

Licensing Committee

3 December 2019

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

Yes

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

Final Decision-Maker	Licensing Committee
Portfolio Holder	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/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 Appendix A 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 10 March 2020 these be implemented with effect from 1 April 2020.

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	3 December 2019
Licensing Committee	10 March 2020 for consideration of any unresolved written objections

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

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 2020/21.
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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 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 increased will be applied to charges for 2020/21 to reflect changes in costs and to continue towards the target of achieving a position of self financing.
- 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 Check is incorporated within the driver application fee. The element relating to the DBS

was set at £44; however this has now been reduced by the DBS to £40. The Council acts as the collection agent and passes on the fee element attributed to the enhanced checks to the DBS.

- 2.7 Once the driver has received the initial DBS certificate, they have the option to sign up to the online service with the DBS, whereby if they require future updated DBS checks, the fees are paid directly to the DBS at a discounted rate.
- 2.8 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 most recent survey was undertaken between June and August 2019.

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 2020 are as set out at Appendix A.

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 increase of 5% for 2020/21 resulting in the proposed fees and charges as set out in Appendix A.
- 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 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.
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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)
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
Staffing establishment	The report does not propose any changes to staffing	Sharon Degiorgio, Senior Licensing Officer 01.11.19
Risk management	No significant risks identified	Sharon Degiorgio, Senior Licensing Officer 01.11.19
Environment and sustainability	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 01.11.19
Community safety	No issues identified.	Sharon Degiorgio, Senior Licensing Officer

		01.11.19
Health and Safety	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 01.11.19
Health and wellbeing	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 01.11.19
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 01.11.19

7. REPORT APPENDICES

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

Appendix A: Proposed Hackney Carriage and Private Hire Licence Fees and Charges 2020/21

Appendix B: Tunbridge Wells Borough Council's Taxi Accounts 2016/17, 2017/18 and 2018/19.

8. BACKGROUND PAPERS

None