

# 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

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

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

1. 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

<b>Meeting</b>	<b>Date</b>
Licensing Committee	10 March 2020

# 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 1<sup>st</sup> 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.

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## 8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal</b> 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
<b>Finance</b> 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
<b>Staffing establishment</b>	The report does not propose any changes to staffing	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Risk Management</b>	No issues identified	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Data Protection</b>	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Environment and Sustainability</b>	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Community Safety</b>	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Health and Safety</b>	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Health and Wellbeing</b>	No issues identified.	Sharon Degiorgio, Senior Licensing Officer 17.02.2020
<b>Equalities</b>	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
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## **10. BACKGROUND PAPERS**

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