

# 247 Transport Solutions Ltd

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Drury Lane  
St Leonards on Sea  
East Sussex  
TN38 9BA

25<sup>th</sup> January 2012

Hastings Borough Council  
Town Hall  
Queens Road  
Hastings,  
East Sussex  
TN34 1QR

REF: Objection To Private Hire Operator Fee Increase: LGMPA Section 70

Dear Sir/Madam

On behalf of my company 247 Transport Solutions Ltd., I am writing to lodge a formal objection to the proposed increase in operator licence fees as advertised in the Hastings Observer.

The grounds for my objection are as follows:-

1. Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states:- "(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the **grant** of vehicle and operator's licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part –
  - (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
  - (b) the reasonable cost of providing hackney carriage stands; and
  - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles."

On our understanding of the wording of the legislation in relation to the charging of fees, particularly following the Richmond on Thames case mentioned below, we see no power to charge for the cover of any work in relation to operators, save for the actual issue of the operator licence.

The fact that a particular private hire circuit has a larger number of vehicles operating from its base does not in any way generate more work for the council's licensing department, commensurate with the incredible increase in operator fees proposed by this council. Each operator only requires one operator licence to be granted for that operator.

2. We believe that, according to the report issued by the Audit Commission in connection with the charging of fees in Guildford, licence fees may only cover enforcement on vehicles – not drivers and operators. So on that basis also; we believe it is unlawful for the council to make a presumptive charge on the operator purely based on the number of vehicles for which he provides work.
3. We believe that the main controlling issue of the Auditor's decision in the Guildford case was based on the decision of the House of Lords in **R –v- Richmond-on-Thames Borough Council ex parte MaCarthy Stone Developments Ltd**, which highlighted the fact that :

*“The rule was that a charge could not be made unless the power to charge was given by express words or necessary implication. Those last words imposed a rigorous test going far beyond the proposition that it would be reasonable or even conducive or incidental to charge for the provision of a service.”*

We are fully aware that some other councils charge in a manner which is similar to that proposed by this council. But we believe that at this very moment in time, following the Guildford report, many of those councils are reviewing the policy in this direction.

We are also fully aware that the Audit Commission will shortly disappear from functionality, but we know that the Local Government Ombudsman will take over the role of examining the legitimacy of fees charged by councils, and we have to advise that if the council is to proceed with this extensive proposed fee structure, we will report to the appropriate authority immediately.

Yours faithfully



Chris Vale  
247 Transport Solutions Ltd.

**Bob Brown**

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**From:** Chris Vale [chris.vale@247.uk.com]  
**Sent:** 28 January 2013 14:42  
**To:** Phil Scott Cllr (Internet)  
**Cc:** Bob Brown  
**Subject:** OPERATOR LICENCE FEES

Dear Phil

I have Objected to the Operator Licence fee increase as it only really affects 2 Operators (247 and New Carmiles) and for our fees to go up to £2,000 a year I believe is too much of increase in one go. Yes we can pass the extra fees over to our owner drivers but I believe it would be better for the trade if my suggestions were used.

Can my following suggestions be passed on to Councillors please

1. **£25 increase on all PH Vehicle Licences and an Increase on Hackney Carriage Vehicle Licence Fees.**
2. **Increase on all Operators Licences to max of £400 a year**

I also believe that the Hackney Carriage Vehicle licensing fees should be structured differently to Private Hire Vehicle licensing fees, the reason why I suggest this is that overheads are already kept to a minimum for a Hackney Carriage Vehicle, premises, superior phone & computer systems, radios & multiple staff being employed 24 hours a day 7 days a week are not necessary with a Hackney Carriage operator. On top of this Hackney Carriage vehicles are free to ply for hire in the various ranks throughout the town and also generate revenue providing 'Flag Down' work.

We at 247 Transport Solutions have invested over £200,000 into advanced Closed Circuit Television systems & data communications systems throughout our fleet of vehicles in the space of 24 months without ANY council funding, we provide employment for nearly 200 staff in the local area, we are also committed to reducing our carbon footprint by researching and investing into vehicles that are more energy efficient and emit less toxic fumes. (Our aim is to run a fleet of vehicles which produce less than 100g/km Co2 per vehicle). An increase in operators fees could have an undesirable impact into us continuing to employ these strategies.

If my suggestions are used I believe Hastings Borough Council will generate more revenue this way while the operators can spread the cost of the increases throughout a 12 month period.

Kind Regards

Chris

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IMPORTANT: This electronic message is for exclusive use of the intended recipient(s), and

28/01/2013

# New Carmiles Ltd.

1 Manor Road

Hastings

East Sussex

TN34 3LL

20.12.2012

Tel: 01424 441234

Fax: 01424 202220

## **Ref: Private Hire Operator Charges**

**Dear Mr. Brown,**

**Thank you for your letter dated 11.12.2012.**

**Having read your new proposal, we strongly oppose this idea.**

**In regards to the extra work carried out by the council we feel that no "extra" work has been carried out in regards to the operator licence holder.**

**If you are referring to the extra work that has been carried out in regards to hackney licence holders and vehicle licence holders, this would be the work that had to be carried out as part of the service which you have been paid for annually by these people.**

**As an operator we have not created any extra work, as a matter of fact, we feel that because these cars and these drivers are now under the one roof, we have made your work so much easier, and half the time, we are dealing with complaints and paperwork on your behalf. As far as we know there has been NO complaints NOR extra paperwork regarding our office and its personnel.**

**You also refer to these extra charges being carried out in different towns and districts, what you do not mention is that lower fees are also applicable in different areas, you can not just move the goal posts because this a practice in other districts.**

**A change from £88.00 annually to £1,400.00 is NOT in line with the rate of inflation, it is NOT acceptable , nor will it stand in any court of law.**

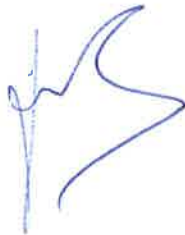
**I seriously hope you reconsider this proposal as it is not being thought through carefully, and we feel we are being punished and charged for a service which you have already been paid for by other parties.**

**I hope also, that this does not lead to an unnecessary legal costs, which may occur that will inevitably be paid for by the tax payer.**

**Yours sincerely,**

**Managing Director**

**Iraj Torab**

A handwritten signature in blue ink, consisting of a vertical line on the left and a large, stylized 'S' shape on the right.