

## A G E N D A

### LICENSING COMMITTEE

Tuesday 9 March 2021 at 6.30 pm  
Virtual Meeting - Online

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**Members:** Councillor Backhouse (Chairman), Councillors Woodward (Vice-Chairman), Atkins, Atwood, Mrs Cobbold, Ellis, Fairweather, Funnell, Hill, Lidstone, Noakes, Pope, Thomson and Williams

**Quorum:** 4 Members

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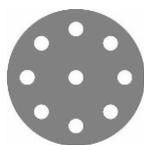
- 1 Chairman's Introduction** (Pages 5 - 6)  
Announcement on procedural matters.
- 2 Apologies for Absence** (Pages 7 - 8)
- 3 Declarations of Interest** (Pages 9 - 10)  
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer.
- 4 Notification of Visiting Members wishing to speak (in accordance with Council Procedure Rule 18):** (Pages 11 - 12)  
Members should indicate which item(s) they wish to speak on and the nature of their concern/question/request for clarification.
- 5 Minutes of the Previous Meeting dated 1 December 2020** (Pages 13 - 16)
- 6 Hackney Carriage and Private Hire Licensing: Objection to Proposed Licence Fees and Charges 2021/22** (Pages 17 - 28)
- 7 Urgent Business** (Pages 29 - 30)  
To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
- 8 Date of Next Meeting** (Pages 31 - 32)  
The next meeting is scheduled for Tuesday 15 June 2021.

Mark O'Callaghan  
Scrutiny & Engagement Officer

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### **Notes on Procedure**

- (1) A list of background papers appears at the end of each report, where appropriate, pursuant to the Local Government Act 1972, section 100D(i).
- (2) Members seeking factual information about agenda items are requested to contact the appropriate Service Manager prior to the meeting.
- (3) Members of the public and other stakeholders are required to register with the Democratic Services Officer if they wish to speak on an agenda item at a meeting. Places are limited to a maximum of four speakers per item. The deadline for registering to speak is 4.00 pm the last working day before the meeting. Each speaker will be given a maximum of 3 minutes to address the Committee.
- (4) All meetings are open to the public except where confidential or exempt information is being discussed. The agenda will identify whether a meeting or part of a meeting is not open to the public. Meeting rooms have a maximum public capacity as follows:  
Council Chamber: 100, Committee Room A: 20, Committee Room B: 10.
- (5) Please note that the public proceedings of this meeting will be recorded and made available for playback on the Tunbridge Wells Borough Council website. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Democratic Services Officer before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website ([www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk)) or from Democratic Services.

If you require this information in another format please contact us, call 01892 526121 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)

**Accessibility into and within the Town Hall** – There is a wheelchair accessible lift by the main staircase, giving access to the first floor where the committee rooms are situated. There are a few steps leading to the Council Chamber itself but there is a platform chairlift in the foyer.

**Hearing Loop System** – The Council Chamber and Committee Rooms A and B have been equipped with hearing induction loop systems. The Council Chamber also has a fully equipped audio-visual system.

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**Licensing Committee**

**9 March 2021**

## **Chairman's Introduction**

**Procedural Item:**

Announcement on procedural matters.

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**Licensing Committee**

**9 March 2021**

**Apologies for Absence**

**Procedural Item:**

To receive any apologies for absence.

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**Licensing Committee**

**9 March 2021**

## **Declarations of Interest**

**Procedural Item:**

To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.

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**Licensing Committee**

**9 March 2021**

**Notification of Visiting Members wishing to speak**

**Procedural Item:**

To note any members of the Council wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18, and which item(s) they wish to speak on.

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## LICENSING COMMITTEE

Tuesday, 1 December 2020

**Present: Councillor Bob Backhouse (Chairman)**  
**Councillors Atkins, Atwood, Mrs Cobbold, Ellis, Fairweather, Funnell, Hill, Lidstone, Noakes, Podbury, Pope, Thomson and Williams**

**Officers in Attendance:** Sharon Degiorgio (Senior Licensing Officer), Robin Harris (Team Leader (Contentious)), Gary Stevenson (Head of Housing, Health and Environment) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** None

### CHAIRMAN'S INTRODUCTION

LC1/20 The Chairman opened the meeting, introduced Committee Members and Officers in attendance, and outlined procedural matters of the meeting.

### APOLOGIES FOR ABSENCE

LC2/20 Apologies were received from Vice Chairman Councillor Woodward. Councillor Eilis was not present.

### DECLARATIONS OF INTEREST

LC3/20 There were no declarations of interest made.

### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

LC4/20 There were no visiting Members registered to speak.

Mr Clayton Berry registered to speak on agenda item LC6/20.

### MINUTES OF THE PREVIOUS MEETING DATED 8 SEPTEMBER 2020

LC5/20 **RESOLVED** – That that the minutes of the previous meeting dated 8 September 2020 be approved as a correct record.

### HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES AND CHARGES 2021/2022

LC6/20 Sharon Degiorgio, Senior Licensing Officer presented her report which outlined the Hackney Carriage and Private Hire Licensing: Licence Fees and Charges 2021/2022.

- Members noted at Appendix A page 21 of the report there was a fee for the new (EQUO) online test (£66) which Members had previously agreed to implement. The authority had to introduce this test to comply with the new national standards to evaluate drivers understanding of Child Sexual Exploitation/Safeguarding, Disability Awareness and County Lines.
- This was a one off fee – once an applicant or driver renewal had passed the test there would be no requirement to re-take this at

their next renewal date.

- This fee would come into effect when this scheme was introduced in January 2021.
- All other fees would be effective from April 1st 2021 subject to consideration of any unresolved written objections at Licensing Committee on 9 March 2021.

Mr Clayton Berry registered to speak, points raised included:

- Mr Berry was in agreement with Gary Stevenson, Head of Housing, Health and Environment with regard to revised account figures.
- Mr Berry advised that he spoke on behalf of himself and all drivers to voice their disgust at the decision by Tunbridge Wells Borough Council (TWBC) to increase the Licensing Fees at an extremely difficult time for the trade due to the pandemic.
- The little work available meant that drivers had put themselves at risk to ensure that key workers got to work, residents got to Covid-19 test centres amount other routes.
- The only assistance drivers had been offered was a deferment of fees.
- At the request of the other drivers, Toni Conlon had written to RH Greg Clark MP, for his support.
- Serious concerns were raised about the mental health of drivers.

Gary Stevenson gave a verbal update to Members related to the supplementary document published which superseded appendix B in the report.

Members took account of the report and raised a number of questions and issues within their discussion. These included:

- Separate to the consideration of the fees, it was advised that the discretionary grant was something the Council could consider and once the guidance on the new local based restriction grants were published the Council could review the key sector consideration.
- It was noted that there did not seem to be any consistency to additional support across other authorities.
- The deferral of the increase in licensing fees was suggested, this was addressed and it was advised that it may be possible to consider this at the next Licensing Committee in March 2021 after consultation took place with the trade and members of the public.
- It was advised as the Council was in a deficit situation, the fee increase included part recovery of deficit in addition to an uplift of costs.
- The Committee supported the Chairman in the task to lobby Central Government via RH Greg Clarke MP and David Candlin, Head of Economic Development & Property.

## **RESOLVED:**

That the proposed fees set out in Appendix A for publication, consultation and implementation with effect from 1 April 2021, subject to consideration of any unresolved written objections at Licensing Committee on 09 March 2021, be approved.

LC7/20 Sharon Degiorgio, Senior Licensing Officer presented her report which outlined the Licensing Fees and Charges 2021/2022.

Members took account of the report and raised a number of questions and issues within their discussion. These included:

- It was advised that enforcement measures were in place to stop illegal scrap metal dealers.

**RESOLVED:**

1. That the fee levels as set out in Appendices A, B, and C of the report for implementation on 1 April 2021, be approved.
2. That the nationally set fees for 2021/22 as set out in Appendix D, be noted.

**DRAFT STATEMENT OF LICENSING POLICY 2021-2026**

LC8/20 Sharon Degiorgio, Senior Licensing Officer presented her report which outlined the Draft Statement of Licensing Policy 2021-2026.

Members took account of the report and raised a number of questions and issues within their discussion. These included:

- It was explained that the Council did not issue a license in respect of a temporary event; the organiser would serve a notice on the council that a temporary event would take place and the only parties that could respond to that are the Police and/or Environmental Health, therefore without representation from either party against the notice the Council had no ability to serve a counter notice to prevent the event.

**RESOLVED:**

That the revised draft statement of licensing policy following public consultation for ratification at Full Council, be approved.

The policy would be adopted from 7 January 2021 to remain in force for a period of five years, if approved by Full Council.

**URGENT BUSINESS**

LC9/20 There was no urgent business for consideration.

**DATE OF NEXT MEETING**

LC10/20 The next Licensing Committee meeting was scheduled for Tuesday 9 March 2021.

NOTE: The meeting concluded at 7.01 pm.

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# Hackney Carriage and Private Hire Licensing: Objection to Proposed Licence Fees and Charges 2021/2022

Licensing Committee on 9 March 2021

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## Summary

**Lead Member:** Councillor Matt Bailey – Portfolio Holder for Sustainability

**Lead Director:** Paul Taylor – Director for Change and Communities

**Head of Service:** Gary Stevenson – Head of Housing, Health & Environment

**Report Author:** Sharon Degiorgio – Senior Licensing Officer

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Licensing Committee	9 March 2021 for consideration of any unresolved written objections

## Recommendations

1. In light of objections received in respect of the proposed increases for the fees and charges in 2021/22 Members are requested to consider whether to apply the proposed increases or to retain the existing charge in recognition of the trading difficulties experienced by the trade during the pandemic.

## 1. Introduction and Background

- 1.1 Taxi licensing fees are set locally by the Council. The taxi licensing service is working towards being self-financing over the medium term.
- 1.2 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.
- 1.3 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.
- 1.4 It is proposed that the increase will be applied to charges from 1 April 2021 subject to Members views after consideration of the objections. The current proposals have been drawn up towards the target of achieving a position of self financing at some future point.
- 1.5 At the Licensing Committee on 1 December 2020, Members approved the proposed fees as set out in Appendix A for publication, consultation and implementation with effect from 1 April 2021, subject to consideration of any unresolved written objections at Licensing Committee on 9 March 2021.
- 1.6 Ten objections to the proposed change in the licensing fees have been received, see table at Appendix B, this is significantly more than the Council would receive in a normal year when considering an increase of any fee proposal reports, this is primarily as a result of the negative impact the trade has suffered during the ongoing pandemic.
- 1.7 If Members were minded not to apply the proposed increase for the forthcoming year, based on projections provided by the finance team this would equate to a reduction in recovery of costs of approximately £1,800 for the year taking into account that some of the fees cover a period greater than a year e.g. operator licence could be issued for either 1, 3, or 5 years.

## 2. Options Considered

- 2.1 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.
- 2.2 In acknowledgement of the trades concerns and the impact of the pandemic on their trade, Members may be minded to retain the fees at the current 2020/21 levels, therefore no uplift will be made.
- 2.3 To propose no changes or reductions to the existing fees

## 3. Preferred Option and Reason

- 3.1 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; or
- 3.2 Acknowledge the objections received and the impact of the pandemic on the trade, Members may choose to retain the current fees & charges level.

## 4. Consultation on Options

- 4.1 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, vehicle proprietors and Operators. Ten objections were received, see Appendix B.

## 5. Implementation

- 5.1 If Members approve the proposed fees and charges, these will come into effect on 1 April 2021 and will be advertised on the Council's website. The decision will be published on Tunbridge Wells Borough Council's website.

## 6. Appendices and Background Documents

Appendices:

- Appendix A: Proposed 2021/22 Licensing Fees and Charges
- Appendix B: Table of objections to the proposed 2021/22 Licensing Fees and Charges

# Agenda Item 6

Background document:

<https://democracy.tunbridgewells.gov.uk/documents/g4726/Public%20reports%20pack%2001st-Dec-2020%2018.00%20Licensing%20Committee.pdf?T=10>

## 7. Cross Cutting Issues

### A. Legal (including the 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, Mid Kent Legal Services Team Leader (Contentious), 26.02.2021

### B. Finance and Other Resources

The Council now has a policy of "user pays" and this report explains how Taxi and Private Hire licensing is working towards this financial objective. Constant reductions in government funding mean that it is not possible to subsidise the provision of such services and the fee increases proposed here should move the service towards financial self sufficiency.

The price increase does not have a material impact upon the budget but will contribute towards the considerable revenue losses experienced as a result of the Covid pandemic. If Members choose not to increase the prices, there needs to be recognition that the price increases for 2022/23 will need to compensate for these losses.

Jane Fineman, Head of Finance, Parking and Procurement, 26.02.2021

### C. Staffing

The report does not propose any changes to staffing

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

### D. Risk Management

No significant risks identified

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

## **E. Environment and Sustainability**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

## **F. Community Safety**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

## **G. 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, 18.01.2021

## **H. Data Protection**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

## **I. Health and Safety**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

## **J. Health and Wellbeing**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 18.01.2021

# Hackney Carriage and Private Hire Licensing: Proposed Licence Fees and Charges 2021/2022

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## Appendix A

	Existing Fees	Proposed Fees
<b><u>Dual Driver Licence (Hackney Carriage and Private Hire)</u></b>		
Computerised Knowledge test	£50 (to be paid on booking test which must be passed <b>before</b> application can be submitted )	£51.50 (to be paid on booking test which must be passed <b>before</b> application can be submitted )
EQUO online test		£66 (previously agreed)
On initial application	£218 for three years	£224 for three years
Disclosure Barring Service (DBS) check fee	£40 every three years	£40 every three years
<b>Total (including DBS fee)</b>	<b>£258 for three years</b>	<b>£264 for three years</b>
On renewal	£225 for three years	£231 for three years
Disclosure Barring Service (DBS) check fee	£40 every three years	£40 every three years
<b>Total (including DBS fee)</b>	<b>£265 for three years</b>	<b>£271 for three years</b>
<b><u>Hackney Carriage Vehicle Licence</u></b>		
On initial application	<b>£410</b> for one year (which includes £30 towards the Unmet Demand Survey)	<b>£420</b> for one year (which includes £30 towards the Unmet Demand Survey)
On renewal	<b>£390</b> for one year (which includes £30 towards the Unmet Demand Survey)	<b>£400</b> for one year (which includes £30 towards the Unmet Demand Survey)
<b><u>Private Hire Operator Licence</u></b>		
<b>On initial application – 5 year</b>	£570 for five years	£584 for five years

## Appendix A

	Existing Fees	Proposed Fees
<b>licence</b>		
<b>On renewal – 5 year licence</b>	£560 for five years	£574 for five years
<b>On initial application – 3 year licence</b>	£375 for three years	£384 for three years
<b>On renewal – 3 year licence</b>	£380 for three years	£390 for three years
<b>On initial application – 1 year licence</b>	£210 for one year	£215 for one year
<b>On renewal – 1 year licence</b>	£195 for one year	£200 for one year
<b><u>Private Hire Vehicle Licence</u></b>		
On initial application	£375 for one year	£384 for one year
On renewal	£355 for one year	£364 for one year
<b><u>Other Costs</u></b>		
Change of ownership of licensed vehicle	£77	£79
Transfer of vehicle	From £49 (** subject to variation depending on additional elements, if required, e.g. door stickers, plate holder etc. see charges below)	From £50 (** subject to variation depending on additional elements, if required, e.g. door stickers, plate holder etc. see charges below)
External vehicle plate	£25	£25.50
Driver badge	£10	£10.25
Vehicle plate holder	£19	£19.50
Replace internal plate holder	£1.90	£1.90 (no change)
Door stickers PHV only (per sticker)	£8.50	£8.70
Paper licence	£13	£13 (no change)
Change of address details for a replacement licence	£13	£13 (no change)
Change of name for a vehicle or operator licence	£13	£13 (no change)
Change of name and address for a driver badge	£23.50	£24
Vehicle exemption certificate or general administration fee	£49	£50
Cheques referred to drawer	£10	£10 (no change)
<ul style="list-style-type: none"> <li>• 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.</li> <li>• Insurance plates issued to an Accident Management Company (Cab Aid etc..) will be treated as a 'transfer' (for example, originally H1234 becomes INS1234)</li> </ul>		

# Taxi fees and charges - Table of objections received.

## Appendix B

	Name	Badge Number	Date	Extract from email
1.	Danny Johnson	D 4950	08.12.20	<p>Hi .            Having received your mail regarding proposed increase to fees for 2021 I feel this is unfair to increase fees no matter how little as the trade is suffering hugely . I also feel we should be helped to continue playing our trade which I believe other councils have done , I have been trading for 20 years plus with no help what so ever from Tunbridge Wells council and this year is needed more than any other year , my trade is down so far that I am on the brink of packing it all in as I need to survive and right now we have no work as you are probably aware of . I'm not one to complain but feel this is a kick in the teeth to us drivers at the moment . I just hope our trade will pick up soon before it's unsustainable to continue serving this borough</p>
2.	Rado Boltun	D 28	08.12.20	<p>I, as a driver strongly opposing to proposed fees,both driver's and vehicles.As the year 2020 was hard due to corona virus ,we are in deep losses.Hardly been able to make investments towards our vehicles to keep them safely operating, drivable according to good standards.Also many of us had to renew their dual driver licenses,as well as myself.Then insure vehicle doesn't come cheap.So I asking you where is our profit? We are contributing towards your salaries, but you should take into account our incomes went significantly down in some months by 70%.So bringing all fees up in this uncertain time seem like felony to me.We have our boundaries, which when crossed there wouldn't be any services for our existing customers which they are relaying on, elderly citizens those with various disabilities,parents with school children's and others.So now is the question,do you want this service in this town?            Is it worth to bring the fees up?</p>

## Appendix B

				My answer is no?
3.	Medhat Khechine	D 2013	10.12.20	<p>To whom it may concern,</p> <p>I would like to object to the current plan of increasing the taxi licensing fees! It's very hard times to all of us and I was expecting some kind of support instead of asking me for more money! I hope you would reconsider your plan and bear in mind the current situation and how badly we are all struggling.</p>
4.	Ian Dolwin – ACS Chauffeurs	D 5189	10.12.20	<p>To whom it may concern</p> <p>I think this increase in fees is unfair. Due to no fault of our own ie - the Covid situation. The difficulty in keeping our car on the roads is great enough without this increase I strongly believe this increase should be scrapped and twbc should use the government to fund anything further as we the drivers are at our limit Some may not survive and the service to the public will be downgraded.</p>
5.	Amir Akram	D 5726	10.12.20	<p>He, as we all going through in difficult time specially taxi drivers are worst hit by pandemic and in this difficult time the increase of licensing fee is not justified and we can't afford to pay. Please think about taxi drivers . Thanks Sent from my iPhone</p>
6.	Clayton Berry	D 4749	10.12.20	<p>Dear Licensing committee</p> <p>The industry is on its knees but twbc wants a increase on our fees. I think this is insult as every year this has gone up and up. In 2015 the renewal of a hackney carriage was £274, in 2020 it's £400 so in 5 years £126 increase I could look at others. Plus I know there's a £30 difference in between PHV vehicles and hackney vehicles but what is with the £5 surely they cost the same to be tested and paperwork as there's no difference.</p>

## Appendix B

				<p>So if the fees go up every year can we look at cost cutting in the licensing department, since we joined up with Sevenoaks it was meant to save money but every year it's gone up enough is enough. If we put our fares up the same percentage, the general public would never use us. So I strongly object to this increase.</p>
7.	Toni Conlon	D 5235	10.12.20	<p>Really!</p> <p>I am left speechless and my brain hurts.</p> <p>We are in the middle of a pandemic, we have no work, we, as well as the Chair of Licensing, have written to Greg Clark MP begging for assistance as more and more drivers are having to choose between food and paying their rent, and in the middle of all of this, TWBC want to put the fees up.</p> <p>I am an incredulous at the utter lack of understanding and empathy that TWBC are showing towards the taxi trade.</p> <p>So, just in case you are in any doubt, I object in the strongest possible terms! Give us a break.</p>
8.	Yahya Nasir	D 5780	10.12.20	<p>Dear licensing I'm against the decision of fees increase There is no work since the first lockdown . I waited at the station 3-4 hours and got 4£ that's under the minimum wage not sure Who came with this idea . Instead of thinking how to help the driver Instead of thinking how to help the driver</p>
9.	Marin Khan	D 5814	12.12.20	<p>This price rise is joke of the year . A taxi driver earn 50£ per week nowadays should he feed his family with 50£ or the vicious appetites of the council's .</p>
10.	Kamel Fguennou	D 18	12.12.20	<p>Hi I am a dual taxi driver Sadly ,most of us have no more to give and are really struggling to pay the current fees. I am not happy to pay the increase. Thanks</p>

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**Licensing Committee**

**9 March 2021**

## **Urgent Business**

**Procedural Item:**

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

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**Licensing Committee**

**9 March 2021**

## **Date of Next Meeting**

**Procedural Item:**

To note that the date of the next scheduled meeting is Tuesday 15 June 2021.

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