

# RIBBLE VALLEY BOROUGH COUNCIL

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date: 1 November 2019

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Dear Councillor

The next meeting of the **LICENSING COMMITTEE** is at **6.30pm** on **TUESDAY, 12 NOVEMBER 2019** in the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you will be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (Copy for information to all other Members of the Council)  
Directors  
Press

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. Minutes of the meeting held on 10 September 2019 – copy enclosed.
- ✓ 3. Minutes of Licensing Sub-Committee held on 4 June 2019 and 17 September 2019.
4. Declarations of pecuniary and non-pecuniary interests (if any).
5. Public Participation (if any).

### FOR DECISION

- ✓ 6. Annual Fees and Charges – report of Chief Executive – copy enclosed.
- ✓ 7. Hackney Carriage and Private Hire Driver's Knowledge Test – report of the Chief Executive – copy enclosed.

### FOR INFORMATION

- ✓ 8. Public Meeting with Licence Holders – report of Chief Executive – copy enclosed.

### Part II - Items of business **not** to be discussed in public

NONE

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

Agenda Item No. 6

meeting date: TUESDAY, 12 NOVEMBER 2019  
title: ANNUAL FEES AND CHARGES  
submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE  
principal author: STEPHEN BARKER - SOLICITOR

## 1 PURPOSE

1.1 To determine the annual fees for hackney carriage, private hire, scrap metal and sex establishment licences.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - } The Council aims to be a well-managed Council providing efficient services based on identified customer needs. The fees charged for licences fund part of that service, and should reflect the costs incurred whilst being set at a reasonable level for licence holders.
- Corporate Priorities - }
- Other Considerations - }

## 2 BACKGROUND

### Hackney Carriage and Private Hire Licences

2.1 The Council has power to charge for licences, subject to statutory provisions which both give rise to the power to charge and specify the way the charge for certain licences has to be calculated.

2.2 The relevant provisions are contained in the Local Government (Miscellaneous Provisions) Act 1976.

2.3 Section 53(2) is the relevant provision for:

- driver's licences for hackney carriages;
- driver's licences for private hire vehicles.

2.4 Section 70 is the relevant provision for:

- hackney carriage vehicle licences;
- private hire vehicle licences;
- private hire operator's licences.

2.5 Changes to the licence fees in respect of hackney carriage vehicles, private hire vehicles and private hire operator licences must be advertised in one newspaper, circulated in the local area 28 days before the change in charges takes effect.

2.6 The legislation provides that the fees should be set at a level which provides "such a fee as they consider reasonable with a view to recovering the costs of issue and administration".

2.8 The current fees for each type of licence are set out in the first column of Appendix 1.

### Scrap Metal Dealers Licences

- 2.9 Schedule 1 paragraph 6 of the Scrap Metal Dealers Act 2013 provides that “(1) An application must be accompanied by a fee set by the authority. (2) In setting a fee under the paragraph, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury”.
- 2.10 On 17 September 2013, Committee considered the report of the Chief Executive, and approved the fees, which were to apply once the Scrap Metal Dealers Act 2013 came into force on 1 October 2013, in doing so Committee considered the calculation of the fees and the Home Office Guidance. Committee has considered the fees annually since that date. The current fees are set out in **Appendix 2** to this report.

### Sex Establishment Licence

- 2.11 Schedule 3, paragraph 19 of the Local Government (miscellaneous provisions) Act 1982 provides that “An applicant for the grant, [variation,] renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.”
- 2.12 On 6 September 2011, Committee considered a report of the Council’s Solicitor and approved the fees set out as Appendix 2 of that report. Those fees have been reconsidered in each year since 2014. The current fees are set out in Appendix 3 to this report.

## 3 ISSUES

### Hackney Carriage and Private Hire Licence

- 3.1 In recent years licence fees have generally been uplifted annually in line with inflation. The Council is recommending uplifting the fees by reference to inflation (based on 2%) as this is the amount by which we are advised that the Council’s costs have increased. The proposed annual fees (rounded up or down as most appropriate) for 2020/2021 are set out in the third column of Appendix 1.

### Scrap Metal Dealers Licences

- 3.2 The Scrap Metal Licence fees have now been in place for 6 years and only 13 licences have been issued. The Council does not have sufficient evidence therefore to test whether the underlying basis on which the fees were originally calculated requires amendment, but proposes that the fees rise by 2% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2020/2021 are set out in Appendix 2.

### Sex Establishment Licences

- 3.3 Since the fees were set on 6 September 2011, the Council has not received any applications to licence a Sex Establishment within its area. There is therefore no information to suggest that the underlying basis for the calculation of the fees should be changed, but the Council proposes to increase the fees by 2% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2020/2021 are set out in Appendix 3.

## 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – Committee must set fees at a level, which must not exceed the costs of administering the licensing process.
- Technical, Environmental and Legal – N/A
- Political – N/A
- Reputation – N/A
- Equality and Diversity – N/A

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to set the fees for Hackney Carriage and Private Hire Licences for the year 2020/2021 as those set out in Appendix 1.
- 5.3 Agree to set the fees for Scrap Metal Dealers Licences for the year 2020/2021 as those set out in Appendix 2.
- 5.4 Agree to set the fees for Sex Establishment Licences for the year 2020/2021 as those set out in Appendix 3.

STEPHEN BARKER  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

REF: Licensing/12 Nov 19

## APPENDIX 1

<b>PRIVATE HIRE &amp; HACKNEY CARRIAGE</b>	<b>2019 from 1 April</b>	<b>2020 from 1 April</b>
Driver's application/renewal annual Licence	62.30	63.60
Driver's application/renewal 3 year licence	165.00	168.30
Replacement Driver's Badge	12.90	13.20
Vehicle Licences:		
ANNUAL – Up to 3 years old	174.20	177.70
6 MONTHS – Over 3 years but not exceeding 7 years	92.30	94.20
4 MONTHS – Over 7 years	65.70	67.10
Discount on previous Licence (1/12 <sup>th</sup> annual)	14.50	14.80
Transfer of Licence on change of ownership	25.70	26.30
New or replacement:		
Plates	15.00	15.00
Brackets	15.00	15.00
Private Hire Operators annual licence	161.30	164.60
Additional Vehicles	12.80	13.10
Private Hire Operators 3 year licence	427.50	436.10
Additional Vehicles	33.50	34.20
Private Hire Operators 5 year licence	712.50	726.80
Additional Vehicles	55.20	56.40
Change to Operators Licence	12.30	12.60
Copy of Operators Licence	16.10	16.50
Log books (100 sheets) each	1.90	2.00
Knowledge test – first one free - paper - in person	8.30 16.40	8.50 16.80

**APPENDIX 2**

<b>Scrap Metal Dealers</b>	<b>From 1 April 2019 £</b>	<b>From 1 April 2020 £</b>
Application/Renewal of Site Licence	303.10	309.20
Variation of Site Licence	196.90	200.90
Application/Renewal of Collector's Licence	218.90	223.30
Variation of Mobile Collector's Licence	175.10	178.70

**APPENDIX 3**

	<b>From 1 April 2019 £</b>	<b>From 1 April 2020 £</b>
Grant of Sex Shop	3,280.00	3,345.60
Grant of Sex Cinema	3,280.00	3,345.60
Grant of Sexual Entertainment Venue	5,466.50	5,575.90
Renewal of Sexual Entertainment Venue	2,733.30	2,788.00
Transfer of Sexual Entertainment Venue	546.90	557.90
Variation of Sexual Entertainment Venue	546.90	557.90

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 7

meeting date: TUESDAY, 12 NOVEMBER 2019  
title: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS KNOWLEDE TEST  
submitted by: CHIEF EXECUTIVE  
principal author: STEPHEN BARKER

### 1 PURPOSE

1.1 To seek Committee's views upon whether applicants for Hackney Carriage and Private Hire Drivers Licences should be permitted to sit an additional knowledge test(s) having failed the maximum of four which is currently permitted and, if so, what arrangements should be put in place to allow additional test papers or other arrangements to be made available, to include setting an appropriate fee.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – None.
- Corporate Priorities – An efficient licensing service will promote the Council's priority of being a well-managed and efficient Council.
- Other Considerations – None.

### 2 BACKGROUND

2.1 The Council has for many years required each applicant for a driver's licence to pass a knowledge test. Applicants for hackney carriage drivers' licences and private hire drivers' licences are given four opportunities to pass the knowledge test. The test may be taken on paper or verbally at the Council offices. A fee of £8.30 is charged for a paper test and £16.40 for a verbal test.

2.2 The knowledge test is used as part of the Council's procedure to determine if an applicant is a fit and proper person to be given a driver's licence. The Council has four test papers and applicants are therefore currently afforded four opportunities to pass the test.

2.3 Recently, two issues have arisen. Firstly, whether an applicant who has failed all four tests should be able to sit one or more further tests. Secondly, whether an applicant should be allowed the opportunity of a practical test to be carried out by a member of staff accompanying them in their vehicle, where they could then demonstrate their knowledge of the borough.

2.4 The standard conditions attached to the issue of Hackney Carriage and Private Hire Drivers Licences in the Ribble Valley state, at condition 7:-

"... all applicants must pass the Council's knowledge test before a driver's licence will be issued. The knowledge test is taken as a written test. Applicants must contact the Council to make an appointment to take the knowledge test. An applicant will be allowed no more than four attempts to pass the knowledge test..."



- 2.5 The Council used to offer the opportunity of a practical test, but this was withdrawn due to potential safety issues and officer time involved. If provision were to be restored for this, consideration would have to be given to the obtaining of evidence of insurance, medical assessment, and DBS or other clearance, so as to provide some safeguards to the staff involved and for the Council as employer. There is no fee set for such a procedure.
- 2.6 The option of undertaking a verbal test was introduced as a compromise on the withdrawal of the practical test; it is considered that this test does meet the Council's equality duties.

### 3 ISSUES

- 3.1 As stated above, the Council only has four papers and so, in practical terms, if applicants were to be allowed to take additional tests it would result in them resitting the same papers or the Council being required to set additional papers. The current position is an indefinite prohibition on further tests, making no provision for time elapsed since the last unsuccessful attempt, during which time an applicant may have learnt the routes around the Ribble Valley successfully.
- 3.2 Consideration would also need to be given as to whether an applicant should be able to sit the test in person driving their own vehicle. Officer safety must be considered, as if the applicant does not hold a licence, they may not have had a recent DBS check or medical assessment and there may be issues surrounding their insurance.
- 3.3 There are therefore practical resources issues to overcome should Committee wish to allow the individual the opportunity to sit additional tests. This, however, does need to be weighed against fairness to the applicant and the Council's equality duties.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – Resources will need to be expended either setting an additional test or for officers making arrangements for the applicant to sit the test, or both.
  - Technical, Environmental and Legal – None.
  - Political – None.
  - Reputation – None.
  - Equality & Diversity – None.

### 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Determine whether the Hackney Carriage Driver's Licence and Private Hire Drivers Licence conditions be varied:-
- i. by the removal or variation of the limit on the number of knowledge tests that may be taken by an applicant, and, if appropriate, determine a new maximum number of opportunities.

- ii. by providing that an applicant, who has been unsuccessful in the knowledge test on the maximum number of occasions permitted, be able to take further tests after a specific minimum period has elapsed after the last unsuccessful test and, if appropriate, determine what period is appropriate
- iii. by enabling an applicant to be able to take the knowledge test as a practical test, in a vehicle provided by the applicant and accompanied by a member of staff, provided that adequate evidence of insurance, DBS clearance and medical fitness has been provided

5.2 In the event of approval of the variation as set out in 5.1.i, 5.1.ii, or 5.1.iii above, set a fee for such test(s).

STEPHEN BARKER  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 8

meeting date: TUESDAY, 12 NOVEMBER 2019  
title: PUBLIC MEETING WITH LICENCE HOLDERS  
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE  
principal author: DIANE RICE – HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To inform Committee of the arrangements for and provisional agenda of the ‘annual’ taxi meeting.

1.2 Relevance to the Council’s ambitions and priorities

- Community Objectives – }
- Corporate Priorities – }      The Council aims to be a well-managed authority these proposals support that objective.
- Other Considerations – }

2 BACKGROUND

2.1 The Council used to hold an annual public meeting with its private hire and hackney carriage licence holders. This practice ceased when the Council decided not to hold an annual meeting due to the lack of attendance by the licence holders. Arrangements were put in place for a meeting to be convened at the request of licence holders, rather than automatically each year.

2.2 The Council has now received a request from its licence holders for a public meeting. The request listed a number of items to be discussed. In addition to these the Council has a number of proposals which it wishes to discuss with licence holders. Licence holders have been asked to nominate 2 members to represent the private hire and hackney carriage holders to agree an agenda, hence the agenda is provisional. A final agenda will be circulated prior to the meeting.

The provisional agenda for the meeting will be as follows:

1. Information and Welcome.
2. Unlicensed vehicles/drivers plying for hire in Ribble Valley.
3. Hackney Carriage licence holders from other boroughs carrying out private hire work in Ribble Valley.
4. Driver code of conduct.
5. De-restriction of hackney licence plates.
6. AOB.

3 ISSUES

3.1 The issues raised above will be discussed with licence holders at a public meeting which will follow the Committee meeting on 12 November 2019. All licence holders have been advised of the time and date of the meeting. The police and highway authority have also been invited to attend.

3.2 There will be an opportunity to discuss these issues in Committee prior to the meeting. It is hoped that all Committee members will then attend the public meeting with licence holders.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No implications identified
- Technical, Environmental and Legal – No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

#### 5 CONCLUSION

5.1 Committee is asked to note the contents of the report.

DIANE RICE  
HEAD OF LEGAL & DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

REF: SB/LICENSING/12 NOV 19