

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 8 AUGUST 2019

TAXI AND PRIVATE HIRE LICENCES

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to advise the Committee of representations received in respect of the fees charged, and expenses incurred, in relation to taxi and private hire driver and operator licences, work ongoing in respect thereof and plans to progress this matter.

1. RECOMMENDATIONS

It is recommended that the Committee notes:-

- (i) the legal obligations incumbent upon the Council in relation to fees in respect of taxi and private hire driver and operator licences,
- (ii) the representations received from a local operator,
- (iii) the work ongoing in relation to the current fees charged, the legal obligations on the Council and the expenses the Council incurs in exercising their licensing functions in relation to taxi and private hire operators and drivers; and
- (iv) that a further report on this matter is to be submitted to the meeting of this Committee on 12 September 2019.

2. BACKGROUND

- 2.1 Angus Council is the licensing authority for the local government area of Angus in terms of the Civic Government Scotland Act 1982 ("the Act"). The Act provides that the licensing authority may resolve to require that certain activities shall require to be licensed. Committee will be aware that the Council has resolved that a number of activities be licensed and that amongst these activities are taxi and private hire operators and taxi and private hire drivers.
- 2.2 Paragraph 15 of Schedule 1 to the Act provides that in exercising their licensing functions under the 1982 Act, the licensing authority shall seek to ensure that from time to time the total amount of fees receivable by the authority is sufficient to meet the expenses of the authority in exercising their licensing functions under the Act.
- 2.3 In addition, Section 12 of the Act provides that a licensing authority shall charge such fees in respect of taxi and private hire car licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions in relation to taxi and private hire car licences (with the exception of appointing taxi stances)
- 2.4 What this means is that the licensing authority is required to seek to ensure not only that the total amount of fees is sufficient to meet the expenses incurred by them in respect of all licences administered under the Act but also that the total amount of fees is sufficient meet the expenses incurred by them in respect of administering licences solely in relation to taxi and private hire operators and taxi and private hire drivers.
- 2.5 In March of this year, a local taxi operator requested information in relation to the costs to the Council of administering taxi and private hire vehicles and the fees received in respect thereof. The operator queried the methodology used by the Council in setting its fees.

- 2.6 Discussion took place between Council officers and the operator and eventually a complaint was made to the Scottish Public Services Ombudsman (“SPSO”). The SPSO declined to consider the complaint further. This was on the basis that the Council had identified a need to review their fee arrangements and that a report on this matter would be considered at this meeting of this Committee.

3. REPORT

3.1 Having regard to the above, work is ongoing to

- (i) compare the Council’s fees with other local authorities,
- (ii) determine exactly the extent and nature of the Council’s legal obligations in relation to the charging of fees and the implications of this on current and future accounting practice,
- (iii) calculate as accurately as possible the expenses the Council incurs in exercising their licensing functions in relation to taxi and private hire operators and drivers based on the fact that the staff involved work across a number of functions and apportionment of staff is required; and
- (iv) assess whether any changes to the fee structure for individual components of licensing in this area may be required in light of costs incurred and benchmarking being undertaken.

3.2 A report on the outcomes of the above work together with recommendations having regard to those outcomes will be submitted to the meeting of this Committee on 12 September 2019.

4. LEGAL IMPLICATIONS

4.1 The legal implications are contained in the body of this report.

5. FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications to advise members of at this point in time. The further report on 12 September will cover the financial implications based on the recommendations in that report.

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