

Summary of consultee responses – taxi fees review 2015

Appendix (a)

Respondent All names redacted	Date	Response	Officer Comment
	19.11.15	<ul style="list-style-type: none"> - Whilst they agree with the reduction in HC vehicle fees they believe overpayments have been made for a number of years and are seeking repayment. - Believe HC vehicle application fee and renewal fee should be the same. - HC driver fee should be the same and renewed annually. 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. - Officers are in the process of determining whether any overpayments have been made and the issue of repayment will be dealt with outside this fee setting process. - Due to recent changes in legislation the Council must offer drivers the option of a 3 year driver licence and cannot insist on annual renewal
	6.11.15	<ul style="list-style-type: none"> - Believes vehicle test and retest charges are too high. - Believes driver licence fees and cost of driver upgrade and knowledge tests are too high. - Believes PH Operator fee should be reduced to encourage more firms into the trade giving the public greater choice and believes that there should be a 3 tier charge banding for Operators dependent on the number of vehicles operated. In addition, Operators should have to renew licences annually, not every 5 years. 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. However, the Council has again looked at the process for arranging vehicle retests and has amended the process to reduce costs. Similarly, the process for a driver upgrade (conversion to dual licence) has been amended to reduce costs. - Due to recent changes in legislation the Council must offer PH Operators the option of a 5 year licence and cannot insist on annual renewal.
	16.11.15	<ul style="list-style-type: none"> - Objects to all increases in fees, particularly driver fees which he believes will cause hardship for drivers. 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs.
	30.10.15	<ul style="list-style-type: none"> - Objects to all increases in fees, particularly driver fees which he believes will cause hardship for drivers. 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs.
	13.11.15	<ul style="list-style-type: none"> -Believes driver licence fees are too high - drivers are already struggling due to increase in driver and vehicle numbers in recent years, economic downturn and increasing cost of fuel 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. - The Council is unable to place a limit on the number of

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		and insurance.	driver licences or PH vehicle licences it issues as this would be unlawful.
	18.11.15	- Believes vehicle test and retest charges are too high compared with other garages and that the Council should consider outsourcing work to external garages to make it more cost effective. - Also believes driver licence fees are too high.	-The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. However, the Council has again looked at the process for arranging vehicle retests and has amended processes to reduce costs.
	11.11.15	- Believes fees are too high and believes MBC should not be using North Tyneside costs as the demographics of drivers/owners may be different. - He also raises other concerns regarding taxi standards, over provision of licensed drivers and vehicles, national minimum wage, cross border issues, provision of wheelchair accessible vehicles and use of alternative means of public transport all of which are not relevant to the current fees consultation.	-The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. - The Council has not used Capita Local Government's (North Tyneside's) costs to calculate fees but has used the model to calculate fees specific to Middlesbrough taking into consideration Officer time and associated costs for each separate process.
	8.10.15	- Believe vehicle retest fees and driver licence fees are too high, especially in the current economic climate.	- The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. However, the Council has again looked at the process for arranging vehicle retests and has amended the process to reduce costs.
	14.10.15 27.10.15 27.10.15 27.10.15 29.10.15 13.11.15 05.11.15 05.11.15 05.11.15 05.11.15	- Believe vehicle retest fees and driver licence fees are too high.	- The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. However, the Council has again looked at the process for arranging vehicle retests and has amended the process to reduce costs.

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	<p>12.11.15</p>	<p>- Believes fees increase is excessive and that as the Council are using the services of North Tyneside to calculate the fees it is reasonable to expect that that the fees would not be too dissimilar.</p>	<p>- The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. - Whilst the Council has used Capita Local Government’s model to calculate the fees, differences in</p>

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		<ul style="list-style-type: none"> - Also believes that the proposed fees do not take into account the case law in Cummings v Cardiff City Council and that they are unlawful. 	<p>driver/vehicle/operator numbers and different operating systems will naturally produce different results.</p> <ul style="list-style-type: none"> - The case of Cummings v Cardiff City Council addresses a number of points in relation to taxi licensing fee setting. The consultee does not identify which points are of particular concern, however, specific reference to potentially relevant aspects of the case have been made by other consultees and have been addressed accordingly.
	5.11.15	<ul style="list-style-type: none"> -Believes the way in which the Council has calculated the proposed fees is unlawful and does not take into account the case law in Cummings v Cardiff City Council. 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. - The case of Cummings v Cardiff City Council addresses a number of points in relation to taxi licensing fee setting. The consultee does not identify which points are of particular concern, however, specific reference to potentially relevant aspects of the case have been made by other consultees and have been addressed accordingly.
	16.11.15 and in meeting on 26.11.15 to discuss issues	<ul style="list-style-type: none"> - Believes vehicle retest fees and driver licence fees are too high. Also questions the need for HC meters to be tested every 6 months. 	<ul style="list-style-type: none"> - The fees have been calculated to ensure cost recovery and accurately reflect the true cost of each fee type taking into consideration Officer time and associated costs. However, the Council has again looked at the process for arranging vehicle retests and has amended the process to reduce costs. - In addition, Officers have reviewed the testing process with the Testing Station and have agreed to reduce the testing of meters to annually.
	14.9.15, 9.10.15 & 20.11.15 and meeting on 8.12.15 to discuss issues	<ul style="list-style-type: none"> -Believes the Council has not properly adopted the Local Government (Miscellaneous Provisions) Act 1976. - Believes the Council has failed to properly consult with the trade about the process of setting fees (not quantum) before presenting 	<ul style="list-style-type: none"> -Relevant Council documents from 1979 provided. Any challenge should have been brought in 1979. Legal advice: no prospect of a court permitting challenge 36yrs later. -The Council has undertaken a lengthy consultation process, inviting and considering both written and personal representations from the trade.

		<p>fees to Council.</p> <ul style="list-style-type: none"> - Believes the Council should make restitution of unlawfully charged fees. - Believes the Council has a duty to take into account surpluses and deficits, to keep separate accounts and not to cross-subsidise between each licence within each regime. - Opposes the proposal to retain a contingency fund of 10 per cent of the 2014/15 taxi licensing budget. - Believes that the Council is proposing unlawful charges, i.e. (i) the charge made when a proprietor moves a vehicle from one operator to another; and (ii) the charge made for conversion to a dual driver's licence. - Are disappointed that the Council's refusal to circulate their letter dated 14.09.2015 to the Meeting of Council on 16.09.2015. - Withholding of relevant information from the Meeting of Council on 16.09.2015. - Are disappointed that the Council refused their request on 9.10.15 to meet to discuss a way forward. <ul style="list-style-type: none"> - Believes that any future decision to set fees higher than the level originally advertised would be unlawful and would deprive them of their right to object. - Enquires whether the Council is proposing to write off deficits to avoid having to set fees at a higher level than advertised. <ul style="list-style-type: none"> - Will the Council make retrospective 	<ul style="list-style-type: none"> -Legal advice has been received on this matter and the proposed course of action is detailed within the report. -Legal advice has been received confirming that cross-financing is not permissible and that it is necessary to keep individual accounts for separate licensing regimes. <ul style="list-style-type: none"> -Legal advice maintains that the Council may retain a level of liquidity, however, as detailed in the report, this is not an issue at present due to the cross-subsidy. -(i) Uncertain legal point involving very little money, therefore charge removed from current scheme with a view to reintroduction/adjustment in future years if necessary. (ii) cost recalculated in light of representation (see report). -No breach of legal duty in not placing a letter received after the agenda was published before Council. (Points it contained subsequently considered in consultation). - as above. <ul style="list-style-type: none"> -Attendance of an unrealistic number and range of senior officers and Members requested. Invitation extended to make written representations or meet with Licensing staff as part of consultation, which was subsequently accepted. <ul style="list-style-type: none"> -Legally untested point open to considerable doubt, however no fees increased as part of the consultation. <ul style="list-style-type: none"> -As deficit caused by the protective cross-financing of drivers (undertaken with the consent/support of operators and proprietors) recommendation is to write off rather than claw back. -It is recommended that the recalculation exercise will take
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		<p>adjustments between the accounts of each licence type for as many years as the Council retains records?</p> <ul style="list-style-type: none"> - Will unlawful items of account, such as payment for taxi marshals, be removed from the accounts? - Will fees be adjusted to counter the effect of the inherent overcharge of officer time by recording time in units of six minutes? - Will the Council direct the relevant Overview and Scrutiny Panel to undertake a comprehensive review to ensure most appropriate use is made of technology available to the licensing team? - How can a fee be set for vehicle testing when, in response to a FOI request, the Council has said “there is no way of attributing any part of the Fleet budget to any particular activity, such as the Vehicle Test Station”. - Why is the fee for testing a private hire vehicle not less than the fee for testing a hackney carriage, which involves testing additional items? - Request that, pursuant to the Regulators’ Code, section 6.2(e), the Council makes publicly available all relevant historic accounts and advises of any items of unlawful charge it identifies before this matter comes again before Council. 	<p>as its baseline the unchallenged fees determined in 2012. It will not go back before this date.</p> <ul style="list-style-type: none"> -The Taxi marshals are used to control and supervise vehicles and are therefore lawfully brought into account. -It is a perfectly valid and widely used practice to record time in six minute units. The fees represent a reasonable estimate of costs for the coming year and as such will be kept under review. -It is up to the Overview and Scrutiny Panel what it elects to review. There is no question of it being directed as suggested. -Sept 16th fee was calculated using the standard MoT charge applied by the testing station. Following widespread objections to the overall cost however, renewed procedures and costings have been formulated to reduce the fee. -No account had been taken of the taxi meter test in the £35 charge applied by the testing station. -The Authority is aware of the Code and will comply with its responsibilities under it.
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