

Licensing Committee

4 December 2018

Is the final decision on the recommendations in this report to be made at this meeting?

No

Hackney Carriage and Private Hire Licensing: Licence Fees and Charges 2019/2020

Final Decision-Maker	Licensing Committee
Portfolio Holder	Councillor Dr Ronen Basu, Sustainability Portfolio Holder
Lead Director	Paul Taylor, Director of Change and Communities
Head of Service	Gary Stevenson, Head of Housing, Health & Environment
Lead Officer/Report Author	Sharon Degiorgio, Senior Licensing Officer
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the proposed fees and 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 paragraph 2.12, be approved for formal consultation with the trade and public; and
2. That subject to the consideration of any unresolved objections by Licensing Committee at its meeting on 5 March 2019, these be implemented with effect from 1 April 2019.

This report relates to the following Five Year Plan Key Objectives:

- 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	4 December 2018
Licensing Committee	5 March 2019 for consideration of any unresolved written objections

Hackney Carriage and Private Hire Licensing: Licence Fees and Charges 2019/2020

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Taxis and Private Hire Licensing. This ensures the Council complies with its statutory duty and that the licensing of Taxis and Private Hire vehicles, Dual Drivers and Private Hire Operators continues towards being self-financing over the medium term, in accordance with the Council's Medium Term Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to determine the proposed fees for 2019/2020.
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2. INTRODUCTION AND BACKGROUND

- 2.1 To date the Taxi Licensing service has always been at a cost to 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 A fees model, similar to the one used to first set the Gambling Act fees in 2007 has been used as the baseline guide to determine the current fees and charges. It is proposed that an increase of 5% will be applied to charges for 2019/20 to reflect changes in costs and to continue towards the target of achieving a position of self financing. The fees were calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by the national support body for local authority regulators, LACORS, to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.4 The type of tasks involved in taxi licensing applications include: assistance to applicant, checking of an application upon receipt, processing the application. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing. Compliance tests of drivers, vehicles and operators. Training of Officers and Members has also been included, as well as the cost of consumables.

- 2.5 In addition to fees paid directly to the Council, when an applicant applies for a new drivers licence to be considered, they are required to complete a Driving Standards Assessment (DSA) which also incorporates disability awareness training. This fee is set and paid directly to the provider.
- 2.6 The fee for the Disclosure Barring Service (DBS) Enhanced Search remains the same at £44. However, applicants can register online when they apply for a DBS search. The registration lasts for one year and costs £13 per year going forward.
- 2.7 The Hackney Carriage vehicle fee includes a £30 surcharge made to recover the full costs of the Unmet Demand Survey which is apportioned over a three year period. The last survey was undertaken in 2016.
- 2.8 In addition its proposed to re-introduce a transfer fee, see paragraph 2.12 to enable a vehicle licence plate to be transferred between one vehicle to another in the event of the original vehicle being deemed un-roadworthy, e.g. road accident.

Public Notice to advertise proposed variation to licence fees

- 2.9 Officers from the licensing department will notify those Hackney Carriage Proprietors, Private Hire Operators and Drivers via email where we have their email following this meeting to provide them with the opportunity to make any representations/objections. A Notice will also be placed in a local paper and will be available on the Council's website.
- 2.10 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2019 are as set out as proposed in the table at paragraph 2.12 below:

2.12

	Existing Fees	Proposed Fees
<u>Dual Driver Licence (Hackney Carriage and Private Hire)</u>		
Computerised Knowledge test	£46 (to be paid on booking test which must be passed before application can be submitted)	£48 (to be paid on booking test which must be passed before application can be submitted)
On initial application	£199 for three years	£209 for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£299 for three years	£314 for three years

	Existing Fees	Proposed Fees
On renewal	£206 for three years	£216 for three years
Disclosure Barring Service search fee	£44 every three years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£250 for three years	£260 for three years
<u>Hackney Carriage Vehicle Licence</u>		
On initial application	£375 for one year (which includes £30 towards the Unmet Demand Survey)	£392 for one year (which includes £30 towards the Unmet Demand Survey)
On renewal	£357 for one year (which includes £30 towards the Unmet Demand Survey)	£373 for one year (which includes £30 towards the Unmet Demand Survey)
<u>Private Hire Operator Licence</u>		
On initial application – 5 year licence	£516 for five years	£541 for five years
On renewal – 5 year licence	£509 for five years	£534 for five years
On initial application – 3 year licence	£340 for three years	£357 for three years
On renewal – 3 year licence	£324 for three years	£359 for three years
On initial application – 1 year licence	£189 for one year	£198 for one year
On renewal – 1 year licence	£174 for one year	£183 for one year
<u>Private Hire Vehicle Licence</u>		
On initial application	£341 for one year	£358 for one year
On renewal	£323 for one year	£339 for one year
<u>Other Costs</u>		
Change of ownership of licensed vehicle	£71	£74
Transfer of vehicle		From £47 (** subject to variation depending on additional elements, if required, e.g. door stickers, plate holder etc. see charges below)
External vehicle plate	£23 (no change)	£23.50
Driver badge	£10 (no change)	£10 (no change)

	Existing Fees	Proposed Fees
Vehicle plate holder	£18 (no change)	£18 (no change)
Replace internal plate holder	£1.75 (no change)	£1.80
Door stickers PHV only (per sticker)	£8	£8 (no change)
Paper licence	£12 (no change)	£12 (no change)
Change of address details for a replacement licence	£12 (no change)	£12 (no change)
Change of name for a vehicle or operator licence	£12 (no change)	£12 (no change)
Change of name and address for a driver badge	£22	£22.50
Vehicle exemption certificate or general administration fee	£46	£47
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) 		

3. AVAILABLE OPTIONS

- 3.1 The fees and charges are reviewed to ensure that they are set at an appropriate level, to recover the costs associated with providing the service. It is therefore proposed to apply an inflationary increase of 5% for 2019/20 resulting in the proposed fees and charges as set out in the table in paragraph 2.12.
- 3.2 To propose no changes or reductions to the existing fees.
- 3.3 To propose, where possible and appropriate, fees higher than the cost of delivering the service. However, if the Council were subject to Judicial Review it would not be in a position to justify the fees that have been set.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To approve the proposed fees set out in the table in paragraph 2.12 for publication, consultation and implementation with effect from 1 April 2019, subject to consideration of any unresolved written objections at Licensing Committee on 5 March 2019.
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5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Officers from the licensing department will consult with members of the public and the trade via public consultation process e.g. an email to all drivers and vehicle proprietors where we have their email address, Tunbridge Well Borough Council website and a newspaper advert. The decision will be published on Tunbridge Wells Borough Council's website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
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) 12.11.18
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.	Jane Fineman Head of Finance and Procurement 12.11.18
Staffing establishment	The report does not propose any changes to staffing	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Risk management	No significant risks identified	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Environment and sustainability	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Community safety	No issues identified.	Sharon Degiorgio, Senior Licensing Officer

		12.11.18
Health and Safety	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Health and wellbeing	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
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 12.11.18

7. REPORT APPENDICES

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

Appendix A: Tunbridge Wells Borough Council's Taxi Accounts 2015/16, 2016/17 and 2017/18.

8. BACKGROUND PAPERS

None