



## Policy and Resources Committee – 10 March 2014

### Hackney Carriage and Private Hire Age Conditions and Fees and Charges

#### Purpose of Report

To propose the removal of the condition setting a minimum age for taxi drivers and to agree fees and charges for 2014/15

#### Attachment(s)

Appendix 1 – Equalities Impact Assessment

Appendix 2 – Licensing fees and charges

#### 1.0 Background

- 1.1 The Council has been advised that the Hackney Carriage and Private Hire Drivers conditions which it applies to licences contain a condition that is unlawful. Equalities and age discrimination legislation and case law continue to develop and this means that the current condition relating to a minimum age for drivers of 25 is not considered lawful.
- 1.2 The recent report to Policy and Resources Committee (10<sup>th</sup> February) which contained the fees and charges that will apply in 2014/15 did not contain the full revisions in respect of these licences as administered by the Northamptonshire Licensing Partnership. These revisions therefore require approval.

#### 2.0 Age Conditions for Hackney Carriage and Private Hire Drivers

- 2.1 The current hackney carriage and private hire drivers conditions state that:-
- ‘Applicants for Private Hire and Hackney Carriage Drivers Licences must be over 25 years of age.’
- 2.2 The legislation itself requires a full driving licence to be held for at least one year before a driver’s licence can be issued. This has the effect of automatically introducing an age limit of 19 years of age for any driver.
- 2.3 The legality of the age limit condition (para. 2.1 above) has been challenged by the National Private Hire Association and the taxi trade, as they are struggling to recruit drivers and feel that this is preventing some competent drivers being employed.
- 2.4 Legal advice was sought on the robustness of our age condition for drivers. The legal advice received is outlined below:-

The Local Government (Miscellaneous Provisions) Act 1976, Section 51(2) states:

A district council may attach to the grant of a licence such conditions as they may consider reasonably necessary

However, the current condition relating to a minimum age limit is considered to be *prima facie* unlawful as it fetters the discretion of the district council when considering issuing taxi driver’s licences.

In addition, The Department of Transport in its Best Practice Guidance for Taxi and Private Hire Licensing states that it does not seem necessary to set an age limit for drivers beyond the statutory period; applicants should be assessed on their merits.

2.5

The recommendation is therefore to remove the condition relating to applicants being over the age of 25. The fit and proper test still applies to the issuing of drivers' licences and if any concerns are identified at the application stage these matters will be brought to the attention of a Licensing Panel. This matter will also be discussed at the 5 March Licensing Committee and a verbal update will be provided on the Committee's views.

2.6

### **3.0 Fees and Charges**

3.1 All of the licensing fees and charges have been recalculated for 14/15 and these are attached for approval. The statutory fees have remained the same; the majority of our fees have risen by around 1%. The amount we can charge is subject to revised case law, as such this is the maximum amount we can legitimately increase our fees by this year. The fees schedule includes those licences administered by the Northamptonshire Licensing Partnership and Taxi fees and charges. The proposed fees and charges are set out at appendix 2.

### **4.0 Equality and Diversity Implications**

4.1 The equalities impact assessment is attached at Appendix 1.

### **5.0 Legal Implications**

5.1 There are legal implications arising from the report and our legal service has recommended the age limits are removed for hackney carriage and private hire drivers, as detailed within the report.

### **6.0 Risk Management**

6.1 There are no identified risks arising from the report.

### **7.0 Financial Implications**

7.1 There are financial implications associated with this report as highlighted within the fees and charges section. This is a change to the fees and charges agreed at Full Council on 26<sup>th</sup> February.

### **8.0 Corporate Outcomes**

8.1 The Corporate Outcomes affected by this report are:

- Good value for money, by ensuring that the council covers its administration costs

Effective Management, by ensuring compliance with equalities legislation

### **9.0 Recommendations**


9.1 i) The Committee is recommended to resolve to recommend to Council that the condition relating to an age limit for Hackney Carriage and Private Hire Drivers is removed.

*(Reason: To ensure that the Council complies with its legal obligations in respect to statute and equalities)*

ii) That Members consider and approve the Equalities Impact Assessment

iii) The fees and charges as set out in Appendix 2 are approved.

*(Reason: To ensure the Council is charging in accordance with its costs for the provision of its licensing function)*

<b>Legal</b>	Power: Local Government (Miscellaneous Provisions) Act 1976				
	Other considerations: Legal advice received.				
<b>Background Papers:</b> Department of Transport, Taxi and Private Hire Vehicle Licensing : Best Practice Guidance					
<b>Person Originating Report:</b> Julia Smith Health Protection Manager 01832 742066 jsmith@east-northamptonshire.gov.uk					
<b>Date: 12 February 2014</b>					
<b>CFO</b> 28/02/14		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)



## EIA Initial Screening Form – Committee decision

1. Decision being taken:	Taxi Age Limit
2. Name and Job title / role of person completing Initial Screening:	Julia Smith, Health Protection Manager
3. What is the main purpose of the Service or Policy under discussion?	To remove the age limit criteria placed on hackney carriage and private hire drivers.
4. List the main activities of the Service or Policy under discussion	Licensing of: - Hackney carriage and private hire drivers
5. Who are the main beneficiaries of the Service or Policy under discussion?	Public and Taxi trade
6. How is the success of the Service or Policy under discussion measured?	Thorough the issuing of licences and safety of drivers and the public.
7. Are equality monitoring systems for the Service or Policy under discussion in place?	No

**8. Use the following table to indicate using a ✓:**

- a) Where you think that the decision being taken could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the decision being taken could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the decision being taken could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Gender:</b>				
Women/Girls			✓	
Men/Boys			✓	
Transgender people			✓	
<b>Sexual Orientation:</b>				
Lesbians, gay men and bisexuals			✓	
<b>Race/Ethnicity:</b>				
White British people			✓	
White non-British people (including Irish people)			✓	
Asian or Asian British people			✓	
Black or Black British people			✓	
People of mixed heritage			✓	
Chinese people			✓	
Travellers (Gypsy/Roma/Irish heritage)			✓	
People from other ethnic groups			✓	
People who do not have English as their first language			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Disability:</b>				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	
Mental health condition, e.g depression or schizophrenia			✓	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			✓	
Other health problems or impairments ( <i>please specify if appropriate</i> )			✓	
<b>Age:</b>				
Older People (60+)			✓	Those under 25 now able to drive taxi's
Children and Young People (see guidance for definition)	✓			
<b>Religion/Belief:</b>				
Christian			✓	
Buddhist			✓	
Hindu			✓	
Jewish			✓	
Muslim			✓	
Sikh			✓	
Other religion (including holding no belief)			✓	

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Other Potentially Affected Groups</b>				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	
Any other potentially affected groups ( <i>please specify</i> )			✓	
<b>9. If you have indicated that there is a negative impact on any group:</b>				
a) Is that impact against legislation?	N/A			
b) What is the level of impact?	N/A			
10. Could you minimise or remove any negative impact that is of low significance?	N/A			
11. Could you improve a positive impact of the decision?	No			
12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does?	No			
Head of Service signature				
<b>Date of Initial Screening:</b>	12.02.14			







## Equality Impact Assessment Action Plan

Action identified	Key activity	How will we know this has been achieved? (measures, milestones and dates)	Officer responsible	Quarterly progress update

**Planned date for next EIA exercise**

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## Appendix Two – Fees and Charges

The following fees and charges are administered by the Central Licensing Administration Unit which produces licences on behalf of the following partners: The Borough Council of Wellingborough, Corby Borough Council, Daventry District Council, East Northamptonshire Council and Kettering Borough Council.

**Enquiries should be directed to the Licensing Partnership Advice Line 01832 742102.**

### **Licensing Act 2003:**

### **Premises – Alcohol and Entertainment ⚡**

<b>Partner</b>	<b>Income code</b>
Borough Council of Wellingborough	CKN007 9675
Corby Borough Council	CKN009 9675
Daventry District Council	CKN006 9675
East Northamptonshire Council	Ckn004 9675
Kettering Borough Council	CKN008 9675

#### 1. **Premises and Club Application and Annual fees** ⚡

Premises that are licensable will be allocated to a fee band according to rateable value.

Each band attracts a different level of Application fee and Annual Renewal fee. Annual fees become payable one year after the grant of the licence.

<b>Rateable Value</b>	<b>Band</b>	<b>Application Fee</b>	<b>Annual Renewal Fee</b>
No rateable value to £4,300	A	£100	£70
£4,301 to £33,000	B	£190	£180
£33,001 to £87,000	C	£315	£295
£87,001 to £125,000	D	£450	£320
£125,001 and above	E	£635	£350

VAT is not applicable on these charges

2. **Exceptionally Large Events** 

The Licensing Authority will also charge an additional premises fee for exceptionally large events:

<b>Number in attendance at any one time</b>	<b>Additional Application Fee</b>	<b>Additional Annual Fee Payable</b>
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£16,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

VAT is not applicable on these charges

The Licensing Authority will charge other fees in relation to their duties, most notably for temporary events and personal licences:

### 3. Temporary Events and Other Fees\_★

Item	Fee
Temporary event notice	£21.00
Theft, loss etc of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application for transfer of premises licence	£23.00
Interim authority notice following death, etc of licence holder	£23.00
Theft, loss etc. of certificate or summary	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21.00
Minor variation	£89.00
DPS Community premises condition removal	£23.00

VAT is not applicable on these charges

4. **Personal Licences** 

<b>Partner</b>	<b>Income code</b>
Borough Council of Wellingborough	CKN007 9674
Corby Borough Council	CKN009 9674
Daventry District Council	CKN006 9674
East Northamptonshire Council	CKN004 9674
Kettering Borough Council	CKN008 9674

<b>Item</b>	<b>Fee</b>
Application for a grant or renewal of personal licence	£37.00
Notification of change of name	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50

VAT is not applicable on these charges

**Gambling Act 2005:**

<b>Partner</b>	<b>Income code</b>
Borough Council of Wellingborough	CKN007 9676
Corby Borough Council	CKN009 9676
Daventry District Council	CKN006 9676
East Northamptonshire Council	CKN004 9676
Kettering Borough Council	CKN008 9676

**1. Schedule of Fees for Gambling Act 2005 – Premises Licence Fees (£)**

<b>Category Of premises licence</b>	<b>New Application</b>	<b>Variation</b>	<b>Transfer</b>	<b>Re-instatement</b>	<b>Provisional statement</b>	<b>Prov. Stat to full licence</b>	<b>Copy Licence</b>	<b>Notification of change</b>	<b>Annual Fee</b>
Existing Casino	N/A	£747.45	£505.20	£505.2	N/A	N/A	£28.99	£56.94	£1,123.25
New Small Casino	£2,991.87	£1,495.94	£673.95	£673.95	£2,991.87	£1,123.25	£28.99	£56.94	£1,870.70
New Large Casino	£3,740.36	£1,870.70	£804.39	£804.39	£3,740.36	£1,870.70	£28.99	£56.94	£3,740.36
Regional Casino	£5,611.06	£2,805.53	£2,430.77	£2,430.77	£5,611.06	£2,991.87	£28.99	£56.94	£5,611.06
Bingo Club	£1,308.56	£653.25	£450.34	£450.34	£1,373.78	£450.34	£28.99	£56.94	£374.76
Betting Premises (Excl. tracks)	£1,371.83	£561.11	£450.34	£450.34	£1,169.83	£450.34	£28.99	£56.94	£259.85
Tracks	£934.84	£467.93	£355.10	£355.1	£934.84	£355.10	£28.99	£56.94	£374.76
Licensed FEC	£747.45	£375.22	£355.10	£355.1	£747.45	£355.10	£28.99	£56.94	£266.06
Adult Gaming Licence	£747.45	£375.22	£375.22	£507.27	£450.34	£747.45	£28.99	£56.94	£373.73

VAT is not applicable on these charges

2. Schedule of Fees for Gambling Act 2005 (National) – Permits and Notifications (£) 

Application Type	Brand New Application	Existing Operator	Annual Fee	Variation	Transfer	Renewal	Change of Name	Copy Permit
Alcohol Licensed Premises – Gaming Machine Permit	£150.00	£100.00	£50.00	£100.00	£25.00	N/A	£25.00	£15.00
Prize Gaming Permit	£300.00	£100.00	N/A	N/A	N/A	£300.00	£25.00	£15.00
Club Machine permit	£200.00	£100.00 (or with club premises certificate)	£50.00	£100.00	N/A	£200** or £100##	N/A	£15.00
Club Gaming Permit	£200.00	£100.00 (or with club premises certificate)	£50.00	£100.00	N/A	£200** or £100##	N/A	£15.00
Unlicensed FEC	£300.00	£100.00	N/A	N/A	N/A	£300.00	£25.00	£15.00

\*\* new ## existing

Application Type	Initial Application Fee	Renewal Fee
Small Society Lotteries	£40.00	£20.00
Notification of 2 Machines or less on Alcohol Licensed Premises	£50.00	N/A

VAT is not applicable on these charges



**Environmental Health Licensing:**

Services		Current Charge (excluding VAT)	VAT (if applicable)	Current Charge (including VAT)	Income Code
1	<b>Animal Boarding Commercial**</b>	£211.00	N/A	£211.00	CKN 002 9624 ENC CKN 006 9624 DDC CKN 007 9624 BWC CKN 008 9624 KBC CKN 009 9624 CBC
2	<b>Animal Boarding Domestic Home**</b>	£204.00	N/A	£204.00	CKN 002 9624 ENC CKN 006 9624 DDC CKN 007 9624 BCW CKN 008 9624 KBC CKN 009 9624 CBC
3	<b>Dangerous Wild Animals**</b>	£189.00	N/A	£189.00	CKN 002 9628 ENC CKN 006 9624 DDC CKN 007 9624 BCW CKN 008 9624 KBC CKN 009 9624 CBC
4	<b>Zoo Licence**</b>	£501.00	N/A	£501.00	CKN 002 9678 ENC CKN 006 9628 DDC CKN 007 9628 BCW CKN 008 9628 KBC CKN 009 9628 CBC
5	<b>Dog Breeding Establishment**</b>	£178.00	N/A	£178.00	CKN 002 9625 ENC CKN 006 9625 DDC CKN 007 9625 BCW CKN 008 9625 KBC CKN 009 9625 COR

## Section 9

## Central Licensing Administration Unit

Services		Current Charge (excluding VAT)	VAT (if applicable)	Current Charge (including VAT)	Income Code
6	<b>Ear Piercing, Acupuncture, Electrolysis, Skin colouring and Tattooing: Personal Premises</b>	£49.00 £217.00	N/A N/A	£49.00 £217.00	CKN 002 9621 ENC CKN 006 9621 DDC CKN 007 9621 BCW CKN 008 9621 KBC CKN 009 9621 CBC
7	<b>Sex Shops: Application Renewal</b>	£1,120.00 £298.00	N/A N/A	£1,120.00 £298.00	CKN 002 9677 ENC CKN 006 9677 DDC CKN 007 9677 BCW CKN 008 9677 KBC CKN 009 9677 CBC
8	<b>Pet Shops**</b>	£189.00	N/A	£189.00	CKN 002 9626 ENC CKN 006 9621 DAV CKN 007 9621 WEL CKN 008 9621 KET CKN 009 9621 COR
9	<b>Riding Establishments**</b>	£232.00	N/A	£232.00	CKN 002 9627 ENC CKN 006 9627 DAV CKN 007 9627 WEL CKN 008 9627 KET CKN 009 9627 COR
10	<b>Scrap Metal Dealers Licence</b> Site Licence Collectors Licence Variation to Site Licence Duplicate Copy Licence	£325.00 £240.00 £65.00 £15.00	N/A	£325.00 £240.00 £65.00 £15.00	CKN 002 9622 ENC CKN 006 9622 DAV CKN 007 9622 WEL CKN 008 9622 KET CKN 009 9622 COR

\*\* excludes Veterinary Inspection Charges which will be charged separately, as per the Veterinarians charge