

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 18 JUNE 2008

Title of report	APPLICATION TO CONSIDER VEHICLE LICENCE FEES
Contacts	<p>Councillor Nicholas Rushton 07979 852069 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Commercial Services Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Team Leader 01530 454844 stephen.eyre@nwleicestershire.gov.uk</p>
Purpose of report	For members to consider an objection to the licence fee for hackney carriage and private hire vehicles aged over 8 years old.
Reason for Decision	
Strategic aims	Prosperous Communities Strong and Safer Communities
Implications:	
Financial/Staff	There is no facility for the objector to appeal any decision to the Magistrates Court, however, it could be challenged by judicial review or by the Ombudsman if procedural impropriety is found.
Link to relevant CAT	Not applicable.
Risk Management	Not applicable
Equalities Impact Assessment	Not applicable
Human Rights	
Transformational Government	
Comments of Head of Paid Service	Report is satisfactory

Comments of Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Newspaper advertisement (Appendix A).
Background papers	None
Recommendations	<p>(1) TO RETAIN THE REQUIREMENT FOR VEHICLES OVER EIGHT YEARS OLD TO UNDERGO 2 TESTS PER YEAR</p> <p>(2) THE COMMITTEE MUST CONSIDER THE OBJECTION AND HAVING DONE SO MAY MODIFY THE FEES IN ONE OF THE FOLLOWING WAYS</p> <p>A) ENDORSE THE ORIGINALLY PROPOSED FEE OF £240, OR</p> <p>B) VARY THE FEE TO THE CURRENT VEHICLE LICENCE FEE OF £200, OR</p> <p>C) VARY THE FEE TO SOME OTHER AMOUNT.</p> <p>THE COMMITTEE MUST SET A DATE BEFORE 5 JULY 2008 WHEN A), B) OR C) ABOVE WILL COME INTO EFFECT.</p>

1.0 LEGISLATION

- 1.1 Under section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the Council can vary the fees it charges for, amongst other licences, hackney carriage vehicle licences. The procedure for varying fees is laid down and mainly involves publishing a notice in a local newspaper.
- 1.2 There is a 28 day consultation period and representations may be received from any person during that period. If no representations are made then the fees come into force on the date declared in the notice.
- 1.3 If representations are made and are not withdrawn the Local Authority has to consider the objections and make any modifications it feels appropriate. It has the option not to make any modifications. The Local Authority then has to set a date when the revised or originally proposed fees come into effect. This date must be within 2 months of the original date.

2.0 BACKGROUND

- 2.1 During budget discussions for year 2008-09 the process for licensing of new and existing vehicle licences was reviewed. The outcome from these discussions recommended the cost of a second depot test be incorporated within the licensing fee. This would have the

effect of eliminating the need to raise an invoice for the additional test 6 months into the life of the period of the licence making the process more efficient.

- 2.2 On 4 April 2008 a notice was published in the Coalville Times showing the proposed fees for 2008-09. The complete list of hackney carriage and private hire fees to be charged by the licensing section were included in the notice, even though it was not a strict requirement. The notice highlighted the consultation period, how to make an objection, where to view the notice and when the date the fees would come into effect (Monday 5 May 2008). A copy of the newspaper notice is attached at Appendix A
- 2.2 On Thursday 1 May 2008 an objection to the fee increase was lodged in reception at the Council Offices. It has been accepted as it was made within the 28 day period. The objection was made by Mr D Underwood. A copy of Mr Underwood's letter can be found at Appendix B. The objection was very specific in that he felt that the fee of £240 for vehicles aged over 8 years old was unfair.
- 2.3 The Department For Transport Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It states that greater frequency of testing may be appropriate for older vehicles. This Council requires all hackney carriages and private hire vehicles be tested once per year until they are eight years old. If the vehicle is over eight years old it is required to undertake two tests per year falling at the start of the licence and six months into the licence. These tests are above the legal requirement to have an annual MOT test.
- 2.4 Currently the cost of the second depot test is absorbed by the Council and is not recovered from the licence holder. The licensing section proposes that vehicles over eight years old should not be subsidised in this way and this is the reason for the price increase. The £40 increase is exactly the cost which the Council depot charges the Environment Directorate for vehicle testing.
- 2.5 No objections were received in relation to the changes made to other fees. As a result the remaining fees for 2008-09 have come into effect.
- 2.6 Having received an objection there is a facility for it to be withdrawn by the maker. On this occasion Mr Underwood was given an opportunity to withdraw but declined. The Licensing Committee is now under a duty to consider the matter and a decision must be made before 5 July 2008.
- 2.7 Mr Underwood has been informed by letter of the above procedure. A copy of that letter can be found at Appendix C.