

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**LICENSING FEES AND PREPARATION FOR LICENCE RENEWALS**

1. SUMMARY

1.1 Section 12 of the Civic Government (Scotland) Act 1982 provides that a council must seek to ensure that fees it charges in respect of taxi and private hire car (PHC) licences and applications are sufficient to meet expenses it incurs in carrying out its functions in relation to these licences. Paragraph 15 of Schedule 1 to that Act provides that, in relation to other licensed activities, authorities shall also seek to ensure that fees received are sufficient to meet expenses incurred in exercising their business under Part 5 and Schedule 1 of the Act.

The Council agreed at their meeting on 16th February 2012 that fees be increased to those specified in Appendix 1. The fees are for a three year licence and are set for the next three year period

1.2 The majority of licences fall due for renewal at the end of June this year. This report details the position in relation to the renewals of these licences and accessibility and security issues in relation to taxi and private hire cars.

2. RECOMMENDATION

2.1 Members are asked to note the position in relation to the licence fees.

2.2 It is recommended that licences continue to be granted for a three year period for the licences due for renewal in June 2012

2.3 It is further recommended that consultation take place with the Fleet management Service of the Council in relation to accessibility issues.

3. DETAIL

3.1 At the meeting of 15 December 2010, the Committee was advised that a further report on the renewal process for 2012 would be made once a full assessment of the position has been carried out. In the survey carried out by the Council in 2007, those responding to the survey were content (or expressed no preference) with the fixed three yearly renewal process. It is recommended that this continue as to change it could lead to complaints as to why some licences were only granted for 1/2 years and others for the full three years. It should be noted that taxi driver licences do not fall within

the fixed three year renewal period but are granted for a period of 3 years from the date of grant of the licence.

- 3.2 It is proposed that reminder letters be issued to all licence holders from 01 April 2012 who will be asked to lodge their applications as soon as possible. A copy of the letter is attached as Appendix 2. Applications will be dealt with in the order they are received. Applicants will be advised of the provisions of Schedule 1, Paragraph 8 of the Act which provides that if an application is made for the renewal of a licence before its expiry, the existing licence shall continue to have effect until the application for renewal has been determined.
- 3.2 Prior to the renewal period the computer system will be checked to ensure that the information contained within is accurate and up to date.
- 3.3 Consultation has taken place with Strathclyde Police and Environmental Services in relation to the renewal process.
- 3.4 It is intended to utilise staff who have had previous experience of civic government licensing to assist the staff who deal with applications on a day to day basis with the renewal process.
- 3.5 Applications for the renewal of licences are not advertised at the Area Offices. There is still however the 28 day period where objections/representations can be lodged and no application for renewal can be granted prior to the expiry of that period. Therefore if an application for renewal is received on the 30 June 2012, the earliest possible date it can be dealt with is 29 July 2012 if all the paperwork has been provided by the applicant and no objections/representations have been made and relevant responses received.

Taxis and Private Hire Cars **Accessibility and Security issues**

- 3.6 Members will recall that, at the meeting on 18 May 2011, a report was submitted in relation to accessibility issues and security issues. The draft Best Practice Guidance issued by Transport Scotland referred to the powers licensing authorities have to maintain a list of all designated wheelchair accessible taxis and private hire cars in their area. Currently the Council do not hold a list of designated wheelchair accessible taxis and private hire cars. It is recommended that consultation takes place with the Council's Fleet Management Service who carry out the taxi and private hire inspections to ascertain if appropriate criteria could be identified.

Further, the Best Practice Guidance recommends licensing authorities to actively encourage security measures such as screens or CCTV to protect drivers. It is recommended that operators be advised of this at the same time as issuing renewal letters.

4. CONCLUSION

4.1 Continuing with the three year renewal period is fair to all licence holders. Issuing reminder letters to current licence holders advising of the status of their existing licence during the period their application is being dealt will clarify the position. Advising taxi and private hire car drivers of the guidance on security is in accordance with the draft best practice guidance issued by Transport Scotland. Identifying criteria for wheelchair accessible taxis private hire cars would enable a list of those to be prepared and made available.

5. IMPLICATIONS

5.1 Policy:	No changes are proposed at this time
Financial:	Financial implications are set out in the report
Personnel:	None
Equal Opportunity:	None

CHARLES REPPKE
Head of Governance and Law

Enc.

For further information contact: Sheila MacFadyen, Senior Solicitor; Tel: 01546 604265

APPENDIX 1

TYPE OF LICENCE	EXISTING	NEW FEES APPROVED BY COUNCIL 16.2.12
1. Second Hand Dealer (3 year)	£369	£380
2. Second Hand Motor Dealer (3 year)	£425	£440
3. Metal Dealer/Itinerant Metal Dealer (3 year)	£425	£440
4. Street Trader (3 year)		
(Commercial)	£220	£230
(Voluntary/Charity)	£72	£75
5. Market Operator (3 year)	£425	£440
(Voluntary/Charity – one third of fee rate)	£141	£145
6. Public Entertainment		
(Permanent-3 year)	£425	£440
(Temporary)	£118	£125
7. Late Hours Catering (3 year)	£425	£440
8. Window Cleaner (3 year)	£220	£230
9. Boat Hirer (3 year)	£220	£230
10. Taxi Operator	£369	£380
11. Private Hire Car Operator	£369	£380
12. Taxi Driver	£92	£95
13. Private Hire Driver	£92	£95
14. Taxi Booking Office Licence	£100	£105
15. Knife Dealer Licence	£425	£440
16. Skin Piercing & Tattoo operator licence		
(previously occupied by them)	£250	£260
(previously under control of others)	£200	£210
17. House in Multiple Occupancy		
(Up to 10 persons)	£666	£690
(Over 10 persons)	£820	£845
Amendment to HMO Licence		£105
18. Temporary Exemption Warrant (Metal Dealer)	£118	£125
19. Amendment to licence	£62	£65
20. Substitution of Licence		
- processed within 5 working days	£51	£55
- processed same day	£72	£75
21. Certified Copy Licence	£31	£35
22. Re-issue of a plate	£31	£35
23. Re-issue of a badge	£31	£35
24. Extract of Civic Government Register	£26	£30
25. Copy of Civic Government Register		
-per licence type	£72	£75

APPENDIX 2

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Customer Services

Director: Douglas Hendry

Governance and Law - Legal Services

Kilmory, Lochgilphead PA31 8RT
Tel: 01546 604128 Fax: 01546 604373
DX No: 599700 LOCHGILPHEAD
e-mail: licensing@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Date as postmark

Dear Sir/Madam,

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – RENEWAL OF A LICENCE

I note from my records that your licence is due for renewal on 30 June 2012; I therefore enclose the appropriate application form. Please arrange for the completed form, with the necessary supporting documents and the application fee to be returned by on or prior to 30th June 2012 to the Head of Governance and Law, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.

You may also lodge the application in person at any one of the following offices, if that is more convenient for you:-

Burnet Building, Campbeltown
Hill Street, Dunoon
Scotcourt House, 45 West Princes Street Helensburgh
Kilmory, Lochgilphead
Municipal Buildings, Albany Street, Oban
Eaglesham House, Rothesay

Licensees are asked to lodge applications as soon as possible to assist with the efficient processing of applications. I would advise that in terms of the Civic Government (Scotland) Act 1982 if an application for renewal of a licence is made before it expires the existing licence continues to have effect until the licence is renewed or granted or an appeal against the refusal of the application has been either abandoned or determined.

I would also advise that all competent applications will take a minimum of 35 days to process from submission as there is a 28 day period in terms of the Act during which objections may be made, and during which no application can therefore be granted.

Any application received after 30 June cannot be dealt with by way of renewal unless good cause is shown in which case a licensing authority may deem an application made up to 28 days after the expiry date of the licence to be an application made before expiry of said licence. It would seem to me that good cause could only arise in circumstances which were beyond the control of the applicant.

If you have any queries with regard to the renewal process please email:-
licensing@argyll-bute.gov.uk

I look forward to receiving your application and would thank you in advance for your assistance in lodging your application as early as possible.

Yours faithfully

CHARLES REPPKE
Head of Governance and Law