



NOTICE OF VARIATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR LICENCES AND OTHER RELATED CHARGES

NOTICE IS HEREBY GIVEN that, under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, Derby City Council intends to vary the current fees in respect of Hackney Carriage and Private Hire Vehicle and Private Hire Operator Licences set out below:

	Current Fees 2015/16	Proposed Fees Oct 15 to Mar 16
Vehicles Licences		
Annual Private Hire Vehicle (New & Renewal)	£73.00	£83.00
Annual Hackney Carriage (Renewal)	£74.00	£91.00
Annual Hackney Carriage (New) incl. internal, quarter-light stickers & fitting	£144.00	£161.00
Five Yearly Private Hire Vehicle Operator Licences		
Per Vehicle	n/a	£88.00
NOTICE IS HEREBY GIVEN that Derby City Council intends to vary the current fees in respect of Hackney Carriage and Private Hire Driver Licences and other related charges set out below:		
Drivers		
*Annual Hackney Carriage Driver	£102.00	£126.00
*Annual Private Hire Driver	£104.00	£123.00
Three Yearly Hackney Carriage Driver	n/a	£249.00
Three Yearly Private Hire Driver	n/a	£246.00
*Annual licences will only apply if issued by Tax Licensing Sub-Committee		
Other Related Charges		
Knowledge Test Fee	£65.00	£65.00
Hackney Carriage Drive Test	£36.00	£36.00
Enhanced Disclosure and Barring (DBS) Check (Incl. Admin Fee)	£54.00	£54.00
Changing dates of knowledge tests	£8.00	£8.00
Change of vehicle registration number	£23.00	£23.00
Change of vehicle records	£13.00	£13.00
Subject access data request for information	£10.00	£10.00
Other requests for information that fall outside subject access	£22.00	£22.00
Document Replacement	£20.00	£20.00
Replacement Badges	£16.00	£16.00
Replacement Plates	£23.00	£23.00
Replacement Hackney Carriage Quarter Light Stickers (Incl. fitting)	£70.00	£70.00
Replacement Hackney Carriage Internal Signs	£48.00	£48.00

Under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, objections can be made to proposals relating to the variation of Hackney Carriage and Private Hire Vehicle and Operator Licence fees. Objections to Hackney Carriage and Private Hire Driver Licence fees and other related charges can also be made.

Any objections should be made in writing and addressed to the Service Director of Environment & Regulatory Services, Derby City Council, The Council House, Corporation Street, Derby, DE1 1FS. Objections must be received by 4pm on 15th September 2015.

A copy of this notice is available for inspection during normal office hours at the Council House Reception.

John Tomlinson
Service Director of Environment & Regulatory Services
Publication Date: 18/08/2015



Derby Hackney Union
37 Mondello Drive, Alvaston, Derby, DE24 0SN
07534 595946

09/09/2015

Dear Mr Tomlinson,

With reference to the suggested fees and charges and after going through your figures, I comment the following:

- 1. Change in law to separate the departments – the department now needs to have its own budget for all aspects of operation. The trade believes that you are overcharging us for the services provided.**
- 2. We would like to know who has set the fees/charges and how they have calculated these figures?**
- 3. Driver Badges – your fees/charges for 3 years of £249 is extortionate, there is another Licensing authority who charges £69 for 3 years - £120 if you include the cost of the CRB, DVLA check and badge print. This indicates that we are being ripped off by this department which is possibly due to financial mismanagement. We would like justification for such charges; we would like to know what percentage of our badge fees go towards salaries. We would also like to know if this department has its own staff or if they are shared between other departments. If the employees are shared, how did you work out what percentage of badge fees go towards clerks?**
- 4. The issue of the quarter light stickers has been discussed several times but unfortunately the officers do not listen. The quarter light stickers can be supplied and fitted for £15, whilst your charge is £70. We would like you to explain why there is such a stark difference? This figure shows the department is not prepared to research cost effective alternatives and is a blatant disregard to the drivers and their finances. We are not prepared to pay this as we can obtain the same service for the fraction of the price. The same applies for the internal stickers; we are not receiving value for money.**

I believe we need full details on the proposed budget and a meeting before this has gone to the committee.

Yours Sincerely,

Mohammad Saffaf

Mr John Tomlinson
Service Director
Environment & Regulatory Services
Derby City Council
The Council House
Corporation Street
Derby
DE1 1FS

Our Ref: DBW / Albatross & Chads
Your Ref:
Date: 13 September 2015
Please ask for: David Wilson

By First Class post and email to:
taxi.licensing@derby.gov.uk

Dear Mr Tomlinson,

Objection to proposed hackney carriage and private hire licensing fees
Consultation response in relation to 3 year driver and 5 year operator licences
Consultation response in relation to implications of the Deregulation Act 2015

I have been instructed by Albatross Cars Ltd of 14a Midland Road, Derby DE1 2SN and Chads Cars Ltd of Unit 4, Parker Centre, Mansfield Road, Derby DE21 4SZ to object to the proposed hackney carriage and private hire licensing fees and to respond to the consultations in relation to three year driver and five year operator licences and to the implications of the Deregulation Act 2015.

Although three separate processes, I respond to them as one on behalf of my clients, because these three consultations are intrinsically linked.

As the Council appreciates, from 1 October 2015 a private hire operator licensed by the Council will be able to subcontract a booking to a private hire operator in another area, using a private hire vehicle and driver licensed by that other council.

Whilst this change certainly has the potential to indirectly impact on the Council's licensing administration and enforcement functions, my clients would like to see the Council respond positively to these challenges so that its functions are enhanced and the trade in Derby may prosper, rather than having to consider opening satellite offices in other areas and to subcontract work to the fleets operated from those other areas.

Generally speaking, increasing fees is going to encourage the trade to migrate to other areas. In the circumstances, my clients respectfully urge the Council to 'hold steady' and prepare, if necessary, to 'ride out the storm' by retaining (or reducing) its current fees,

whilst introducing the new fees required for three year driver and five year operator fees required by the Deregulation Act 2015.

By reducing its fees, the Council is likely to attract private hire drivers, who in turn need also to license vehicles and might also result in the licensing of new private hire operators.

If the Council has thriving hackney carriage and private hire trades, its licensing administration and enforcement functions should become more efficient, so that its current staffing levels can be maintained or even increased, whilst charging lower fees per licence and remaining self-financing.

It is noted that the Council appears to be abandoning the one year private hire operator licence instead of offering it, as well as two, three and four year operator licences, and the five year licence it must usually grant from 1 October 2015.

If the Council were to continue to offer the one year licence, it might find that some operators, particularly those operating smaller fleets, might well chose to apply for one year licences, even though it involves the Council in additional administration, because it will also help to retain the existing level of fee income.

Whilst the Deregulation Act 2015 requires a council to ordinarily grant a five year operator's licence, it would be perverse if a council could not grant a licence for a shorter duration at an applicant's request. An applicant who had only asked for and paid for a licence of a shorter duration could hardly expect to successfully legally challenge the actions of the council for doing as they asked.

That having been said, the current basis on which the Council charges a fee per private hire vehicle operated is not necessarily legal, but of greater practical concern is that, from 1 October 2015, an operator may obtain a licence for free to operate no Derby City Council licensed private hire vehicles and to subcontract all its work to an operator licensed by another council.

In the circumstances, even though it is appreciated the Council must proceed now to set a five year operator licence fee, the Council is asked to also retain its one year fee and to review the whole basis on which it charges private hire operator fees for the future, setting new fees as soon as it can and, in any event, for 1 April 2016.

For the reasons stated above, there would appear to be no reason why a driver's licence should not also be available for one or two years, if requested by an applicant.

By continuing to offer short duration licences, the Council will probably suffer less of a reduction to its fee revenue than would otherwise be the case if all licences were issued for their maximum permitted duration.

Looking to the future, the Council might like to introduce different fees for applications for new licences as opposed to the renewal of licences, particularly in relation to drivers and operators, but possibly also in relation to vehicles.

From my experience with other councils from across the country, it is usually the case that applications for new licences take longer to process and involve a greater number of issue or hearings before committees of whatever name. At present every driver and operator

who renews their licence is subsidising the costs of processing new applications, which is not necessarily unlawful, but undesirable for the existing trade.

For example, having undertaken the most comprehensive fee review of any council, North Tyneside Council charges £100 for a new one year driver's licence (hackney carriage, private hire or dual) and £70 for a one year renewal of a driver's licence (hackney carriage, private hire or dual).

As a result of an objection I have made on behalf of clients, North Tyneside Council is likely to introduce two and three year licences at an additional cost of £35 per year so that a two year driver licence renewal will cost £105 and a three year renewal £140.

Based on the proposed fees of £126 for a one year hackney carriage driver's licence and £249 for a three year hackney carriage driver's licence, it would appear that it is being suggested that costs attributable to processing an application is £64.50 and the annual maintenance fee is £61.50. This has been deduced by calculating the annual maintenance fee by deducting £126 (one year fee) from £249 (the three year fee) and dividing the result (£123) by two for the two extra years, producing the aforementioned sum of £61.50. If one deducts £61.50 (one year maintenance fee) from £126 (the one year licence fee) or £184.50 (three times the annual maintenance fee) from £249 (the three year licence fee), the result is £64.50 being the amount seemingly attributable to processing an application for either a one or three year licence.

Whilst these figures seem high to me, I have not had sight of a detailed analysis of how the current or proposed fees were calculated to be able to comment further.

However, if the Council were able to streamline its procedures, as North Tyneside Council has done over the years, it could also have lower fees and more drivers that would help to safeguard the jobs of both the licensing administration and enforcement functions, which would also preserve or enhance standards within the trade and the trust the travelling public have in Derby City Council licensed vehicles, drivers and operators.

My clients do not believe the Council should wholly abolish the knowledge test for drivers, although it might split the test into two parts. As hackney carriage drivers do not have the benefit of being pre-booked or having the back up of an office, it may well be reasonably necessary to continue to require them to pass a topographical test. All driver applicants could still be required to pass a test covering such matters as licensing law and conditions of licence; the Highway Code; disability awareness and customer service; and maths and English.

Splitting the test into two would, of course, require the introduction of a separate fee or new fees for the new test or tests, depending upon how they were configured and operated.

For example, tests could be administered one candidate at a time or with groups of candidates, but in either case, officers have to mark the test papers. Alternatively, the Council could invest in computer software that would randomly generate questions and mark each candidates test. Whilst the software comes at a cost, it would seem inevitable that the savings in officer time would quickly defray its costs of the software.

If every hackney carriage driver were also granted a private hire driver's licence, they too would be bound by the conditions attached to a private hire driver's licence, which could, for example, include conditions requiring them to subscribe to the DBS update service so that officers could check annually or whenever necessary and to submit to a medical examination in accordance with the DVLA Group 2 medical standard or whenever required in connection with a medical condition.

In this regard, it should be noted that the DVLA Group 2 medical standards provide for a medical on application and then at 45, 50, 55, 60 and 65 and then annually thereafter. If the Council is to apply the DVLA Group 2 medical standards, as it has in the past, it will only be doing so by applying the intervals prescribed by those rules.

The Council, police and members of the trade might also find it useful if the Council were to include useful information on the reverse of a driver's licence, such as the date their next medical is due and DVLA driving licence number.

It is respectfully submitted that there is no good reason to grant licences for a shorter duration than the maximum ordinarily required, unless one is requested, because if a licence holder were to breach the conditions of their licence, commit an offence or to otherwise become unfit to be licensed, the Council has the power to suspend or revoke the licence and, in the case of a driver, may do so with immediate effect.

In conclusion, my clients respectfully ask the Council to maintain fees at their current level (or to reduce them); to revise the knowledge test and to make any other changes to criteria and processes to make processes more efficient; and to then undertake a comprehensive analysis to quantify fees for the future, which should ideally be implemented from no later than 1 April 2016.

If my clients and I can assist the Council to achieve the best outcome of these reviews for the benefit of the Council and its officers, current and prospective members of the trade, and the public served by Council and trade alike, please do not hesitate to contact me.

Yours sincerely,



David B Wilson

Licensing Consultant, Mediator and Trainer
Consulting Editor, Paterson's Licensing Acts 2015-16

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