

# AGENDA

## Regulatory Committee

Date: **Tuesday 15 January 2013**

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Time: **2.00 pm**

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

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

For any further information please contact:

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# **Agenda for the Meeting of the Regulatory Committee**

## **Membership**

**Chairman**

**Councillor JW Hope MBE**

**Vice-Chairman**

**Councillor RC Hunt**

**Councillor CM Bartrum**

**Councillor PL Bettington**

**Councillor BA Durkin**

**Councillor Brig P Jones CBE**

**Councillor PJ McCaull**

**Councillor C Nicholls**

**Councillor FM Norman**

**Councillor GA Powell**

**AGENDA**

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive any apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 2
To approve and sign the Minutes of the meeting held on 11 December 2012.	
<b>5. REVIEW OF AMENDED TAXI FEES</b>	3 - 8
To review the amended taxi fees following an increase agreed at the Regulatory Committee on 22 May 2012.	



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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
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**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 11 December 2012 at 10.00 am**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor RC Hunt (Vice Chairman)

Councillors: CM Bartrum, PL Bettington, BA Durkin, Brig P Jones CBE,  
PJ McCaull, C Nicholls, FM Norman and GA Powell

**49. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**50. NAMED SUBSTITUTES (IF ANY)**

There were no substitute members present at the meeting.

**51. DECLARATIONS OF INTEREST**

6. REVIEW OF HACKNEY CARRIAGE FARES FOR 2012/2013.

Councillor GA Powell, Non-Pecuniary, The Councillor uses taxis on a regular basis.

**52. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 11 September 2012 be approved as a correct record and signed by the Chairman.

**53. APPLICATION FOR A TOWN GREEN AT THE GRESLEYS, ROSS-ON-WYE, HEREFORDSHIRE**

The County Land Agent presented a report in respect of an application for a town green at The Gresleys, Ross-on-Wye. He advised that there had been no objections to the application and requested that the Committee approve the application.

The Acting Principal Lawyer advised the Committee that the significant number test had been met. He added that a significant number did not need to be a substantial number and that in one previous case the significant number had been met by just four local residents.

In response to a question, the County Land Agent advised that there would be no cost implications to the Council and that the applicants would be legally bound to look after the green. He also added that once the land had been granted town green status it could not be reversed in the future.

Members did have some concerns in respect of the long term safeguarding of the green however it was noted that 35 residents had been involved in the application and it was therefore considered that their concerns in respect of the long term protection of the town green could be satisfied.

**RESOLVED**

**THAT the land is registered as a town green.**

**54. REVIEW OF HACKNEY CARRIAGE FARES FOR 2012/2013**

The Head of Environmental Protection & Licensing introduced a report regarding an application for a 7% increase to the Hackney Carriage fares which had been received from the Taxi Association and other members of the trade.

The Committee heard from Mr Jones and Mr Lane, representing the Taxi Association. They drew the Committee's attention to the significant increases drivers had been subject to regarding licence fees, fuel, servicing and insurance. The issue of tariffs was also discussed at length, with it being noted that a number of operators now offered the reduced tariff 1 for night time bookings. It was further noted that a number of customers would now expect tariff 1 even if they had not made a prior booking, if this was not agreed by the driver, the customer would simply move to another taxi until someone agreed to take the reduced fare. Mr Rone's representation addressing the increased use of tariff 1 was also discussed with Mr Jones of the view that Mr Rone should attend the Taxi Association meeting to put forward his suggestion that the trade in general use tariff 2 at the permissible times.

Mr Jones also advised the Committee of an error in the report as he was named in appendix A as requesting the increase. He wished it to be noted that he had not personally voted for a 7% increase but that he was representing the Members of the Taxi Association who had.

The Committee raised concern with a comment from Mr Jones that taxis were not for the poor. Mr Jones clarified his comments and apologised for any offence caused.

Mr Shakeshaft, another taxi driver, was also given the opportunity to address the Committee. He advised that the proposed increase would result in a 4.7% increase over the previous 4 years.

Members discussed the application and noted that fuel costs had increased by over 50% in the previous five years. They also noted that a reduced public transport network had resulted in more people using taxis.

**RESOLVED**

**THAT the Committee accept the proposed 7% increase in Hackney carriage fares.**

**55. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS, HEALTH & WELLBEING SERVICE**

The Head of Environmental Protection and Licensing presented a report about the main regulatory activities of Environmental Health & Trading Standards service between 1 August and 31 October 2012.

The Committee expressed their appreciation for the work which was undertaken by the Department.

**RESOLVED**

**THAT the report be received and noted and that the Environmental Health and Trading Standards Team be thanked for the important work they were undertaking.**

The meeting ended at 11.56 am

**CHAIRMAN**



<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>15 JANUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>TO REVIEW THE TAXI LICENCE FEES AND CHARGES, FOLLOWING IMPLEMENTATION IN JUNE 2012</b>
<b>REPORT BY:</b>	<b>HEAD OF ENVIRONMENTAL PROTECTION AND LICENSING</b>

**1. CLASSIFICATION:** Open

## **2. Key Decision**

This is not a key decision

## **3. Wards Affected**

County-wide

## **4. Purpose**

To review the amended taxi fees following an increase agreed at the Regulatory Committee on 22 May 2012.

## **5. Recommendation(s)**

**THAT COMMITTEE:**

- (a) **Agrees that the proposed fees are working towards attaining full cost recovery and continue to be applied in line with general Council policy.**

## **6. Key Points Summary**

- The fee increases agreed at Regulatory Committee in May 2012 intended the service to move towards 'full cost recovery' i.e. so that it is no longer subsidised. This follows a resolution made at Cabinet in June 2011 to make services cost neutral to the council tax payer, where at all possible.
- The decision following the 22<sup>nd</sup> May meeting included a resolution to review the performance of these fees within 9 months of the new fees being implemented.
- The income up to the end of November 2012 was £96,537 with a projected year-end income outturn of £148.5k.
- The expenditure up to the end of November 2012 was £67,385 and is expected to finish at circa £105.3k.

- The estimated corporate service costs, administration and management overheads at year end are expected to be in the region of £52.6k.
- The projected net cost for the year 2012/13 is therefore:  

$$£105.3k \text{ (direct expenditure)} + £52.7k \text{ (support costs)} - £148.5k \text{ (income)} = \text{projected } £9.5k \text{ cost.}$$
- Late implementation of the new fees has resulted in a loss of income, which would have put the service cost neutral had it been implemented 2 months earlier, as intended. In addition the number of taxi drivers has reduced from 2011/12 which has reduced projected income.

## **7. Alternative Options**

- 7.1 That committee do not agree that the proposed fees are working towards full cost recovery and recommends that the extensive financial assessment undertaken in April to May 2012 is repeated prior to 1 April 2013 to calculate a new fee structure, this being the date when new fees are normally implemented.

## **8. Reasons for Recommendations**

- 8.1 The financial data shows that the new fees have performed as expected and that the charging structure appears robust, moving the council's taxi licensing service towards full cost recovery. Any inflationary annual uplift to be added to the current fees in April would help mitigate against increased expenditure from inflation and staffing increments.

## **9. Introduction and Background**

- 9.1 A new fees and charges policy was agreed by Cabinet on 30 June 2011. This included moving the taxi licensing service towards full cost recovery.
- 9.2 Full cost recovery was therefore proposed for taxi licensing and was consulted upon from 12 March 2012 onwards. This new fee structure used the best and most up to date financial information available at that time, although accuracy improved with the passage of time and as the financial year came to a close in April.
- 9.3 This data was used to present the fee structure to the Regulatory Committees held on 27 April 2012 and 22 May 2012. This new fee structure is presented in [Appendix 1](#) and was implemented on 1 June 2012, two months later than intended due to objections received upon consultation and then a re-hearing of the Regulatory Committee.
- 9.4. Legislation & case law require that taxi income cannot exceed the total expenditure of running the taxi licensing service.
- 9.5 The following table 1 shows the financial position for this service at the end of November 2012, 12 months into the 12/13 financial year.

**TABLE 1: Taxi Licensing Service Budget – Current Performance to End Nov 2012**

Taxi Service	Income	Non staffing costs	Staffing costs	Management costs	Business support / admin costs	Predicted corporate costs (based on 2/3rds last year)	Net cost
1 <sup>st</sup> April to 30th November 2012	£	£	£	£	£	£	£
Expenditure / (Income)	(96,537)	23,178	44,206	4,800	8,200	22,133	5,982

9.6 The following table 2 shows the projected financial position for this service at the end of March 2013 for the full financial year 12/13.

**TABLE 2: Taxi Licensing Service Budget – Projected Performance at Year End**

Taxi Service	Income	Non staffing costs	Staffing costs	Management costs	Business support / admin costs	Predicted corporate costs (based on last year)	Net cost
1 <sup>st</sup> April to 31 <sup>st</sup> March 2013	£	£	£	£	£	£	£
Budget based on full cost recovery	(158,480)	39,185	66,888	7,200	12,294	33,151	238
Original Estimate (based on fee increase from 1 <sup>st</sup> June)	(153,726)	39,185	66,888	7,200	12,294	33,151	4,992
Forecast Expenditure / (Income)	(148,537)	39,049	66,310	7,200	12,294	33,151	9,467

9.7 It is estimated that the late implementation of the new fees on 1<sup>st</sup> June equated to a loss of income, which would have put the service cost neutral had it been implemented when originally intended 2 months earlier. See Table 2.

## 10. Key Considerations

10.1 To determine if the present fee structure is set at the correct level.

## **11. Community Impact**

- 11.1 It is felt that any decision will have only a minor impact on the community as a whole as it relates specifically to the taxi trade.

## **12. Equality and Human Rights**

- 12.1 The diversity issues have been discussed with the Equality, Human Rights & Partnership Team and it is considered that a full equality impact assessment is not required, as no 'relevant' section of the community will be disproportionately discriminated against or disadvantaged as a result of a change in fees. An equality analysis was undertaken in early 2012 and supported this assumption.

## **13. Financial Implications**

- 13.1 The increased income to the Council as a result of the new fee structure has put the service as near to cost neutral as is reasonably possible. This is permissible in law and accords with the Cabinet decision of June 2011.
- 13.2 Fees are normally increased in April of each year, in keeping with inflation. Such an increase would help offset inflationary increases to non salary expenditure and any annual staff increments / national pay awards yet to be determined.

## **14. Legal Implications**

- 14.1 Local Government (Miscellaneous Provisions) Act 1976, section 53(2), allows control of the dual drivers and section 70 for hackney carriage proprietors, vehicles and operators. The case of R v Manchester City Council ex p King states that the cost of a licence has to be related to the cost of the licensing scheme itself.
- 14.2 Legislation requires that any new fees are advertised for 28 days and that any challenge made to a public advertisement is put before the local authority for reconsideration.

## **15. Risk Management**

- 15.1 The taxi service has a real risk of becoming a cost to the Council if fees and charges are reduced. This would effectively mean that the service would again be subsidised.
- 15.2 If fees are further increased by more than the agreed inflationary rate in April, there is a real risk that the taxi trade would legally challenge the council's case. This could lead to potential reimbursement to the trade as well as legal costs.

## **16. Consultees**

- 16.1 Council's Strategic Financial Advisor.

## **17. Appendices**

- 17.1 Appendix 1: Fee Structure as agreed on 22 May 2012.

## **18. Background Papers**

- 18.1 None identified.

## APPENDIX 1

### TAXI LICENSING FEES from June 2012

#### Taxi and Private Hire Licensing

TAXI AND PRIVATE HIRE LICENSING		2012 fees
Hackney Carriage vehicle	New / Renewal/Transfer plate (inc vehicle compliance test)	285.00
Private Hire vehicle	New / Renewal/Transfer plate (inc vehicle compliance test)	285.00
Private Hire Operator	1 vehicle	110.00
	2-5 vehicles	170.00
	Over 5 vehicles	233.00
	Plus (Annual Standard CRB cost if applicant has not had one previously)	
Dual driver badge	New (including CRB, medical and knowledge test as part of this fee)	320.00
	3 year renewal (plus medical fee and/or CRB if due)	185.00
	Annual Self declaration renewal (not new or 3 year renewal)	50.00
Change of Proprietor of vehicle		97.00
Change of vehicle on plate (3 months or less)	(inc vehicle compliance test)	230.00
Change of vehicle on plate (6 months or less)	(inc vehicle compliance test)	170.00
Change of vehicle on plate (9 months or less)	(inc vehicle compliance test)	100.00
Application for a certificate of readiness	(inc vehicle compliance test)	190.00
Application for temporary insurance vehicle replacement	(inc vehicle compliance test)	142.00
Replacement of driver badge		12.00
Replacement of vehicle plate	without brackets	6.00
Replacement of vehicle plate	with brackets	13.00
CRB		47.00
DVLA check		6.00
Knowledge test		13.00
Vehicle Test Rotherwas		47.50
Doctors examination	Cost payable by applicant to own GP	
Occupational Health Doctors paper medical referral (being reviewed)		30.00
Application that varies from standard conditions	(Plus new application fee)	160.00

As agreed by Regulatory Committee on 22<sup>nd</sup> May 2012

