

Regulatory Committee

Minutes of a Meeting of the Regulatory Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th January 2023**.

Present:

Cllr. Howard (Chair);
Cllr. Krause (Vice-Chair);

Cllrs. Buchanan, Burgess, Feacey, Ledger, Michael, Walder, Wright.

Apologies:

Cllrs. Bartlett, Pickering, Rogers, Smith, L Suddards.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Senior Member Services Officer.

239 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was the owner of Energyshift Ltd who worked with members of the taxi trade.	284, 285
Walder	Made a 'Voluntary Announcement' as the owner of a Vineyard within the Borough.	

283 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th July 2022 be approved and confirmed as a correct record.

284 Proposed Fee Levels for Licensing Applications – 2023/24

The Environmental Protection and Licensing Team Leader introduced the report which proposed fees for licences for 2023/24 (excluding those previously proposed by the Licensing Committee). He advised that the setting of licensing fees generally allowed the Licensing Authority to recover the costs of processing licence applications, regulation and back office costs associated with the running of the licensing regime. The fees could not be set so as to be profit making and failure to set fees appropriately did open the Council up the legal challenge.

The Environmental Protection and Licensing Team Leader then drew attention to the proposed fees contained within the report.

Sex Establishment Fees

The report proposed that the grant fee be retained at the existing level, but the renewal and transfer fees would increase in line with inflation.

Hackney Carriage and Private Hire Fees

It was proposed that fees be increased generally above inflation with the exception of the vehicle licence fees which were one of the highest in Kent.

The operator fees, which were variable, were proposed to increase 19% above inflation for the 1-3 vehicle category. This increase was based upon a review of the current fees, benchmarking against other Kent authorities, rebalancing of the costs associated with enforcement, and the increased regulation on operators associated with the Department for Transport's statutory standards requirements for operators.

The transfer fees were proposed to increase 5% above inflation to rebalance this fee, which had been artificially kept low over a number of years to promote the replacement of vehicles to newer vehicles. The proposed increase would ensure appropriate cost recovery associated with this work.

Drivers licence fees were proposed to increase 7% above inflation to take into account the increased costs associated with driver regulation and rebalancing of the costs associated with enforcement. The Environmental Protection and Licensing Team Leader highlighted some of the hidden work associated with driver licensing that was not often seen by the public or Councillors. As part of the regulation of drivers there had been an increase in the level of checks and balances required in recent years. There were also a number of serious cases, which required immediate revocation of licenses, that were burdensome in terms of the work involved and potential Court appeals. Some examples of these immediate revocations, which would usually come to the attention of the Committee, included the following cases over the past year;

- 1x propositioning a passenger, a lone female child aged 16, for sex in lieu of payment of the fare.
- 1x verbal abuse towards vulnerable child passenger, smoking within vehicle, and linked safeguarding concerns surrounding leaving a child at a location which was not the school or the contracted drop off point.
- 1x drug driving, possession of drugs within licensed vehicle, failure to report arrest – with that particular case pending Court Appeal in 2023
- 1x relating to indecent images of children
- 1x allegation of sexual assault against a child.

In addition, Licensing Officers had also issued at least 21 separate sets of penalty points on drivers/operators licences for more minor matters ranging; speeding, unfit vehicles, driving on the pavement and the failure to behave in a civil or orderly manner.

Members questioned the increases in fees and whether these were proportionate and necessary given the potential burden these could place on drivers/operators. The Environmental Protection and Licensing Team Leader advised that the fees recommended for increase had all been assessed and there was a question of the balance of the cost verses the work undertaken to ensure that drivers and operators were conforming to the standards. By way of example, the frequency of DBS checks had increased to every six months from three yearly. Drivers and operators were aware of the increase in checks carried out and it was essential to ensure that this was reflected in the costs levied.

The Council had a scheme to promote the use of ultra-low emission vehicles, this was funded through Section 106 monies and was supported by the carbon reduction policy and equated to three years free of licensing charges. Whilst the concerns regarding air quality and the aims for more electric/low emissions vehicles was laudable, it is not considered possible to mandate such vehicles. It would be subject to legal challenge and there was no justifiable local need.

Scrap Metal Dealers Fees

The report recommended an increase in fees broadly in line with inflation.

Recommended:

That (i) that the sex establishment fees as given below be approved.

RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2023/24

	CURRENT FEES 2022/23	PROPOSED FEES 2023/24
Grant	£3499	£3499
Transfer	£334	£387
Renewal	£334	£387

(ii) that the Hackney Carriage, Private Hire and Operator applications licence fees as given below be approved for the purposes of public consultation.

**RECOMMENDED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2023/24**

	CURRENT FEES 2022/23	PROPOSED FEES 2023/24
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£74.00	£92.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£153.00	£190.00
Additional driver's licence (adding a licence)	£32.00	£37.00
Hackney Carriage Knowledge Test & Re-test	£61.00	£71.00
Replacement badge / Licence	£13.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£346 - New £305 - Renewal	£346 - New £305 - Renewal
Vehicle Plate Internal / External	£22.00	£26.00
Transfer of Vehicle Licence (with or without vehicle plate)	£38.00	£46.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>£32.00</i>	<i>£32.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No Charge</i>	<i>No Charge</i>
Private Hire Operators Licence - New or Renewal (for 5 years)	1-3 vehicles: £147 4-10 vehicles: £483 11-20 vehicles: £960	1-3 vehicles: £200 4-10 vehicles: £590 11-20 vehicles: £1114
To increase number of vehicles licensed during duration of Operators Licence	1-3 : £145.00 4-10 : £334.00 11-20 : £483.00	1-3 : £200.00 4-10 : £415.00 11-20 : £560.00
Fee for Returned (Bounced) Cheques	£18.00	£22.00

(iii) that the scrap metal site and collectors fees as given below be approved.

RECOMMENDED SCRAP METAL SITE AND COLLECTORS LICENSING FEES 2023/24

	CURRENT FEES 2022/23	PROPOSED FEES 2023/24
Grant Site Licence	£354	£411
Grant Collectors Licence	£237	£275
Renewal Site Licence	£237	£275
Renewal Collectors Licence	£118	£137
Variation	£89	£103
Replacement Licence	£12.50	£14.50

(iv) that the annual licensing summary, at Appendix D to the report, be received and noted.

285 Hackney Fare Tariff Review

The Environmental Protection and Licensing Team Leader introduced the report and advised that the Committee were asked to recommend a Hackney Carriage Fare Scale to Full Council, based on the information and evidence available to it. The fare scale was designed to protect the public from excessive fares and act as a maximum fare that could be charged. Drivers/proprietors were free to charge less or offer discounts, and this was actively encouraged.

As the Committee was aware the Council increased the maximum hackney fare scale by 3% in April 2022, and by a further 10% in August 2022 in light of the increased costs of operating a hackney vehicle – albeit much of that cost was made up of fuel increases. The Committee were now asked to consider the fare scale again, as part of the routine annual review. As part their consideration, the Committee noted that only a single member of the trade had responded to the consultation, seeking no change to current fare tariff. Fuel had reduced slightly in price, although remained relatively high, with that morning's fuel price comparison showing fuel at 172.9p (per litre of diesel) indicating that fuel for the same 10-mile fare was now 64p cheaper than when the Committee met in July 2022. This reduction equated to a 2.5% reduction in fares, however RPI had increased by 0.9% between quarter two, when the Committee last considered fares, and quarter three. Additionally car insurance premiums had increased by 5.8% for the same period.

There was some discussion surrounding communication with the taxi trade, and the different methods this took. A regular e-newsletter was sent to the trade providing updates as needed. The Taxi Forum had not been held in person since the Coronavirus Pandemic, as there had been no demand from the trade.

Recommended:

That the Hackney Carriage fare scale for 2023/24 as given in the table below be approved for the purpose of issuing a public notice.

PROPOSED FARES FOR 2023/24

(a) Fares for distance or time: Rate 1	£
If the distance does not exceed 465.5 yards, for the whole distance or for the first 148 seconds of waiting time	2.90
For each subsequent 142.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 45.5 seconds of waiting time or uncompleted part thereof	0.20
(b) Fares for certain times and days: Rate 2	
a) For each hire commenced between 00.00 and 07.00	1½ x Rate 1
b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only.	1½ x Rate 1
(i) Fares for certain times and days: Rate 3	
c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEAR'S DAY	2 x Rate 1
When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable.	
2 Miles - £7.30	
5 Miles - £14.70	
10 Miles - £27.10	
Extras - up to a maximum of £1.20	
(a) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance.	0.20
Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.	
(b) for each article of luggage conveyed outside the passenger compartment of the carriage	0.05
(c) for perambulators	0.05
(d) for dogs	0.10

Queries concerning these minutes? Please contact Members Services
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