



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 6 October 2020**

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Time: **2.00 pm**

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Place: **Virtual Meeting**

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For any further information please contact:

**Democratic Services**

[committees@gedling.gov.uk](mailto:committees@gedling.gov.uk)

0115 901 3844

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Marje Paling

**Vice-Chair** Councillor Nicki Brooks

Councillor Pat Bosworth  
Councillor Boyd Elliott  
Councillor Roxanne Ellis  
Councillor Des Gibbons  
Councillor Julie Najuk  
Councillor Sam Smith  
Councillor Clive Towsey-Hinton  
Councillor John Truscott  
Councillor Paul Wilkinson

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## AGENDA

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- 1 **Apologies for Absence and Substitutions.**
  
- 2 **To approve, as a correct record, the minutes of the meeting held on 8 September 2020.** 7 - 9
  
- 3 **Declaration of Interests.**
  
- 4 **Taxi Licensing Fees for 2020/21** 11 - 15  
  
Report of Director of Health and Community Wellbeing
  
- 5 **Any other item which the Chair considers urgent.**
  
- 6 **Exclusion of the Press and Public.**  
  
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
  
- 7 **Change of circumstances of Hackney Carriage/Private Hire Drivers Licence - MJA** 17 - 52  
  
Report of Director of Community Health and Wellbeing
  
- 8 **Application for a one year Hackney Carriage/Private Hire Drivers Licence - MA** 53 - 55  
  
Report of Director of Community Health and Wellbeing
  
- 9 **Change of circumstances of Hackney Carriage/Private Hire Drivers Licence - YA** 57 - 62  
  
Report of Director of Community Health and Wellbeing

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## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 8 September 2020**

Councillor Marje Paling (Chair)

Present: Councillor Pat Bosworth                      Councillor Julie Najuk  
          Councillor Boyd Elliott                      Councillor Clive Towsey-Hinton  
          Councillor Roxanne Ellis                    Councillor John Truscott  
          Councillor Des Gibbons                    Councillor Paul Wilkinson

Absent:                                      Councillor Nicki Brooks and Councillor Sam Smith

Officers in Attendance:            L Chaplin, P Gibbs and H Lee

### **17            APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Brooks and Smith.

### **18            TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 AUGUST 2020**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to an amendment to add the legal officer who was also in attendance.

### **19            DECLARATION OF INTERESTS.**

None.

### **20            ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

### **21            EXCLUSION OF THE PRESS AND PUBLIC.**

#### **RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration

of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**22 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE**

Consideration was given to a report of the Director of Health and Community Wellbeing, which had been circulated in advance of the meeting, regarding a change of circumstances of Joint Hackney Carriage /Private Hire Driver's Licence for YA.

YA attended the meeting and addressed the Committee.

**RESOLVED to:**

Defer consideration of the Change of Circumstances for a Joint Hackney Carriage/Private Hire Driver's Licence for YA to the next meeting of the committee, so further information could be provided.

**23 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE**

Consideration was given to a report of the Director of Health and Community Wellbeing, which had been circulated in advance of the meeting, regarding a change of circumstances following a complaint about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence for UY.

UY attended the meeting and addressed the Committee.

Two Community Protection Officers attended and addressed the meeting.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

**RESOLVED:**

That due to UY's behaviour, on the balance of probabilities he was no longer a fit and proper person to hold a Licence.

To revoke UY's Joint Hackney Carriage /Private Hire Driver's Licence. UY was given 21 days to surrender his licence.

UY was advised of his right to appeal against the decision of the Committee.

Councillor Gibbons left the meeting at 3.30pm

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**CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE/  
PRIVATE HIRE DRIVERS LICENCE**

Consideration was given to a report of the Director of Health and Community Wellbeing, which had been circulated in advance of the meeting, regarding a change of circumstances of a Joint Hackney Carriage /Private Hire Driver's Licence for EAC.

EAC did not attend the meeting for the third time and a decision was taken in his absence.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

**RESOLVED:**

That due to EAC being convicted of an offence under the Equality Act 2010, involving him breaching his duty as a taxi driver, on the balance of probabilities he was no longer a fit and proper person to hold a Licence.

To revoke EAC's Joint Hackney Carriage /Private Hire Driver's Licence. EAC was given 21 days to surrender his licence.

The meeting finished at 4.15 pm

Signed by Chair:  
Date:

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**Report to:** Environment and Licensing Committee  
**Subject:** Taxi Licensing Fees for 2020/21  
**Date:** 6<sup>th</sup> October 2020  
**Author:** Director of Health and Community Wellbeing

## **Purpose of Report**

To approve the proposed increase of fees for taxi driver, operator and vehicle licences for 2020/21 as shown in Appendix 1, subject to advertisement and consultation requirements being satisfied.

## **Information**

The fixing of the taxi licence fees proposed in the attached fee schedule at Appendix 1 for 2020/21 is a function of the Environment and Licensing Committee as laid out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

The proposed taxi licence fees for 2020/21 are designed to ensure that the service operates towards a full cost recovery basis. All fees for 2020/21 show an increase of fees from 2019/20, this increase reflects increased costs and a fuller assessment of the total costs of providing the service. The service has historically been delivered at a cost to the Council and requires a subsidy to break even. The increases in fees over the past few years have been made to progress towards a full cost recovery model, this year's increase brings the service a step closer to a full cost recovery model however, it is anticipated that the service will still be a cost to the Council and still require a subsidy to breakeven.

Furthermore, during 2019/20 there has been an increase in taxi licensing enforcement investigations involving complex cases as well as high visibility compliance checks across the region which has placed a further burden on existing resources.

The Local Government (Miscellaneous Provisions) Act 1976 ('the Act') permits the Council to set vehicle and operator licence fees, but where this fee exceeds £25, as is the case at Gedling, a public notice of the proposed fees must be advertised in a local newspaper circulating in the district. The advertisement must advise where any objections to the fee changes can be lodged and must allow a period of at least 28 days from publication of the notice for objections to be

lodged. If no objections are made or if all objections are withdrawn the fees come into effect at the end of the 28 day period on the date specified in the notice. Where objections are not withdrawn, the Council must then consider the objections before determining the fee level and setting a further date, not later than two months after the first specified date, on which the new fees shall come into force.

In February 2020, Environment and Licensing Committee approved the fees for vehicle and operators at Appendix 1 to go out to advertisement in accordance with the legislation and agreed that should no objections be received the fees would come into effect 28 days after the date specified in the advertisement. If objections were received the matter was to come back before Committee to be determined and fees set within two months of the specified date in the notice (as required by the legislation). The advertisement of the proposed increases was published following February's Committee and some objections were received from the trade, however, there were no Environment and Licensing Committees held until July 2020, due to Covid-19, as such no formal fee level was set for operators and vehicle licences by Committee within the statutory timescale.

As no new fees were approved within the statutory timescale, approval is now being sought to advertise the fees again in accordance with the legislation. This will give the trade the opportunity to comment again on the fee increases proposed.

In relation to taxi drivers' licence application fees, there is no statutory requirement to publicise any changes in the level of fees. However, as with the vehicle and operator licence fees, in February 2020, the Committee agreed to publish details of the proposed fees for 2020/21 and provided for a period of 28 days from publication for any objections to the fees to be lodged with the Council. Committee agreed that any such objections would be considered by the Council before the proposed fees were finally approved. This 28 day period was a period of consultation, the results of which were to be considered before final determination of these fees. The Committee delegated authority to the Director responsible for licensing in consultation with the Chair of Environment and Licensing Committee to consider the consultation responses and set driver licence fees following consideration of those responses.

Again, responses were received in relation to the consultation, in addition, whilst the Director had authority to approve the fee increase following consultation with the Chair of Environment and Licensing Committee, both parties did not consider it appropriate to increase fees at a time when the trade was struggling due to Covid-19. It was considered that fee increases in driver's licences should be frozen until October.

It is now considered appropriate to consult again with the trade in relation to the proposed driver's licence fee increases set out in Appendix 1. This will give the trade another opportunity to comment on the fee increase which wasn't implemented earlier in the year. Given the legislative requirement to consult on

operators and vehicle licences, it is appropriate to re-advertise the proposed fee increases for driver's licences as well in order to ensure feedback from the trade is considered afresh, and to ensure the trade are made aware of these proposed increases which were not ultimately implemented earlier in the year.

## **Proposal**

In respect of taxi operators licence fees and vehicle licence fees, it is proposed that the fees outlined in Appendix 1 for 2020/21 be approved for advertisement in accordance with the Act and subject to no objections being received by the specified date (28 days after publication) those fees will come into effect. If objections are received, in line with the Act the Council will have to consider the objections and set a further date no later than 2 months after the first specified date on which the new fees would come into force.

In respect of taxi drivers' licence application fees it is proposed that Members approve the proposed fees outlined in Appendix 1 for 2020/21 for advertising but that the final decision to approve new fees for 2020/21 for taxi driver applications be delegated to the Director in consultation with the Chair of Environment and Licensing Committee following advertisement of the proposed fees and a 28 day period for consultation.

## **Financial implications**

The proposed fees and charges are designed to ensure that the service operates on a full cost recovery basis

## **Appendices**

Appendix 1 - Taxi driver, vehicles and operator proposed fees 2020/21

## **Recommendations**

1. That Members approve the fees for taxi operators and vehicle licences as detailed in Appendix 1 for 2020/21 for advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976, such fees to automatically come into force if no objections are received within the statutory period. If any objections are received within the statutory period that these be referred back to Committee for consideration in accordance with the legislation.
2. That Members approve the proposed fees for taxi driver's licences detailed in Appendix 1 for 2020/21 for advertisement and the Director in consultation with the Chair of Environment and Licensing Committee be authorised to agree the final fees after taking into account any comments received during the consultation period.

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### Proposed Public Protection fees 2020/21

Type of Fee	2019/20 - £	Approx.% increase	2020/21 - £
<b>Taxi Licence</b>			
Driver Licence Fee 1 year	150	8	162
Driver Licence Fee 3 year – (If a 3 year licence is refused or not granted for any reason £100 of the application fee will be refunded to the applicant)	388	8	419
Vehicle Licence Fee	146	8	158
Operator's Licence 1 year	111 plus 111 per additional vehicle	8	120 plus 120 per additional vehicle
Operator's Licence 3 year	588 plus 166 per additional vehicle	8	635 plus 179 per additional vehicle

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