

# LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

## Agenda Item 7

Brighton & Hove City Council

|                          |  |  |                      |
|--------------------------|--|--|----------------------|
| <b>Subject:</b>          | <b>Hackney Carriage and Private Hire Driver Fees for additional medical advice</b> |  |                      |
| <b>Date of Meeting:</b>  | <b>27 June 2013</b>  |  |                      |
| <b>Report of:</b>        | <b>Head of Planning and Public Protection</b>                                      |  |                      |
| <b>Contact Officer:</b>  | <b>Name:</b>   | <b>Martin Seymour</b>                      | <b>Tel: 29- 6659</b> |
|                          | <b>Email:</b>  | <b>martin.seymour@brighton-hove.gov.uk</b> |                      |
| <b>Ward(s) affected:</b> | <b>All</b>   |  |                      |

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out the proposed increase in licence fees for Hackney Carriage and Private Hire Drivers that has become necessary to fund the additional time spent by the Council's Medical Advisor to consider medicals and medical exemption requests.

### 2. RECOMMENDATIONS:

- 2.1 That the committee approves the following variation to licence fees:  
Hackney Carriage Driver fee from £51 to £57 Private Hire Driver fee from £49 to £55 with effect from the 1<sup>st</sup> July 2013.

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Department for Transport recommends medical checks to be made on all drivers at initial application and renewal. In common with other licensing authorities, the Council applies Group 2 medical standards, as applied by DVLA to bus and lorry drivers. This is a necessary check to protect public safety.

- 3.2 On the 22 November 2012 members agreed that the licence fees in respect of Hackney Carriage and Private Hire Drivers Licences be increased for the year 2013-2014 as follows.

|                         | Fee 2012/13 | Fee 2013/14 |
|-------------------------|-------------|-------------|
| Hackney Carriage Driver | £46.00      | £51.00      |
| Private Hire Driver     | £45.00      | £49.00      |

- 3.3 The general principle is that the Council is entitled to recover in full the costs of administering the grant and renewal of licences through licensing fees it receives and it should not knowingly set fees above these costs. The proposed new level of fees is anticipated to cover costs for the year 2013-2014. If these fees are not increased as proposed it is anticipated that there will be a budget deficit.

- 3.4 The setting of fees, in relation to Hackney Carriage and Private Hire Driver licences, is governed by Section 53 & 46 of the Local Government (Miscellaneous Provisions) Act 1976 which provides that Councils may charge such fees as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part the reasonable cost of the grant and renewal of drivers' licences and the enforcement of Hackney Carriage Drivers.
- 3.5 Since members agreed the current level of fees at Licensing Committee on 22<sup>nd</sup> November 2013, it has become necessary to increase the fee to cover extra costs relating to the checking of drivers medicals. This is due to the medical advisor carrying out extra and increasing number of checks associated with medicals and wheelchair exemptions since being appointed by the Council in April 2009.
- 3.6 Dr Perry informed officers that when she took over as the council's medical advisor in 2009 there were 46 cases a year to review. This has increased year on year and now there are well in excess of 100. She tells officers that she is trying to process over double the amount in the same time which means that there is little time to chase up/follow up and she does not always look at new referrals straight away. Dr Perry's view is that it has got to the point where it needs more time allocated and she is happy to provide this if this is agreed. Dr Perry proposes two sessions a week instead of one session a week and that one of these extra sessions could be in Hove. This would mean that issues that arise earlier in the week could be dealt with much quicker, she could look at new referrals in one session and flag any issues and use the second session for any follow up. Dr Perry feels the service would be much improved and that the drivers would also be happier.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 The increase of drivers' fees has been discussed at the Hackney Carriage & Private Hire Consultation Forum. There was no objection from the forum to increasing the fee to cover the cost of the medical advisor.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### **5.1 Financial Implications:**

Based on the current number of drivers the, increase in medical fees equates to an additional £6 on the cost of both hackney carriage and private hire drivers fees. License fees are set at a level that is reasonably believed will cover the costs of providing the service and in accordance with the legal principles involved. This is necessary to ensure that council tax payers are not subsidising work concerning licensing administration.

*Finance Officer Consulted: Jeff Coates*

*Date: 21/05/2013*

##### **5.2 Legal Implications:**

The Local Government (Miscellaneous Provisions) Act 1976 section 57(2) allows for medical certificates to certify physical fitness to drive a hackney carriage.

*Lawyer Consulted:*

*Rebecca Sidell*

*Date: 28/05/13*

5.3 Equalities Implications:

Group 2 medical standards are applied to protect fare paying passengers from unnecessary risk.

5.4 Sustainability Implications:

None

5.5 Crime & Disorder Implications:

None

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Public Health Implications:

None

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 None

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 To ask members to agree to increase driver fees.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

#### **Documents in Members' Rooms**

None

#### **Background Documents**

None