

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 20 MAY 2021

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 the impact of the COVID – 19 Pandemic and the lockdown on the process for fixing fees in respect of taxis and private hire driver and operator licences and advise of proposals in relation to the fixing of these fees from 1 September 2021.

1. RECOMMENDATION

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 impact of the COVID – 19 Pandemic and the lockdown on the process for fixing fees for taxi and private hire driver and operator licences; and
- (iii) that a report on this matter with recommendations in respect of fees to be charged from 1 September 2021 will be submitted to this Committee at its meeting on 12 August 2021.

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 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).
- 2.3 What this means is that the licensing authority is required to seek to ensure that the total amount of fees meet the expenses incurred by them in respect of administering licences in relation to taxi and private hire operators and taxi and private hire drivers.
- 2.4 Reports in respect of the fees for taxi and private hire driver and operator licences were considered by this Committee at their meetings on 8 August 2019 and 31 October 2019 (Reports 257/19 and 356/19/19 refer respectively). The Committee, at its meeting on 31 October 2019, having considered the terms of Report 301/19 agreed:-
 - (i) to note the legal obligations incumbent upon the Council in relation to fees in respect of taxi and private hire driver and operator licences;
 - (ii) to note that a local operator has been in correspondence with Angus Council regarding the methodology used for assessing the licensing fees for taxi and private hire driver licences;

- (iii) to note the financial information contained in Appendix 1 to the report;
- (iv) that the fees charged by the Council in relation to taxi and private hire driver and operator licences be set annually in September each year starting from 1 September 2020 and be based on:-
 - (a) the income received in the previous financial year;
 - (b) the cost incurred by the Council in administering taxi and private hire driver and vehicle licences;
 - (c) a reasonable and justified contingency of the estimated costs of administering taxi and private hire driver and vehicle licences taking account of the actual income and expenditure in any given year against the budgeted figures; and
 - (d) the legal obligations incumbent upon the Council in relation to fees in terms of the Civic Government (Scotland) Act 1982.
- (v) to note that in setting future fees the Committee would be provided with a budget estimate of income and expenditure to ensure full transparency; and
- (vi) that refunds be made to licence holders in respect of the financial years 2016/17 to 2018/19 in the following percentages:-
 - 2016/17 – 18%
 - 2017/18 – 8%
 - 2018/19 – 19%

The refunds referred to in (vi) above were duly processed and issued.

3. REPORT

- 3.1 In respect of the setting of the fees charged by the Council from 1 September 2020 (and referred to at (iv) above), officers carefully considered the information available to them in the summer of 2020 and noted that:-
 - (i) the Chief Executive of the Council, having regard to the events brought about by the COVID – 19 Pandemic and the lockdown arrangements implemented towards the end of March 2020, had agreed, using emergency powers, to the extension of all civic and miscellaneous licenses that were due to expire on 31 March 2020 to 31 May 2020,
 - (ii) a significant number of licence renewal applications had not been received by the end of March 2020,
 - (iii) it was unclear whether all licences that were due for renewal at the end of March 2020 would be renewed on their expiry at 31 May 2020,
 - (iv) the effect of points (ii) and (iii) on the 2019/20 financial performance to be used in calculating the fee level to be proposed for 1 September 2020 onwards was uncertain both in terms of income levels and numbers of licences; and
 - (v) therefore it was not possible to fix fees for taxi and private hire driver and operator licences with any degree of accuracy with effect from 1 September 2020.
- 3.2 The financial year 2020/21 has ended and reference information is available, however the final financial position for the year is unknown at this time as the final accounts process is ongoing. Additionally, the analysis of the reference information; the analysis of the 2020/21 financial performance and the work required to propose fees which reflect the cost to the Council of administering the licensing of taxi and private hire driver and operator licences is a substantial exercise. It has not therefore been possible to conclude on a fee proposal with a view to presenting a report to this meeting recommending the fees to be charged for these licences.
- 3.3 It should also be noted that with the effects of COVID-19 impacting throughout 2020/21, the financial information from both 2019/20 and 2020/21 will be considered in proposing the fees to be effective from 1 September 2021.

3.4 In light of the above, it is proposed that a report on this matter containing recommendations regarding the fees to be charged will be submitted to the next meeting of this Committee on 12 August 2021 with a view to implementing any changes with effect from 1 September 2021.

4. LEGAL IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications as a result of the recommendations of this report.

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