

AGENDA

Regulatory Committee

Date: **Tuesday 1 June 2010**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

Tel: 01432 260248

Email: pmartens@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Committee

To Members of the Regulatory Committee

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	<p>CHAIRMAN</p> <p>To note the election of the Chairman at Council on 28th May 2010.</p>	
2.	<p>VICE-CHAIRMAN</p> <p>To note the appointment of the Vice-Chairman at Council on 28th May 2010.</p>	
3.	<p>MEMBERSHIP OF THE COMMITTEE</p> <p>To note any changes to the membership of the Committee at Council on 28th May 2010 and welcome any new members.</p>	
4.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
5.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
6.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
7.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 4th May, 2010.</p>	1 - 6
8.	<p>TO CONSIDER A 2 % UPLIFT ON THE TAXI LICENCE FEES AND CHARGES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine whether or not to accept a 2% increase on taxi licence fees and charges.</p>	7 - 22
9.	<p>PROCEDURAL ARRANGEMENTS</p> <p>To note the procedural arrangements for the meeting.</p>	23 - 24
10.	<p>DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine whether an applicant is a fit and proper person to hold a dual driver's licence.</p>	25 - 32

11. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE WHETHER A LICENCE HOLDER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 33 - 36

To determine whether a driver continues to be a fit and proper person to hold a dual driver's licence.

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 4 May 2010 at 2.00 pm

Present: Councillor Brig P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: DJ Benjamin, PGH Cutter, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward

119. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors CM Bartrum and SPA Daniels.

120. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

121. DECLARATIONS OF INTEREST

Councillor PJ McCaull declared a personal interest in Agenda item no 9 (Minute no. 127) regarding a private hire operator's licence for a proprietor in Leominster.

122. MINUTES

RESOLVED: THAT the Minutes of the meeting held on 6th April 2010 be approved as a correct record and signed by the Chairman.

123. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH WZ1 (PART) IN THE PARISH OF WALTERSTONE

The Interim Parks, Countryside and Leisure Development Manager presented a report about a proposal to make an Order under Section 119 of the Highways Act 1980, to divert part of footpath WZ1 in the parish of Walterstone. He said that an Order had originally been made in 1995 by the former Herefordshire and Worcestershire Council to make a diversion but had not been confirmed because of objections from the Ramblers' Association and the Open Spaces Society. When the Order was finally sent to the Secretary of State for confirmation in 2008 the Secretary of State declined to confirm it, mainly due to the time delay involved. The applicant had subsequently made a fresh application to divert the path along a new route to overcome the objections to the first proposal. The applicant wanted the diversion to move the route of the footpath from his property to improve the convenience to walkers and to himself.

The new proposals have received no objections at pre-order consultation stage and have the support of the Local Ward Member. The neighbouring landowners whose land the new route will partly pass through have agreed in writing to the proposals and have signed a form to waive any claim for compensation or expenses. The applicant has agreed to pay all

advertising costs together with those of bringing the new route into being. Longtown Group Parish Council is satisfied with the intended route but prefers the use of stiles and not pedestrian gates. This would not be possible however because Council policy states that all new routes should only include furniture that will comply with the Disability legislation which requires that access be provided with gates and not stiles.

The Committee was satisfied with the proposals presented by the Interim Parks Countryside and Leisure Development Manager and decided that the application should be approved.

RESOLVED THAT

An Order be made to divert footpath Walterstone 1 (WZ1, part) under Highways Act, section 119 as illustrated on plan No D394/397-1 set out in the report of the Interim Parks Countryside and Leisure Development Manager.

124. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

125. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: THAT under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

126. PRIVATE HIRE OPERATOR LICENCE - TO REVIEW THE SUSPENSION OF A PRIVATE HIRE OPERATOR LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 8 and presented a report about the circumstances which had led to the suspension of a Private Hire Operator's licence and the matter being referred to the Committee. It was noted by the Committee that the licence had been suspended because the driver who had conveyed one of the Operator's vehicles for a licence renewal inspection did not hold a dual hackney carriage/private hire driver's licence. The Licensing Officer said that she had been presented with no alternative but to suspend the licence.

The Committee took into consideration the fact that the proprietor had said that he had inherited the drivers when he took over the business and had assumed that they all held the appropriate licences because the particular driver involved had been doing school contracts for a number of years. The proprietor had carried out an immediate check of all his drivers and get copies of their licences to stop this happening again. The Licensing Officer said that the proprietor had been fully compliant with the matter and that there had been no other complaints about the Operator and recommended that the licence be reinstated subject to him accepting a written warning. The Committee agreed with this approach.

RESOLVED THAT:

- (a) a written warning be issued to the Operator; and**

- (b) **the Operator Licence be reinstated subject to the written warning being accepted**

127. PRIVATE HIRE OPERATOR LICENCE - TO REVIEW THE SUSPENSION OF A PRIVATE HIRE OPERATOR LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 9 and presented a report about the circumstances which had led to the suspension of a Private Hire Operator's licence and the matter being referred to the Committee. It was noted by the Committee that the licence had been suspended because the driver who had conveyed one of the Operator's vehicles for a licence renewal inspection did not hold a dual hackney carriage/private hire driver's licence. The Licensing Officer said that she had been presented with no alternative but to suspend the licence.

The Committee took into consideration the fact that there had been no other complaints about the Operator and agreed that the licence could be reinstated subject to him accepting a written warning.

RESOLVED THAT:

- (a) **a written warning be issued to the Operator; and**
- (b) **the Operator Licence be reinstated subject to the written warning being accepted**

128. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD POLICY (LATE RENEWAL) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A report was presented by the Principal Lawyer and the Licensing Officer at Agenda item No.10 about an application from a proprietor to renew a private hire vehicle licence outside the Councils standard licensing conditions, which stipulated that a renewal after a licence had expired would be treated as a new application. The Licensing Officer said that the applicant's licence had expired whilst the vehicle was in need of repairs and that the proprietor had said that he had been unaware of the need to renew by the due date when a vehicle was off the road. He had applied to renew it as soon as he could and the Licensing Officer had fully explained the licensing requirements to him. She recommended that on this occasion, the application should be granted, and the Committee concurred with this view

RESOLVED THAT:

an application to deviate from the hackney carriage/private hire vehicle licence conditions regarding a late renewal for private hire vehicle licence No. P128 in respect of a Peugeot 307 be approved.

129. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - APPLICATION FOR A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 11 and said that an applicant for a dual hackney carriage/private hire licence had not attended the meeting. The Committee noted that this was the third time the applicant had failed to appear and decided that the application should be refused.

RESOLVED THAT:

an application for a dual hackney carriage/private hire drivers licence be refused because the applicant had failed to appear before the committee for the third time running.

130. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 12 regarding an application for a dual hackney carriage/private hire licence. It was noted that at a previous meeting the Committee was minded to find the applicant not to be a fit and proper person under the meaning of the Miscellaneous Provisions Act 1968 and instructed that he be written to an given 14 days to make representation in writing to the Licensing Authority as to why he should be invited to appear before the Committee. He had done this and his letter was included in the Agenda.

The applicant provided the Committee with details of the circumstances regarding his failure to disclose previous convictions. He said that because the majority were more than ten years old, he was not aware that he had to disclose them and that he had no intention of deceiving the Committee. He explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence could be granted, subject to him first providing satisfactory references to the Licensing Section.

RESOLVED THAT:

the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence, subject to the applicant first providing references to his satisfaction.

131. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 19764

The Principal Lawyer and the Licensing Officer referred to agenda item No. 13 regarding an application for a dual hackney carriage/private hire licence. The applicant provided the Committee with details of the circumstances regarding an unspent conviction. He explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that further information was required about the convictions and that consideration of the application should be deferred for a period of three months.

RESOLVED THAT:

consideration of the application be deferred for a period of three months to enable more information to be obtained about the applicant's convictions.

132. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 14 and said that an applicant for a dual hackney carriage/private hire licence had not attended the meeting. The Committee decided to defer consideration of the application until the next meeting.

RESOLVED THAT:

an application for a dual hackney carriage/private hire drivers licence be deferred until the next meeting.

133. DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE - TO CONSIDER A MATTER REGARDING THE HOLDER OF A DUAL LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A report was presented by the Principal Lawyer and the Licensing Officer at agenda item No 15 which set out the circumstances which had led to a driver having his dual hackney carriage/private hire licence suspended, and the matter being referred to the Committee. The applicant provided the Committee with details of the circumstances which had led to him receiving a police caution. The Licensing Officer referred to the driver's previous good record and recommended that his licence should be reinstated.

Having considered all of the facts put forward by the Licensing Officer and the driver, and noted his previous good record, the Committee was satisfied that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his hackney carriage/private hire driver's licence should be reinstated.

RESOLVED THAT:

a dual hackney carriage/private hire drivers licence be reinstated to a driver.

134. DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE - TO CONSIDER A MATTER REGARDING THE HOLDER OF A DUAL LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A report was presented by the Principal Lawyer and the Licensing Officer at agenda item No 16 which set out the circumstances which had led to a driver having his dual hackney carriage/private hire licence suspended, and the matter being referred to the Committee. The applicant provided the Committee with details of the circumstances regarding a domestic incident which had led to an investigation by the police. He explained the reasons why he felt that his licence should be reinstated.

Having considered all of the facts put forward by the Licensing Assistant and the applicant, the Committee decided that until the results of the police investigation were known, the suspension should remain in place. The Committee was of the view that the matter should not have to wait until another meeting and that the Regulatory Services Manager should be authorised to reinstate this licence if the driver was cleared.

RESOLVED: THAT the Regulatory Services Manager be authorised to reinstate the hackney carriage/private hire driver's licence provided that he is satisfied with the outcome the police investigation.

135. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE A MATTER REGARDING A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Assistant Director (Environment and Culture) referred to Agenda Item No.17 and presented the report of the Regulatory Services Manager about an application for the reinstatement of a hackney carriage/private hire driver's licence. The Committee was also provided with information that had been circulated at the previous meeting. At that meeting it had been decided to defer determining the matter so that the Committee could be provided with the transcript of a Magistrates Court hearing when the applicant had made an appeal about a previous revocation. The Assistant Director (Environment and Culture) said that notwithstanding the previous successful appeal by the driver, the officer's view was that there was sufficient cumulative evidence against the driver which had led to the officers recommending that the licence should not be reinstated. The Committee noted that on the evidence available to him, the Head of Environmental Health & Trading Standards believed that the driver was not a fit and proper person to be licensed because of his threatening behaviour which was likely to intimidate the public and staff.

The representative of the driver contested the view of the officers and felt that the driver had been treated unfairly by having his licence revoked for the lengthy time that investigations were underway. He was of the view that because the Magistrates Court had upheld the driver's appeal, coupled with the decision of the police not to take recent allegations any further; this demonstrated that on the balance of probabilities, the driver was a fit and proper person to hold such a licence. The Committee carefully considered all the facts regarding the appeal together with the views of the Assistant Director (Environment and Culture) and the driver's representative. The Committee also received guidance from the council's legal adviser about the legal points that were raised during the discussion and the legal framework under which the matter was being dealt with. The contents of a letter from the Governors at a school where an incident had taken place were also noted. The driver also gave a full and frank presentation about the events preceding the revocation and explained the reasons why he felt that the licence should be reinstated.

Having carefully considered all the information and views presented at the meeting, the Committee was satisfied that the driver was a fit and proper person under the meaning of the Miscellaneous Provisions Act 1976 and that his licence be reinstated.

RESOLVED: THAT an application to reinstate a hackney carriage driver's licence be granted.

The meeting ended at 5.10 pm

CHAIRMAN

MEETING:	REGULATORY COMMITTEE
DATE:	1 JUNE 2010
TITLE OF REPORT:	TO CONSIDER A 2 % UPLIFT ON THE TAXI LICENCE FEES AND CHARGES LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
	REPORT BY ASSISTANT DIRECTOR - ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Exempt

Wards Affected

Countywide

Purpose

To determine whether or not to accept a 2% increase on taxi licence fees and charges.

Key Decision

This is not a Key Decision.

Recommendation

THAT the Committee:

accept the 2% uplift as an interim price increase, prior to a more detailed review being undertaken as a full cost recovery exercise.

Introduction and Background

1. The taxi licence fees have not been reviewed since April 2007.
2. For 2010/11 Service fees/charges are expected to be uplifted by 2%.
3. Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 requires taxi fees to be advertised in a local newspaper and for any objections to be considered. A public notice was placed in the Hereford Times newspaper on Thursday 29th April 2010, consulting on a proposed 2% increase in fees to come into effect on 1st June 2010, subject to committee ratification, rejection or alteration should there be an objection.

Further information on the subject of this report is available from
Marc Willimont – Regulatory Services Manager 01432 261986

4. The revised fees are set out in Appendix 1.
5. In the year 2009 / 2010, the full cost of the Taxi Licensing Service amounted to £231,397 and the full income recovered amounted to £145,730. Therefore the service made a loss and was in effect subsidised in the region of £85,000 by the Council Tax Payer.
6. A 2% increase in last year's income would have given a revised income figure of about £148,000. Therefore, even a 2% uplift could be considered more than reasonable to the taxi trade as the service would have continued to be effectively subsidised in the region of £83,000.
7. Prior to this advert being placed, the Chairman of the Taxi Association was also consulted by email (see Appendix 2).
8. No objections were received as a consequence of the public notice. However, the Taxi Association objected to the 2% increase following their specific consultation. Their objection is included in the summarised email presented in Appendix 3.
9. Bearing in mind the points above, the committee should be aware that, in line with Central Government and Audit Commission guidance, Herefordshire Council is currently developing an overall Charging Policy for Services. This policy will review the current level of subsidy provided by council tax payers towards council services and will consider options for full-cost recovery for the provision of relevant services. The policy is likely to result in changes to charging levels which will be implemented over the medium-term. In summary, the 2% fees proposed today may shortly be revised to ensure full cost accounting and cost recovery.
10. To assist the committee, Appendix 4 benchmarks Herefordshire's key current and proposed fees with our neighbours.

Key Points Summary

To determine whether or not to accept a 2% increase on taxi licence fees and charges.

Alternative Options

There are a number of alternative options available to the Committee:

Reject the 2% increases proposed in Appendix 2 in their entirety.

Advantages: Keeps the costs the same.

Disadvantages: Will mean that the Taxi Licensing service actually costs more than the fees and charges recovered.

Reject some of the increases proposed in Appendix 2.

Advantages: Does allow some to increase by 2%, but keeps the remainder the same.

Disadvantages: Is likely to result in the Taxi Licensing service costs still being greater than the fees and charges recovered.

To defer the decision.

Advantages: Keeps the costs the same and could allow more time to resolve any disputes or conflicts with the trade.

Disadvantages: Any deferral will postpone the service's instruction to increase fees by 2%.

Reasons for Recommendations

Instruction to uplift fees and charges by 2%.

Key Considerations

Whether or not to accept the fee increase.

Community Impact

It is felt that any decision made will have only a limited impact on the community.

Financial Implications

The increase in income would amount to about £2000 to £3000, although the taxi licensing service would still be heavily subsidised.

Legal Implications

The Council is empowered to increase taxi fees under the Local Government (Miscellaneous Provisions) Act 1976.

Appendices

- Appendix 1 – List of proposed 2% fee increases.
- Appendix 2 – Email to Taxi Association
- Appendix 3 – Objection email from Taxi Association
- Appendix 4 - Benchmarking of Neighbouring Council Taxi Fees

Background Papers

None

APPENDIX 1

**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES 2010/2011**

NOTICE IS HEREBY GIVEN that Herefordshire Council, in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, propose an interim increase of most of the current fees by 2% after 1st June 2010: current fees shown in italics.

Taxis and Private Hire Licensing	<i>Current fees</i>	Fees with 2% increase
New Hackney Carriage Plate	252.00	257.00
New Private Hire Plate	252.00	257.00
Private Hire Operator (1 Vehicle)	80.00	81.00
Private Hire Operator (2 to 5 Vehicles)	120.00	122.00
Private Hire Operator (Over 5 Vehicles)	180.00	183.00
New Dual Driver Badge (all checks inc)	198.00	202.00
Renewal - Dual Driver Badge (checks inc)	151.00	154.00
CRB for a Dual Driver Badge	36.00	36.00
Medical referral for Dual Driver Badge	30.00	30.00
DVLA check for Dual Driver Badge	6.00	6.00
Knowledge Test for Dual Driver Badge	12.00	12.00
Change of Proprietor on Vehicle	65.00	66.00
Application for certificate of readiness	162.00	165.00
Change of Vehicle on Plate (3 months or less)	232.00	236.00
Change of Vehicle on Plate (6 months or less)	172.00	175.00
Change of Vehicle on Plate (9 months or less)	107.00	109.00
Replacement of Driver Badge	10.50	10.50
Replacement of Vehicle Plate	35.00	£5 without brackets & £12 with
CRB	36.00	36.00
Knowledge Test	12.00	12.00
Amey Vehicle Test	42.00	42.00
Doctor's Examination	payable by applicant	payable by applicant
Doctor's Paper Medical Referral	30.00	30.00
Committee appearance charge (to vary from conditions)	150.00	150.00

A copy of this notice will be displayed at the Council's Customer Service Centres in Hereford, Ross-on-Wye, Leominster, Bromyard and Kington. It will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing stating the reason(s) and should be sent to the Licensing Unit, County Offices, Bath Street, PO Box 233, Hereford HR1 2ZF by the 28th May 2010.

If no objections are made or if all objections so made are withdrawn, the proposed fees shall come into operation on 1st June 2010, or at the date of withdrawal of the last objection, whichever is the later.

If objections are duly made and not withdrawn, Herefordshire Council, shall set a further date not later than two months after the date specified above on which the proposed increases shall take effect with or without modifications, as decided by Herefordshire Council after consideration of any objections.

Note: In line with Central Government and Audit Commission guidance, Herefordshire Council is currently developing an overall charging policy for all its services, including taxi licensing. This policy will review the current level of subsidy provided by council tax payers towards council services and will consider options for full-cost recovery for the provision of relevant services. This policy is likely to result in changes to the interim charging levels proposed above, which will be implemented over the medium-term

Dated this 22nd day of April 2010.

If you require a copy or a response form please telephone the Licensing Unit on 01432 260105



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APPENDIX 2.

Willimont, Marc

From: Willimont, Marc
Sent: 22 April 2010 18:01
To: (jjones227@toucansurf.com)
Cc: Nicholas, Paul
Subject: Advanced information on Fee Increases

Attachments: Advert for fees increase 2010 for press.doc revised.doc

John,

In the interests of consultation and information sharing with the trade I am emailing you to inform you that I have been requested from the highest level to increase all fees and charges by 2%. This will be the first taxi licensing increase since April 2007. For the taxi trade, this will take effect from 1st June, for other service areas, 1st May.

You will hopefully see that I have taken the opportunity to reduce the plate and bracket charges as previously discussed and I hope that you will also note that I have endeavoured to keep the set fees the same, such as the knowledge tests, Amey tests etc.

You may also note that I may shortly be directed to review these fees with a full cost accounting exercise which I should I hope be welcomed. At this time these new fees may then have to be reconsidered.

The attachment below has gone to the Hereford Times for advertisement, but will not be in the papers or the Council's Info Centres until next Thursday (29th April). Operators etc will be informed in due course, however in the interests of close joint working (something I know you unfortunately doubt), please be reassured that you are the first to know.

Further to your earlier email, you also ought to be aware that my line manager is now Paul Nicholas, Assistant Director.

I hope this keeps you informed.

Regards

Marc

Marc Willimont,
Regulatory Services Manager,
Licensing, Markets & Fairs and Bereavement Services,
Environmental Health and Trading Standards,
Herefordshire Council,
Bath Street Offices,
Bath Street,
Hereford.
HR1 2HQ

Tel. 01432 261986

Fax. 01432 383142

email: mwillimont@herefordshire.gov.uk



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For Council's homepage: www.herefordshire.gov.uk

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Willimont, Marc

Subject: FW: Advanced information on Fee Increases

From: Willimont, Marc

Sent: 27 April 2010 11:12

To: John Jones

Cc: Beavan-Pearson, Richard; Berrow, Claire; Nicholas, Paul; Poole, Ady

Subject: RE: Advanced information on Fee Increases

John,

thank you for your email, the reply of which I could have predicted. To save both our time, I will make my reply to the point.

In answer:

- "Consultation" - if you read the advert attached to the email sent to you it says:

"Any objections to the proposed increases should be made in writing stating the reason(s) and should be sent to the Licensing Unit, County Offices, Bath Street, PO Box 233, Hereford HR1 2ZF by the 28th May 2010. If no objections are made or if all objections so made are withdrawn, the proposed fees shall come into operation on 1st June 2010, or at the date of withdrawal of the last objection, whichever is the later. If objections are duly made and not withdrawn, Herefordshire Council, shall set a further date not later than two months after the date specified above on which the proposed increases shall take effect with or without modifications, as decided by Herefordshire Council after consideration of any objections."

Therefore no decision has been finalised. This is consultation. It is also as laid out under the LG(MP)Act 1976 s.70, so is legally correct.

The Reg Committee will decide on any objections as per s.70(5).

I will therefore arrange to refer your objection comments to them, as a committee report for them to consider your comments in June.

Clearly you had not read the advert properly.

- Prior to this list being published I discussed the ambiguity re the 'spare vehicle licence fee' and was informed that is currently £252 and not £162. If this is not the case, I will ensure that it is returned to £162 plus 2% is accepted.
- Yes you are right. The fees have not been altered since April 2007. In 2007 these fees were calculated on the the full costs of the team at that time. It is likely that I will also shortly be requested to recalculate these fees to not only include the full team costs, but also the true costs of the internal trading charged by other departments to taxi licensing, e.g. cost of building, corporate costs, cost of info centres etc. Hopefully, some fees will go down, although I cannot of course guarantee this.
- The £35 plate fees were calculated in 2007 at the time to include full bracket costs. My reply to your FOI request showed this had reduced to £27 (plus unspecified costs). The team have since sourced a cheaper plate version which puts them at £5 or £12 with brackets - something I would have thought the Association applauds, as this saving would be passed directly to the trade and would not go for profit, as you put it.
- If you read my email and understood it, you will see that it infers that 2% is the corporately agreed increase. It was not my choice - full cost accounting where fees = expenditure would have been mine.
- Paul Nicholas is my head of service. Info centres should have been aware. I also changed the details on the Council's Intranet at the beginning of April. I will remind them again. For technical / departmental matters, as my line manager Mr Nicholas can be contacted on pnicholas@herefordshire.gov.uk although as you have been informed already, any complaints should be addressed to rbeavanpearson@herefordshire.gov.uk

I hope that this explains and answers your questions

regards

Marc

Marc Willimont,
Regulatory Services Manager,
Licensing, Markets & Fairs and Bereavement Services,
Environmental Health and Trading Standards,
Herefordshire Council,
Bath Street Offices,
Bath Street,
Hereford.
HR1 2HQ

Tel. 01432 261986

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APPENDIX 3

Willimont, Marc

From: John Jones [jjones227@toucansurf.com]
Sent: 18 May 2010 11:03
To: Taxi Licensing
Cc: Martens, Pete; Tony Hodson; Sharon Graham; Ron Morgan; rob_lloyd14@hotmail.com; Patrick Meredith; mathew; mark_ball@hotmail.com; Mark Pullin; Lyndon Gore; Kered; Ken Savage; karen harmer; justairports@hotmail.co.uk; JMC; Helen Gillanders; Harry Went; h1mtw@aol.com; Grenville; Gerald Taylor; Garnet Cresswell; email@citytaxishereford.com; davehufton@aol.com; dave jackson; boughtonboy@yahoo.co.uk; boss-robbo@talktalk.net; andrewjcurran1972@hotmail.com; Andrew Smith; Adrian Shakestaff; cazandhenry@yahoo.co.uk; Willimont, Marc; Pigrem, Mike; Info (Shared Mbx)
Subject: Official objection to intended price rise
Attachments: licensing price comparison.xls

Sent 18/05/10

This email is sent as an official objection from the Herefordshire Hackney Carriage and Private Hire Association to the following notice put out by Herefordshire Council:

NOTICE IS HEREBY GIVEN that Herefordshire Council, in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, propose an interim increase of most of the current fees by 2% after 1st June 2010: *current fees shown in italics.*

Taxis and Private Hire Licensing	Current fees	Fees with 2% increas
New Hackney Carriage Plate	<i>252.00</i>	257.00
New Private Hire Plate	<i>252.00</i>	257.00
Private Hire Operator (1 Vehicle)	<i>80.00</i>	81.00
Private Hire Operator (2 to 5 Vehicles)	<i>120.00</i>	122.00
Private Hire Operator (Over 5 Vehicles)	<i>180.00</i>	183.00
New Dual Driver Badge (all checks inc)	<i>198.00</i>	202.00
Renewal - Dual Driver Badge (no checks inc)	<i>151.00</i>	154.00
CRB for a Dual Driver Badge	<i>36.00</i>	36.00
Medical referral for Dual Driver Badge	<i>30.00</i>	30.00
DVLA check for Dual Driver Badge	<i>6.00</i>	6.00
Knowledge Test for Dual Driver Badge	<i>12.00</i>	12.00
Change of Proprietor on Vehicle	<i>65.00</i>	66.00
Change of Vehicle on Plate (3 months or less)	<i>232.00</i>	236.00
Change of Vehicle on Plate (6 months or less)	<i>172.00</i>	175.00
Change of Vehicle on Plate (9 months or less)	<i>107.00</i>	109.00
Application to Licence a Spare Vehicle	<i>252.00</i>	257.00
Replacement of Driver Badge	<i>10.50</i>	10.50
Replacement of Vehicle Plate	<i>35.00</i>	£5 without brackets & £11
CRB	<i>36.00</i>	36.00
Knowledge Test	<i>12.00</i>	12.00
Amey Vehicle Test	<i>42.00</i>	42.00
Doctor's Examination	<i>payable by applicant</i>	payable by applicant
Doctor's Paper Medical Referral	<i>30.00</i>	30.00
Committee appearance charge (to vary from conditions)	<i>150.00</i>	150.00

The following excerpts taken from copies of emails to Marc Willimont make clear the objections:

Sent evening of 26/04/10

Marc,

If we had been consulted with we would have put up the following objections. I've sent, as an attachment, a comparison table prepared directly after the last price rises that were implemented again with no prior warning or consultation. You will see that some of those prices have changed already such as the driver's dual badge which has risen and the Spare Vehicle cost has dropped although you have published the wrong price for this particular item on your latest list of current fees. Throughout the year I have constantly had to remind the licensing Department of the price for a 'spare vehicle'. Time and time again they have tried to charge the wrong amount. If you recall, refunds had to be made to members of the trade including me. The actual price is £162 not £252. I have a receipt dated 15/02/10 to prove the point but why is it impossible for your staff to get such matters right?

You will see from my attachment that prices were put up astronomically in 2007 and therefore they should not be any rises for some time to come. Where did you pluck the figure of 2% from? You are aware that you are not allowed to make a profit but only recover your costs. Below I have pasted and copied from my email records that go some way to prove that you are making charges that do not relate to costs.

E-mail to committee regarding e-mail from Marc Willimont

Hi everyone. Because a licensing officer insisted that the plastic licence plate cost the council **£35** I asked under the Freedom of Information Act to see a breakdown. Bearing in mind that the council is not allowed to make a profit. It's taken quite a while but here is the information. I will respond to the council and send you all a copy.

All the best,

John

----- Original Message -----

From: "Willimont, Marc" <mwillimont@herefordshire.gov.uk>

To: <jjones227@toucansurf.com>

Sent: Friday, February 06, 2009 5:45 PM

Subject: Break down of Taxi Plate Cost

John,

Apologies if this information didn't get back to you. I have found the information requested, which is:

The fee was devised for the year 2007/8 and remained unchanged in 2008/9. At that time, I am told that the fee was devised based on a variety of costs. Today's prices are placed adjacent to the breakdown:

Plastic plate base £5.16

Plastic paper for printing £2.84

Driver ID £0.52

Heat seal licence £00.16

Dash Display x2 £00.76

Sticky pads £00.34

Bracket £7.92

Staffing cost of 1 x licensing assistant - 30 minutes = £4.50

Annual replacement of the laminating machine replacement = £240/270plates

per year = 240/272 = £0.88p
Signing off by Licensing Officer - 15 mins = £3.15
Cost of VIP software/yr £130 / 272 plates = £0.48p

Sub Total = £26.71p

I then asked you to reimburse me for three sets of brackets at £7.92 a time that no longer came with the plates and you point blank refused. Interestingly you have put the price of the new plastic vehicle plate down to £5 without the brackets. What has happened to the charges you stated related to the cost of the plate as set out in your email? If 2% is not just some random figure or possibly something on the council's wish list I fully expect to be shown a set of figures to explain the working out of the rise. These figures would obviously have to include how much is being paid to officers, including you, out of our licensing costs. Two final points that I would like to make with regards to this hike in prices:

- 1) It is my fervent belief that the Licensing Department has incurred huge costs because of their own incompetence and we should not be expected to have to pay for their mistakes. The unnecessary length of time and unnecessary expense incurred on getting the conditions changed should not be charged to us.
- 2) We are already paying far more than the published National Average when it comes to licensing costs, in some cases more than double for renewal of licenses. I do not believe that we are getting anything like 'Best Value' so I would like to strongly object to this increase.

The fact that you are stating that you are being leaned on to raise prices is no concern of mine. Please name the officers so that we can get to 'consult' in an effort to reduce our prices and prevent the next intended rise.

Let's be clear, I am not interested in being 'the first to know'. The Taxi Association has a right to expect to be consulted with prior to any changes and if that was to be the case you would not be springing surprises on to us without notice. A decision has been taken without our knowledge and with NO consultation.

In December of last year I complained that the licensing department changed the three year driver's licence back to a one year licence with no prior warning and no consultation. I complained and you said that lessons would be learnt.

Earlier this year you put a set of conditions on to the agenda for the Regulatory Committee to pass without prior consultation. When I brought this to your attention you offered to meet to discuss the conditions and this was my reply:

Sent 03/02/10 (evening)

Dear Marc,

There seems little point in offering to meet/discuss/phone with regards to any 'pressing matters that might need to be ironed out' because, as you well know, the deadline for changing or adding any item on the agenda for the Regulatory Meeting on the 9th February has past

And now you have sent me details of a price rise, once again, with no warning or consultation.

Yours sincerely,

John Jones

Chairman of Herefordshire Hackney Carriage and Private Hire Association

Taxi Licensing Price Comparison

		cost pre increase	Cost from 10th
Hackney Carriage Vehicle	New/Renewal/Transfer plate (will require vehicle examination certificate below)	£240.00	£210.00
Private Hire Vehicle	New/Renewal/Transfer plate (will require vehicle examination certificate below)	£240.00	£210.00
Private Hire Operator	1 vehicle	£75.00	£80.00
	2-5 vehicles	£100.00	£120.00
	over 5 vehicles	£150.00	£180.00
	(Plus annual standard CRB cost if applicant has not had one previously)		
Duel Drivers badge	New (will require a CRB, medical and knowledge test at an additional fee)	£85.00	£120.00
	3 years renewal (will require a CRB at additional cost)	£85.00	£85.00
	Annual self declaration renewal (not new or three year renewal)	£50.00	£45.00
Change of Proprietor of vehicle		£60.00	£65.00
Change of vehicle on plate	Plus (vehicle examination certificate below)	£60.00	£210.00
Application to license a spare vehicle	Plus (vehicle examination certificate below)	£60.00	£210.00
Replacement of Drivers Badge		£5.00	£10.50
Replacement of vehicle plate		£20.00	£35.00
CRB			£36.00
Knowledge Test		£10.00	£12.00
Vehicle Test Rotherwas		£37.00	£42.00
Doctors examination	cost payable to examination		
Doctors medical referral			£30.00
Application that varies from standard conditions			£150.00

Hackney Carriage Vehicle	New/Renewal/Transfer plate (will require vehicle examination certificate below)	£240.00	£210.00	
Private Hire Vehicle	New/Renewal/Transfer plate (will require vehicle examination certificate below)	£240.00	£210.00	
	Need a test which was included before		£210.00	
			£42.00	
		£240.00	£252.00	5%
Private Hire Operator	1 vehicle	£75.00	£80.00	7%
	2-5 vehicles	£100.00	£120.00	20%
	over 5 vehicles	£150.00	£180.00	20%
	(Plus annual standard CRB cost if applicant has not had one previously			plus ?%
Dual Drivers badge	New (will require a CRB, medical and knowledge test at an additional fee)	£85.00	£120.00	
	add on medical referral,CRB and knowledge test		£78.00	
	Totals	£85.00	£198.00	133%
	3 years renewal (will require a CRB at additional cost)	£85.00	£85.00	
	Annual self declaration renewal (not new or three year renewal)	£50.00	£45.00	-10%
Change of Proprietor of vehicle		£60.00	£65.00	8%
Change of vehicle on plate	Plus (vehicle examination certificate below)	£60.00	£210.00	400%
Application to license a spare vehicle	Plus (vehicle examination certificate below)	£60.00	£210.00	400%
Spare vehicle and change of plate also need test £42 which was included before therefore real total		£60.00	£252.00	400%
Replacement of Drivers Badge		£5.00	£10.50	100%
Replacement of vehicle plate		£20.00	£35.00	75%
CRB			£36.00	new additional cost
Knowledge Test		£10.00	£12.00	20%
Vehicle Test Rotherwas		£37.00	£42.00	14%
Doctors examination	cost payable to examination			
Doctors medical referral			£30.00	new additional cost
Application that varies from standard conditions			£150.00	new additional cost

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Advisor to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is one of refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second and subsequent applications in the same way.

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