

**LICENSING
COMMITTEE**

23rd June 2014

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING
VEHICLE TESTING PROCEDURES AND LICENCE FEES**

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To advise Members of a proposed amendment to the current processes for arranging hackney carriage and private hire vehicle tests at the Council's Depot and to ask for authorisation to advertise revised licence fees to reflect the proposed arrangements.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

(a) To approve the proposed amendment to the current processes for arranging hackney carriage and private hire vehicle tests at the Council's Depot.

(b) To authorise the Head of Worcestershire Regulatory Services to advertise revised licence fees to reflect the proposed arrangements.

3. KEY ISSUES

Financial Implications

3.1 Whilst the way in which fees are charged will be amended, there would not be any financial implications from the proposed changes for the Council or the hackney carriage and private hire trade.

Legal Implications

3.2 Under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a

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licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

3.3 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 states that the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require.

3.4 In accordance with section 70 of the Local Government (Miscellaneous Provisions) Act 1976, where fees in respect of hackney carriage and private hire vehicle and operator licences are varied, this must be advertised before variations can be implemented.

3.5 The variation must be advertised by way of publication of a public notice in at least one local newspaper circulating in the district. A copy of this notice must also be deposited at the offices of the council for a period of twenty-eight days from the date of the first publication and must be available for public inspection at all reasonable hours without payment.

3.6 If no objection to the variations is made during the twenty-eight day period, or if all objections so made are withdrawn, the variations can be implemented following the end of the consultation period or after the withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

3.7 If objections to the variations are made and not withdrawn, the matter will need to be considered by the Council who will then need to set a further date on which the varied fees will come into force with or without modification as decided by the Members after consideration of the objections.

Service / Operational Implications

- 3.8 In order to protect the public, the Council has to be satisfied that the vehicles it licences to be used as hackney carriage and private hire vehicles are mechanically sound and fit for use as either a hackney carriage or private hire vehicle.
- 3.9 In order to ensure that this is the case, vehicles are required to be tested at the Council's Main Depot before a licence for a vehicle is issued or renewed.
- 3.10 Currently the fee payable for a vehicle test on initial application or renewal is incorporated within the licence fees charged to applicants for hackney carriage and private hire vehicle licences.
- 3.11 There is then an internal recharging process undertaken in order to transfer the appropriate amount from the licensing income budget to the Depot's income budget.
- 3.12 In order to book a test, a vehicle owner currently has to contact Worcestershire Regulatory Services who then book an appointment in an online calendar shared with the Depot.
- 3.13 It is proposed that under the new process for booking in vehicles for testing at the Depot, appointments will be arranged by Bromsgrove District Council staff at the Depot rather than officers at Worcestershire Regulatory Services. Vehicle owners would call the Depot to make payment for the relevant test fee and will then be given an appointment once they have paid. This direct contact with the Depot will ensure a smoother process and fewer delays for the trade.
- 3.14 Under the current process the existing fees charged cover the cost of one vehicle test. If a vehicle owner does not keep their appointment and has their vehicle tested at a later date, there is no mechanism to cover the additional costs incurred as a result of the initial missed appointment.
- 3.15 It is proposed that under the new arrangements if appointments are missed without giving 48 hours' notice to the Depot, any fee paid for the test will be forfeited and the vehicle owner will have to pay again when re-booking an appointment. This will help ensure that the Council does not lose out financially as a result of missed appointments.

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3.16 If this revised process is approved, then the licence fees being charged will need to be reduced to remove the element of the fees that currently covers the cost of the vehicle tests.

3.17 The current fees charged for hackney carriage and private hire vehicle licences are as follows:

Hackney Carriage Vehicle Licence	£307
Private Hire Vehicle Licence	£280

3.18 The vehicle testing fees charged by the Depot are as follows:

Hackney Carriage Vehicle Tests	£64.00
Private Hire Vehicle Tests	£54.85

3.19 Therefore the revised licence fees being proposed are as follows:

Hackney Carriage Vehicle Licence	£243
Private Hire Vehicle Licence	£225

3.20 In order to implement the new arrangements for booking tests it is necessary to advertise the proposed revised licence fees and Members are asked to authorise the Head of Worcestershire Regulatory Services carry out the advertisement and the rest of the legal process required to revise the fees.

4. RISK MANAGEMENT

4.1 The main risk associated with the detail included in this report is:

- To ensure that public transport is readily available, accessible and effective in contributing to the night time economy.

5. APPENDICES

None

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