the report of the Senior Enforcement Officer L/12/15 (pages 69 to 74)

# 12. Issue concerning the behaviour of a Licensing Hackney Carriage Driver

To receive the report of the Senior Enforcement Officer L/12/16 (pages 75 to 80)

Martin Connor Chief Executive

Dates of next meetings	
4 February 2013	
4 March 2013	
8 April 2013	
13 May 2013	

Enquiries relating to this agenda, please contact Palbinder Mann on: Tel: 01757 292207 Email: pmann@selby.gov.uk



# Minutes

# Licensing Committee

Venue:	Committee Room
Date:	3 December 2012
Present:	Councillors R Sayner (Chair), Mrs S Duckett, Mrs C Mackman, B Marshall, Mrs K McSherry, D Peart (substitute for Councillor K Ellis) Mrs S Ryder, R Sweeting and J Thurlow.
Apologies for Absence:	Councillor K Ellis (substitute Councillor D Peart) and Mrs P Mackay
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Simon Scarrott – Senior Enforcement Officer, Palbinder Mann –

**Democratic Services Officer** 

# 24. DECLARATIONS OF INTEREST

None.

### 25. MINUTES

It was agreed that the grammatical error in paragraph two of item six should be amended to read as following:

• Councillors were given the opportunity to question the applicant in connection with the application.

### **RESOLVED:**

That the Committee receive and approve the minutes of the Licensing Committee on 5 November 2012 with the above amendments and that they be signed by the Chair.

### 26. PROCEDURE

The procedure was noted.

# 27. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

There was no address from the Chair.

## 28. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – A REVIEW OF VEHICLE AGE LIMITS / EMISSIONS STANDARDS

The Senior Enforcement Officer presented the **Report L/12/09** which was a follow up report to the one presented to the Committee at the last meeting. The report contained detailed potential policy amendments for consideration.

The Senior Enforcement Officer explained that there were four options available for the Committee to consider as outlined in the report.

The Committee debated the options which were presented. A query was raised concerning which option other authorities had followed. The Senior Enforcement Officer stated that authorities such as Plymouth were looking to implement option two whereas authorities such as York had decided to choose more stringent rules. It was acknowledged that any option chosen was subject to consultation.

Queries were raised around the testing of vehicles. It was explained that taxi vehicles were tested annually and the Council were only allowed to test vehicles for a maximum of three times a year. With regard to testing for pollutants, it was explained that it was not feasible for the Council to do this.

After deliberation, the Committee decided to recommend with option one as outlined in the report however it was agreed that in response to this, the hardship policy would have to be considered and this would be done so at the next meeting of the Committee in January 2013.

# **RESOLVED:**

- i) That the Committee receive and note Report L/12/09.
- ii) That the Committee decide to recommend option one as outlined in the report.
- iii) That the Hardship Policy be considered at the next meeting of the Committee in January 2013.

## 28. PRIVATE SESSION

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

# 29. ISSUE CONCERNING THE BEHAVIOUR OF A SCRAP METAL DEALER AND MOTOR SALVAGE OPERATOR

The Senior Enforcement Officer presented the **Report L/12/10** which considered whether the respective individuals would continue to be 'fit and proper' persons, to be certified as scrap metal dealers and motor salvage operators within Selby District.

Councillors were given the opportunity to question the persons, who were represented by their Solicitor. An account of their behaviour was provided and questions were posed in connection with this explanation. The Committee discussed the matter and considered the all the relevant issues.

## **RESOLVED:**

- i) That the Committee receive and note Report L/12/03.
- ii) That further information was required to enable the Committee to make a decision and that the decision on the matter be deferred until 4 March 2013 to allow the Court hearing to take place.

The meeting closed at 11.26am

# 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 prcoedure 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, press and public, will then be asked to 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, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Committee Section will inform in writing to the applicant the decision of the Licensing Committee.



### Report Reference Number: L/12/11

Agenda Item No: 6

To: Licensing Committee Date: 7 January 2013 Author: Phillip Devonald, Solicitor to the Council Lead Officer: Simon Scarrott

# Title: Hackney Carriage and Private Hire Licensing Policy – A review of vehicle age limits/emissions standards

### Summary:

To consider a review of the Council's taxi licensing policy.

### **Recommendations:**

- i. Councillors note the report and discuss policy changes prior to a review by the Policy team.
- ii. Request officers to undertake a review of Selby District Council's hackney carriage and private hire vehicle policy with the review to include vehicle age and emission standards.

### **Reasons for recommendation**

To update and consolidate the Council's taxi licensing policy.

### 1. Introduction and background

A report was presented to the Licensing Committee on 5th November 2012 outlining potential amendments to the existing licensing policy that would reduce vehicle emissions from the Hackney Carriage and Private Hire fleets.

The Senior Enforcement Officer was requested to compile a further report containing detailed potential policy amendments for the consideration of Councillors. A report was presented to the Licensing Committee on 3<sup>rd</sup> December 2012 which included optional policy amendments that would reduce emissions from the licensed fleet.

The Committee decided to recommend option one :

A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and a vehicle licence will not be renewed unless the vehicle is less than 8 years old and that the hardship policy be considered at the next meeting of the Committee.

A copy of the 5<sup>th</sup> November and 3<sup>rd</sup> December 2012 Committee reports and the Guidelines for Licensing Committee to consider assessing financial hardship are attached at Annex A.

It is noted that the Guidelines relate to granting licences for Hackney Carriage Vehicles enabling an applicant to seek to not comply with the requirement for the vehicle to be accessible for disabled passengers on the ground of financial hardship.

Since the bringing in of the Guidelines the Equality Act 2010 has placed a statutory duty on the Council to promote equality and therefore the Council's policy requires updating to reflect its obligations.

Prior to a change in policy consultation would need to be carried out with the trade and general members of the public. Such a review would need to be added to the work programme for the Council's policy team.

### 2. The Report

This report sets out some of the issues relating to a review of the hackney carriage and private hire vehicle policy for members to debate.

### 3. Legal/Financial Controls and other Policy matters

### 3.1 Legal Issues

The Council has to comply with licensing and equality legislation as referred to in this report.

## 3.2 Financial Issues

There will be resource and cost considerations in relation to the review.

### 4. Conclusion

Members views are invited to consider the way forward.

5. Background Documents

**Contact Officer:** 

Simon Scarrott, Senior Enforcement Officer

Appendices:

Committee report dated 5<sup>th</sup> November 2012 Committee report dated 3<sup>rd</sup> December 2012 Guidelines for Licensing Committee to Consider Assessing Financal Hardship



**Report Reference Number L/12/06** 

Agenda Item No: 6

To:Licensing CommitteeDate:5 November 2011Author:Simon ScarrottLead Officer:Simon Scarrott

**Title:** Hackney Carriage and Private Hire Licensing Policy –A review of vehicle age limits / emissions standards.

### Summary:

The Selby District relies upon transport systems for continued economic success; however increases in vehicle use directly impacts upon both environment and public health. It is therefore desirable for the Authority to promote high quality licensed vehicles producing low emission levels.

Selby District Council's existing air quality monitoring program has recently identified 2 'street canyon' locations with potentially significant traffic emissions. These locations (New Street, Selby and Bridge Street, Tadcaster) are currently undergoing detailed assessments. Local authorities are legally required to carry out measures to improve air quality where it is found to be below certain standards.

Selby District Council licenses in excess of 100 Hackney Carriages and Private Hire Vehicles. It is the author's view that the Council's licensed vehicle policy should seek to reduce emission levels produced by the licensed vehicle fleet. The imposition of vehicle age limits or Euro emission standards (see Annex A) would reduce emissions generated by licensed vehicles within the District.

### **Recommendations:**

That the Licensing Committee notes the content of this report and consider amending the existing policy with a view to improve air quality within the District.

The following options represent potential policy amendments that would reduce emissions from the licensed fleet:

i. Introduce a rolling age limit policy with no specific requirement for vehicles to meet any particular Euro Standard.

For example, an 8-year rule applied to licence renewals would ensure that Euro 3 standard vehicles would be phased out completely in 2013 and Euro 4 vehicles would be phased out by 2017. All Euro 1 & 2 vehicles would require immediate replacement. All new vehicle licence applications could be subjected to a 4-year rule.

ii. Introduce specific Euro Standards (with associated compliance dates) for the existing licensed fleet and/or for all new vehicle licence applications.

For example, as of 01 January 2013, a new vehicle licence would only be granted if the vehicle complies with the Euro 5 standard or higher. In addition as of April 2013 vehicle licences will not be renewed unless the vehicle complies with the Euro 4 standard or higher.

iii. Incentivise the uptake of Hybrid or Euro 6 compliant vehicles with targeted reductions to licensing application/renewal fees

### 1. Introduction and background

The Local Air Quality Management (LAQM) process as set out in Part IV of the Environment Act (1995) & the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 stipulates that all local authorities must conduct an Updated Screening Assessment (USA) reviewing the air quality within their district.

Selby District Council's 2012 USA has identified 2 'street canyon' locations with potentially significant traffic emissions. These locations (New Street, Selby and Bridge Street, Tadcaster) are currently undergoing detailed assessments so as to determine the level of Nitrogen Dioxide at the respective sites. Initial monitoring results obtained at these locations have exceeded the national air quality objectives for Nitrogen Dioxide.

The UK is required to meet the air quality limit values set out in the EU Directive 2008/50/EC by the 1<sup>st</sup> January 2015. As of December 2011 only 3 out of 43 areas and conglomerates in the UK met the Nitrogen Dioxide target.

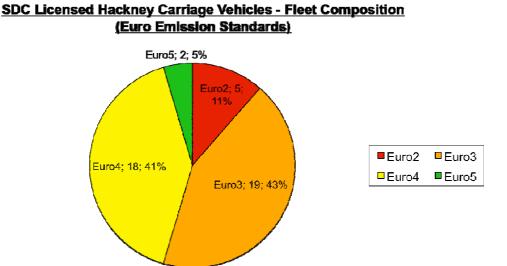
If compliance with the limit values is not achieved then the UK faces significant EU fines for non-compliance. Reserve powers in the Localism Act 2011 allow Ministers to passport EU Air Quality infraction fines to local authorities where they can demonstrate that the authority has failed to take appropriate action.

To date SDC has not declared any AQMAs (air quality management areas) within the district. This situation may however change, potentially leaving SDC open to EU fines pass ported under the Localism Act 2011.

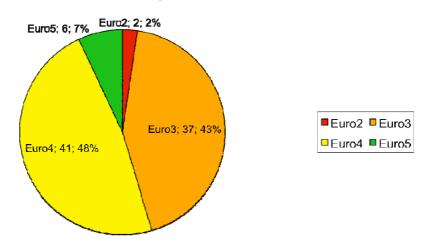
Selby District Council licenses in excess of 100 Hackney Carriages/Private Hire Vehicles. An increasing number of local authorities are adopting licensing policies that promote air quality within their Districts.

### 2. The Report

The composition (Euro Emission Standard) of the current SDC licensed Private Hire & Hackney Carriage fleet is illustrated in the following figures. These diagrams have been prepared using vehicle registration data & Euro Standard new vehicle approval dates (detailed in Annex A) and as such should be considered as 'conservative'. The data tags contained in each figure denote the Euro Emission Standard, the number of rated vehicles & the percentage of the fleet composition they represent.







Registration data held by SDC indicates that 54% of licensed Hackney Carriage vehicles and 45% of Private Hire vehicles are of Euro Standard 3 or lower (vehicles registered in or prior to Jan 2005).

The vehicle emission levels permitted by each Euro Standard (and their commencement dates) are contained in Annex A to this report. A number of potential policy instruments (as outlined in Recommendations Section) could be used to alter the licensed fleet composition and it subsequent environmental impact. Potential reductions in licensed vehicle emission levels are dependent upon the nature and scope of the policy measures introduced.

Should the licensing committee wish to examine policy options aimed at reducing vehicle emission levels, additional information could be collated to inform future deliberations.

# 3. Legal/Financial Controls and other Policy matters

None at this time.

# 3.1 Legal Issues

None at this time.

## 3.2 Financial Issues

None at this time.

### 4. Conclusion

None at this time.

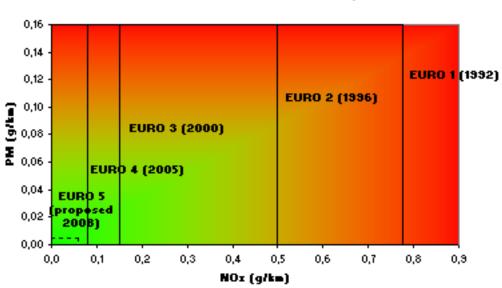
## Annex : A – Euro Emission standards data

# ANNEX A

<u>Table 1 EU emission standards – (dates listed in the tables refer to new</u> <u>type approvals by manufacturer i.e. new models of vehicles that have not</u> <u>been produced before. All registered vehicles need to meet the standards</u> <u>a year after the date given.).</u>

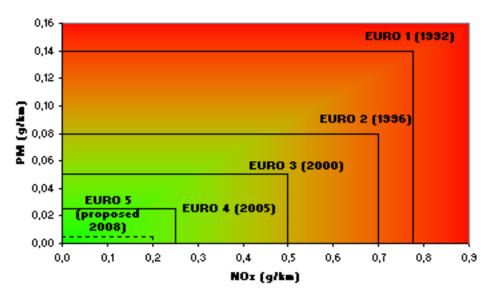
	EU	Emission	Standa	rds for Pass	enger	Cars	
Stage	Date	СО	HC	HC+NOx	NOx	PM	PN
_		g/km					#/km
	sion Ignitio	on (Diesel)	)				-
Euro 1†	1992.07	2.72	-	0.97	-	0.14	-
		(3.16)		(1.13)		(0.18)	
Euro 2, IDI	1996.01	1.0	-	0.7	-	0.08	-
Euro 2, DI	1996.01 <sup>a</sup>	1.0	-	0.9	-	0.10	-
Euro 3	2000.01	0.64	-	0.56	0.50	0.05	-
Euro 4	2005.01	0.50	-	0.30	0.25	0.025	-
Euro 5a	2009.09 <sup>b</sup>	0.50	-	0.23	0.18	0.005 <sup>f</sup>	-
Euro 5b	2011.09 <sup>c</sup>	0.50	-	0.23	0.18	0.005 <sup>f</sup>	6.0×10 <sup>11</sup>
Euro 6	2014.09	0.50	-	0.17	0.08	0.005 <sup>f</sup>	6.0×10 <sup>11</sup>
Positive	Ignition (Ga	asoline)					
Euro 1†	1992.07	2.72	-	0.97	-	-	-
		(3.16)		(1.13)			
Euro 2	1996.01	2.2	-	0.5	-	-	-
Euro 3	2000.01	2.30	0.20	-	0.15	-	-
Euro 4	2005.01	1.0	0.10	-	0.08	-	-
Euro 5	2009.09 <sup>b</sup>	1.0	0.10 <sup>d</sup>	-	0.06	0.005 <sup>e,f</sup>	-
Euro 6	2014.09	1.0	0.10 <sup>d</sup>	-	0.06	0.005 <sup>e,f</sup>	6.0×10 <sup>11</sup>
Category † Values a. until 19 b. 2011.0 c. 2013.0 d. and NM e. applica	N <sub>1</sub> vehicles in brackets 99.09.30 (a 1 for all mod 1 for all mod I for all mod IHC = 0.068 ble only to v	are confor fter that da dels dels 3 g/km /ehicles us	mity of p ate DI er sing DI e	hicles > 2,50 roduction (C ngines must r ngines nent procedu	OP) lim neet th	iits e IDI limits)	
g. 6.0×10	<sup>12</sup> 1/km with	in first thre	e years	ment procedu from Euro 6	effectiv	ve dates	

# Graphical depiction of Euro Emission Standards & commencement dates (petrol vehicles- excludes Euro 6).



NOx and PM emission standards for petrol cars

<u>Graphical depiction of Euro Emission Standards & commencement dates</u> (diesel vehicles- excludes Euro 6).



NOx and PM emission standards for diesel cars



**Report Reference Number L/12/09** 

Agenda Item No: 6

To:Licensing CommitteeDate:3 December 2012Author:Simon ScarrottLead Officer:Simon Scarrott

**Title:** A review of Hackney Carriage and Private Hire Vehicle age limits / emissions standards.

### Summary:

A report was presented to the Licensing Committee on the 05<sup>th</sup> November 2012 outlining potential amendments to the existing licensing policy that would reduce vehicle emissions from the Hackney Carriage & Private Hire fleets. A copy of this report and associated supporting documents are contained in Annex A to this document.

Further to the meeting of the Licensing committee held on the 05<sup>th</sup> November 2012 the Senior Enforcement Officer was requested to compile a further report containing detailed potential policy amendments for the consideration of Councillors.

### **Recommendations:**

That the Licensing Committee notes the content of this report and consider amending the existing policy with a view to improve air quality within the District.

The following options represent potential policy amendments that would reduce emissions from the licensed fleet:

Option 1 -

A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and a vehicle licence will not be renewed unless the vehicle is less than 8 years old.

Option 2 -

A new vehicle licence will not be granted in respect of a vehicle unless it is less than 5 years old and a vehicle licence will not be renewed unless the vehicle is less than 10 Years old.

Option 3 -

A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.

(Licence renewals would not be subject to a vehicle age limit).

Option 4 -

A new vehicle licence will not be granted in respect of a vehicle unless it is less than 5 years old.

(Licence renewals would not be subject to a vehicle age limit).

### Introduction and background

The issues and legislative framework surrounding Air Quality monitoring within the UK (and the Selby District) are detailed within a report that was submitted to the Licensing Committee on the 05/11/2012 by the Senior Enforcement Officer. A copy of this report and associated supporting documents are contained in Annex A to this document.

### **The Report**

A number of potential policy instruments (as detailed in the Recommendations Section) could be used to alter the licensed fleet composition and it's subsequent environmental impact. Potential reductions in licensed vehicle emission levels are dependent upon the nature and scope of the policy measures introduced.

In response to queries raised during the Licensing Committee hearing of the 05/11/2012 it has since been established that MOT emission tests do not monitor vehicular emissions of Nitrogen Dioxide. In light of this fact the MOT testing regime cannot be relied upon to tackle locations where Nitrogen Dioxide levels exceed national air quality objectives.

### Legal Issues

Should the Licensing committee wish to endorse a policy option contained within this report the proposed policy amendment would require submission to the Council's Executive for consideration.

### **Financial Issues**

The imposition of an age limit for new and/or existing licensed vehicles will have a financial impact upon licensed vehicle operators throughout the Selby District. The scale of this financial impact is dependent upon the nature and scope of the policy measures introduced. Newer vehicles attract a higher initial purchase price, although this may be offset by potentially lower running costs and fuel consumption levels.

Annex : A – Euro Emission standards data & Officer report dated  $05^{th}$  November 2012

Appendix (iv)

# GUIDELINES FOR LICENSING COMMITTEE TO CONSIDER ASSESSING FINANCIAL HARDSHIP

Agreed at Licensing Committee on 5<sup>th</sup> December, 2005 Agreed at Full Council on 13<sup>th</sup> December, 2005 Amended at Licensing Committee on 1<sup>st</sup> December 2008

The District Council's existing policy on granting Licences for hackney carriage vehicles enables an applicant to seek to not comply with the requirement for the vehicle to be accessible for disabled passengers on the ground of financial hardship.

On the 24<sup>th</sup> October, 2005, the Committee discussed as to what would constitute "financial hardship".

The Policy relating to this particular aspect has evolved over a period of time and Officers of the District Council namely, Peter Burns, Head of Legal Services and Tim Grogan, Licensing Manager, believe that the Policy in its present form is sound and should not be changed. In deed, the Policy has been subject to consideration by a Judge in the Crown Court on two occasions recently, both of whom have indicated that they believe that the Policy is sound.

However, it was agreed at the Committee that some consideration should be given to what does constitute "financial hardship". The following is a suggestion for consideration.

- (i) The starting point is the full financial position of the applicant. This includes assets held by the applicant and any he may have access to which may be held by another. Documentary evidence of the full financial position is advisable and the burden of proving hardship is on the applicant. The Licensing Committee expect details of income and expenses for at least the last two years, preferably produced by the individual's accountant. In looking at an applicant's liabilities, expenses and debts, those associated with the business would be given priority over personal debts. Although personal debts might be relevant, they should be given much less weight than commitments associated with the business.
- (ii) The age and condition of the vehicle subject to the present application must, of course, be considered together with the cost of such a vehicle and the applicant will also need to explain whether he has made enquiries with regard to the purchase of a vehicle which does have access facilities for the disabled. The Committee have become mindful of the fact that second hand vehicles can be obtained at relatively reasonable cost although in cases in the past the starting point appears to have been that applicants have assumed that new vehicles are to be purchased at a cost well in excess of £20,000. Applicants will be asked to explain fully that they have looked into the full range of vehicles offering wheelchair accessible facilities.
- (iii) The age of the applicant can be considered particularly if the individual is near to retiring age and a large financial commitment would not be reasonable in

the circumstances because of the limited number of years which the individual is intending to continue to work.

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- (iv) Where an individual applies for hardship in relation to an application, he should be informed that in the event of his application being successful, then the Committee feel that he takes the necessary steps to ensure that provision is made within his business for a replacement vehicle in the future, which complies with this policy and that in the event of any claim for hardship on any second or subsequent occasion, it will be a material consideration that he had a previous application approved and was given this appropriate advice and that any further hardship claim might be more difficult to prove.
- (v) If the applicant is an existing Hackney Carriage Operator consideration should be given to the type of vehicle currently being used as well as the number of years that individual has been licensed by the Council. Particular weight should be attached if for instance the operator was licensed prior to the policy change in June 1999.
- (vi) This list of guidelines is not exhaustive and in appropriate circumstances additional questions can be asked.



### **Public Session**

Report Reference Number: L/12/12

Agenda Item No: 7

To: Licensing Committee Date: 7 January 2013 Author: Tim Grogan Lead Officer: Tim Grogan

### Summary:

To inform the Licensing Committee of an increase to current licensing fees.

### **Recommendations:**

That councillors be informed of an increase in licensing fees.

### 1. Introduction and background

1.1 To bring to the attention of this Committee details of an increase in licensing fees.

### 2. The Report

- 2.1 A review of all licensing fees takes place annually. In 2012 the Licensing Committee approved an increase in licensing fees of 5.6% of all fees. The Licensing Department proposes an increase this year of 2.6% in accordance with the fees and charges policy.
- 2.2 Fees have been rounded to the nearest 50 pence or £1. A schedule is attached for consideration. It should be noted that Lotteries and Amusement permits were agreed at a previous meeting of the Licensing Committee in line with the Gambling Act.
- 2.3 Details of the increase in fees are attached for information.

# 3. Legal/Financial Controls and other Policy matters

### 3.1 Legal Issues

The legal issues surrounding this matter are contained within the body of the report.

### 3.2 Financial Issues

There are financial implications in connection with this report. The need to advertise the Hackney Carriage and Private Hire licensing fees is approximately £200

### 4. Conclusion

That Councillors determine the application.

## 5. Background Documents

- 1. Details of the increase in Hackney Carriage/Private Hire fees.
- 2. Details of the increase in general licensing fees,

## Contact Officer: Tim Grogan: tgrogan@selby.gov.uk

### LICENCES

2012/2013	SERVICES	VAT	2013 / 2014
From 1/4/12	HACKNEY CARRIAGE		
186.50	Vehicle Licence (including test fee & meter test)	0	191.50
66.00	Driver – New Application	0	68.00
57.00	Driver – Renewal	0	58.50
66.00	Vehicle Test (including meter)	0	68.00
54.00	4/6 Month Test	0	55.50
27.50	Retest	0	28.50
54.00	Fail to appear for Test (non-cancellation)	0	55.50
20.00	Hackney External Plate (includes VAT)	S	20.50
5.50	Hackney Internal Plate (includes VAT)	S	6.00
12.50	Meter Test	0	13.00
	PRIVATE HIRE		
174.50	Vehicle Licence (including test fee)	0	179.00
66.00	Driver – New Application	0	68.00
57.00	Driver – Renewal Application	0	58.50
54.00	Vehicle Test	0	55.50
54.00	4/6 Month Vehicle Test	0	55.50
27.50	Retest	0	28.50
54.00	Fail to appear for Test (non cancellation)	0	55.50
13.50	Private Hire External Plate (each –includes VAT)	S	14.00
5.50	Private Hire Internal Plate (includes VAT)	S	6.00
16.50	Window Screen Disc	0	17.00
	<b>OPERATORS LICENCE FEES</b>		
102.50	1 – 4 Vehicles	0	105.00
109.00	5 - 10 Vehicles	0	112.00
118.50		0	121.50
	11 plus Vehicles		

SERVICES	VAT	2013 / 2014
OTHER CHARGES		
Licence Amendment Fee	0	42.00
Vehicle Re-test	0	28.00
Duplicate Driver Name Badge	0	13.50
Duplicate Licence (per item)	0	12.50
Reduced Fee – School Contractor (plates extra)	0	70.00
Photocopies of any documents (per sheet)	0	65p
Monthly rebate on licence for change of vehicle	0	11.00
Self Adhesive Plates (each – includes VAT)	S	10.00
	OTHER CHARGES Licence Amendment Fee Vehicle Re-test Duplicate Driver Name Badge Duplicate Licence (per item) Reduced Fee – School Contractor (plates extra) Photocopies of any documents (per sheet) Monthly rebate on licence for change of vehicle	OTHER CHARGESLicence Amendment Fee0Vehicle Re-test0Duplicate Driver Name Badge0Duplicate Licence (per item)0Reduced Fee – School Contractor (plates extra)0Photocopies of any documents (per sheet)0Monthly rebate on licence for change of vehicle0

### LICENCES

2012 / 2013	SERVICES	VAT	2012 / 2013
	ANIMAL BOARDING ESTABLISHMENT		
195.00	Initial Licence	0	200.00
111.00	Renewal Licence	0	114.00
	<b>RESTRICTED ANIMAL HOME BOARDING</b>		
99.00	Initial licence	0	101.50
56.50	Renewal Licence	0	58.00
	DANGEROUS WILD ANIMALS – BY INDIVIDUAL ASSESSMENT		
152 00 Not	DOG BREEDING		
153.00+Vet	Initial Licence	0	157.00+Vet
111.00+Vet	Renewal Licence	0	114.00+Vet
	PET SHOP		
153.00+Vet	Initial Licence	0	157.00+Vet
111.00+Vet	Renewal Licence	0	114.00+Vet
	<b>RIDING ESTABLISHMENT</b>		
406.00	1 – 9 Horses	0	416.50
436.00	10 + Horses	0	447.50
	NON – FOOD		
674.50	Street Trading Consent (per annum) or (1 x 57.85 & 11 x 57.65)	0	692.00
23.00	Occasional Street Trading Consent (per day)	0	23.30
	EQOD		
1343.00	FOOD		1250.00
56 50	Street Trading Consent (per annum) or	0	1378.00
56.50	(1 x 115.20 & 11 x 114.80) Occasional Street Trading Consent (per day)	0	58.00
101.50	MOTOR SALVAGE OPERATOR	0	104.00

2012/2013	SERVICES	VAT	2013/2014
From 1/4/12 5663.50	CONTROL OF SEX ESTABLISHMENTS Initial Licence 2/3 with app unrefundable. (3874.00) 1/3 on grant (1937.00)	0	5811.00
5663.50 288.00	Renewal Licence Transfer of Licence	0 0	5811.00 295.50
154.00	MISCELLANEOUS Acupuncture, Tattooing, Body Piercing and Electrolysis	0	158.00
40.00 20.00	GAMBLING ACT 2005 LOTTERIES & AMUSEMENTS Initial Lottery Permit Annual renewal of Lottery Permit		40.00 20.00
64p	<b>OTHER CHARGES</b> Photocopies of any documents (per sheet)		65p



**Public Session** 

**Report Reference Number: L/12/13** 

Agenda Item No: 7

To: Licensing Committee Date: 7 January 2013 Author: Tim Grogan Lead Officer: Tim Grogan

### Summary:

Permission is sought to approve an increase in Hackney Carriage tariffs.

### **Recommendation:**

That councillors consider the necessity to increase Hackney carriage tariffs.

### 1. Introduction and background

1.1 To seek a decision from councillors regarding necessity to increase Hackney Carriage tariffs in light of the fact that tariffs were last increased in 2011 whereas fees have increased annually.

### 2. The Report

- 2.1 A review of Hackney Carriage tariffs takes place annually. The Licensing Committee last approved an increase in Hackney Carriage tariffs on 10 January 2011, which were implemented on 4 April 2011.
- 2.2 As part of the consultation process letters were sent out to 47 Hackney Carriage proprietors on 18 October 2012. The closing date for replies was 26 November 2012. 31 replies were received with various comments.
- 2.3 Of the 31 replies received, 2 requested an inflationary increase each year, whereas 29, following a consultation with John Richards, proposed the following:

### **Tariff One**

£3 to start, change after ¼ mile, thereafter £1.60 per mile

## **Tariff Two**

£3.50 to start, change after ¼ mile, thereafter £1.80 per mile

## **Tariff Five**

£4 to start, change after 1/4 mile, thereafter £2.40 per mile

- 2.4 Although John Richards has been responsible for the consultation surrounding the proposal outlined the Senior Enforcement Officer is satisfied that the views expressed have been freely volunteered and each return has been individually signed.
- 2.5 As a consequence of the fact that there has been no tariff increase for two years, despite annual increases in licensing fees and other road costs, it is recommended that the Licensing Committee give serious consideration to the tariff increases proposed.

### 3. Legal/Financial Controls and other Policy matters

### 3.1 Legal Issues

The legal issues surrounding this matter are contained within the body of the report.

### 3.2 Financial Issues

There is a financial implication for the Council. The tariffs require to be advertised at a cost of £472.23.

### 4. Conclusion

That Councillors determine the application.

### 5. Background Documents

- 5.1 A draft of the proposed annual increase in Hackney Carriage tariffs.
- 5.2 Copies of the 31 tariff returns
- 5.3 The Hackney Carriage tariff file is available in the Legal Section of the Council.

### *Contact Officer:* Tim Grogan: tgrogan@selby.gov.uk

#### DRAFT OF PROPOSED ANNUAL HACKNEY CARRIAGE TARIFF INCREASE FOR 2013/2014

A review of hackney carriage fares takes place each year. The present tariffs have been in place since 4 April 2011, before that it was 14 April 2008 and 2 April 2007.

Letters were sent out to the 47 Hackney Carriage Proprietors on 18 October, the closing date was 26 November, 31 replies came back.

2 wanted an inflationary increase every year. The other 29 were consulted by John Richards, their proposals are as follows: Tariff 1: £3.00 to start, change on <sup>1</sup>/<sub>4</sub> mile, thereafter £1.60 per mile. Tariff 2: £3.50 to start, change on <sup>1</sup>/<sub>4</sub> mile, thereafter £1.80 per mile. Tariff 5: £4.00 to start, change on <sup>1</sup>/<sub>4</sub> mile, thereafter £2.40 per mile.

It is for the Committee to decide whether or not to go with the proposed increase, or leave them on the current rates until the annual review for 2014.

#### **CURRENT**

Tariff 1 Daytime 7am – 11pm Monday to Saturday  $\pounds 3.50$  for the first  $\frac{3}{4}$  mile  $\pounds 1.50$  for every mile thereafter (10p for every other 1/15 mile)

Waiting Time £15.00 per hour

Tariff 2 Night time 11pm – 7am all day Sunday & Bank Holidays £3.70 for the first <sup>3</sup>/<sub>4</sub> mile £1.70 for every mile thereafter (10p for every other 1/17 mile)

Waiting Time £20.00 per hour

Tariffs 3 & 4 Christmas & New Year No Change Double the appropriate tariff 1800hours 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 to do so). Day and night time including Sundays and Bank Holidays.  $\pounds 3.50$  for the first  $\frac{1}{2}$  mile £4.00 for the first <sup>1</sup>/<sub>4</sub> mile £2.20 for every mile thereafter £2.40 for every mile thereafter (10p for every other  $1/22^{nd}$  mile)

Waiting Time £20.00 per hour

Tariff 6 Christmas & New Year No change Double tariff 5 1800 hours 24 December to 0700 hours 27 December each year and 1800 hours 31 December to 0700 hours 2 January each year.

Extras No change Cats & dogs Carried at Driver's discretion 20p Guide dogs Free carriage Fouling charge £50.00

# PROPOSED

Tariff 1 Daytime 7am – 11am Monday to Saturday  $\pounds 3.00$  for the first  $\frac{1}{4}$  mile £1.60 for every mile thereafter (10p for every other 1/15 mile)

No change

Tariff 2 Night time 11 pm - 7 amall day Sunday & Bank Holidays  $\pounds 3.50$  for the first  $\frac{1}{4}$  mile £1.70 for every mile thereafter (10p for every other 1/17 mile)

No Change

No change

There are financial implications for the Council if the proposed changes to the hackney carriage tariff goes ahead, as they have to be advertised as a Public Notice in a local newspaper. The cost of this last time was £472.23 plus vat.

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EVERY YEAR + VERY HIGH INSURANCE, REPAIRS + FUEL COSTS PLATE NO/S. 40/46
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From: John Richards Date: 30/10/2012 12:22:38 To: John Richards Subject: Proposed tariff

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