



Please ask for: Emer Moran
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Reference:
Date: Tuesday 3 March 2020

Dear All

LICENSING COMMITTEE - TUESDAY 10 MARCH 2020

I enclose for consideration, at the next meeting of the Licensing Committee on Tuesday 10 March 2020, the following report that was unavailable when the agenda was published.

Agenda No	Item
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7	Objection to Proposed Licensing Fees and Charges (Pages 3 - 12)
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Kind regards,

Emer Moran
Democratic Services Officer

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Licensing Fees and Charges	10 March 2020
Is the final decision on the recommendations in this report to be made at this meeting?	Yes

Objection to Proposed Licensing Fees and Charges

Final Decision-Maker	Licensing Committee
Portfolio Holder(s)	Councillor Matthew Bailey Sustainability Portfolio Holder
Lead Director	Paul Taylor, Director of Change and Communities
Head of Service	Gary Stevenson, Head of Housing, Health & Environment
Lead Officer/Author	Sharon Degiorgio, Senior Licensing Officer
Classification	Non-exempt
Wards affected	ALL

This report makes the following recommendations to the final decision-maker:

- In light of the objection received, which is being dealt with outside of this fee setting process, the proposed fees charges and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators, as set out in Appendix A be adopted with effect from 1 April 2020

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- A Prosperous Borough.
It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable	
Meeting	Date
Licensing Committee	10 March 2020

Tunbridge Wells Committee Report, version: March 2019

Objection to Proposed Licensing Fees and Charges

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 At the Licensing Committee on 3 December 2019, Members approved the proposed fees as set out in Appendix A for publication, consultation and implementation with effect from 1 April 2020, subject to consideration of any unresolved written objections at Licensing Committee on 10 March 2020.
 - 1.2 The proposed fees were advertised and the authority received one written objection; therefore this matter must be considered by the Licensing Committee and a decision be made as to whether to adopt or modify the proposed fees. If modified then set a date for implementation which must be no later than two months from the original date of implementation; i.e. by the 1st June 2020.
 - 1.3 This report details the fee setting process
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2. INTRODUCTION AND BACKGROUND

- 2.1 The taxi licensing fees are set locally by the Council. The taxi licensing service is working towards being self-financing over the medium term and the increases to fees for 2017/18 and 2018/19 and reduction in support service recharges have contributed towards this.
- 2.2 Monitoring of income and expenditure has been carried out for the current financial year and the income from licence fees and associated costs, together with expenditure, is in line with the objectives set out in the budget plan.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 permits the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.
- 2.4 The cost of issue and administration can be recovered by way of the driver licence fee. In respect of vehicle and operator licences, the reasonable cost of inspecting vehicles, providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.5 It is proposed that the increase will be applied to charges from 1 April 2020 to reflect changes in costs and to continue towards the target of achieving a position of self financing.
- 2.6 An objection to the proposed change in the licensing fees has been received. The objection does not relate to the proposed fee structure but suggests that

the Council has benefited from income received as part of the vehicle licence fees. This surplus income has not been refunded in some cases where the second vehicle test was not completed.

- 2.7 A detailed investigation is ongoing to identify the number of second tests where income has been received but the test has not been completed for various reasons. The current procedures have been reviewed and all second tests are now being carried out where appropriate. Licence suspension notices are being issued where vehicles have failed the second test or have not been tested.
 - 2.8 It is proposed that the fees remain as originally proposed for 2020/21, and the impact of the additional testing costs, previously lower as the tests were not undertaken in full, will be monitored over the year. At year end, if there is a deficit on the Taxi and Private Hire accounts, this will be addressed by increasing the fees proposed for 2021/22 to recover these costs.
 - 2.9 In light of the objection (although Members must consider this objection, it does not have to vary the proposal as a result of them) the Council then sets a second date, which cannot be more than two months after the first date specified, when the new fees come into force. If an alteration is required after consideration, the fees could be increased as well as decreased.
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3. AVAILABLE OPTIONS

- 3.1 The new fees and charges are implemented to ensure that they are set at an appropriate level, to recover the costs associated with providing the service.
 - 3.2 To propose no changes or reductions to the existing fees.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members approve the proposed fees and charges as set out in Appendix A to reflect changes in costs and to continue towards the target of achieving a position of self financing.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Officers from the licensing department undertook a consultation exercise by way of a public notice in the local newspaper, the Council's website and an email to all drivers and vehicle proprietors and one objection was received, Appendix A.
 - 5.2 If Members approve the proposed fees and charges, these will come into effect on 1 April and will be advertised on the Council's website.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7. The decision will be published on Tunbridge Wells Borough Council's website.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.	Robin Harris Senior Lawyer (Contentious) 02.03.2020
Finance and other resources	The council has a policy of "user pays" and the Taxi and Private Hire licensing service must take account of any surplus or deficit each year, to work towards it being a cost neutral service over time. Any costs not expended (for example those detailed in the objection), would have translated into a lower fee for the services provided, as the council has not made a profit on the service.	Jane Fineman Head of Finance and Procurement 03.03.20
Staffing establishment	The report does not propose any changes to staffing	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Risk Management	No issues identified	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Data Protection	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Environment and Sustainability	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Community Safety	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Health and Safety	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Health and Wellbeing	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020

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9. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Licensing Fees and Charges 2020/21
- Appendix B: Objection Email from Mr Clayton Berry taxi proprietor

10. BACKGROUND PAPERS

<https://democracy.tunbridgewells.gov.uk/meetings/documents/g4546/Public%20reports%20pack%2003rd-Dec-2019%2018.00%20Licensing%20Committee.pdf?T=10>

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Appendix A

Hackney Carriage and Private Hire Licensing: Licence Fees and Charges 2020/2021

		2020/21 Fees
<u>Dual Driver Licence (Hackney Carriage and Private Hire)</u>		
Computerised Knowledge test		£50 (to be paid on booking test which must be passed before application can be submitted)
On initial application		£218 for three years
Disclosure Barring Service (DBS) check fee		£40 every three years
Total (including DBS fee)		£258 for three years
On renewal		£225 for three years
Disclosure Barring Service (DBS) check fee		£40 every three years
Total (including DBS fee)		£265 for three years
<u>Hackney Carriage Vehicle Licence</u>		
On initial application		£410 for one year (which includes £30 towards the Unmet Demand Survey)
On renewal		£390 for one year (which includes £30 towards the Unmet Demand Survey)
<u>Private Hire Operator Licence</u>		
On initial application – 5 year licence		£570 for five years
On renewal – 5 year licence		£560 for five years
On initial application – 3 year licence		£375 for three years

Appendix A

		2020/21 Fees
On renewal – 3 year licence		£380 for three years
On initial application – 1 year licence		£210 for one year
On renewal – 1 year licence		£195 for one year
<u>Private Hire Vehicle Licence</u>		
On initial application		£375 for one year
On renewal		£355 for one year
<u>Other Costs</u>		
Change of ownership of licensed vehicle		£77
Transfer of vehicle		From £49 (** subject to variation depending on additional elements, if required, e.g. door stickers, plate holder etc. see charges below)
External vehicle plate		£25
Driver badge		£10
Vehicle plate holder		£19
Replace internal plate holder		£1.90
Door stickers PHV only (per sticker)		£8.50
Paper licence		£13
Change of address details for a replacement licence		£13
Change of name for a vehicle or operator licence		£13
Change of name and address for a driver badge		£23.50
Vehicle exemption certificate or general administration fee		£49
Cheques referred to drawer		£10
<ul style="list-style-type: none"> • Hackney carriage vehicles are subject to additional fee of £30 for demand survey. However a change of vehicle where the expiry date remains the same as the original licence will not be charged this fee. • Insurance plates issued to an Accident Management Company (Cab Aid etc..) will be treated as a 'transfer' (for example, originally H1234 becomes INS1234) 		

-----Original Message-----

From: Clayton Berry

Sent: 03 January 2020 09:07

To: Licensing (TWBC)

Cc: XXXX

Subject: Licensing fees consultation for Hackney/PHV

Dear sirs

I suggest that the fees proposal should be suspended subject to investigation that Tunbridge Wells Borough Council licensing department has made profit from Hackney owners/ PHV owners.

This is my finding so far, I have found a number of Hackney carriages/private hire vehicles never had a second test which is paid for in our fees over the last five years, as we pay for these test the council has kept this money which should be paid back to the owner as they didn't have a second test, But it is council requirement and a safety issue that cars have a second test which is Stated in the latest policy document which all parties must comply to which the council didn't enforce.

This is a huge problem which I have found but when we have mentioned over the years that of this failing no one Listened so I had to do it FO I on this and now licensing department is listening!

On insurance cars they never have a second test which the council has kept this money so I've gone back from when the hub took over and on the 20th I should find out the council findings on this and then we'll see where we'll go on this.

Plus when we brought this up at the last council meeting this should've been taken a bit more serious especially from the counsellors which are meant to protect the public interest.

Regards

Clayton Berry

Cleggy's Taxi

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