

# Hackney Carriage and Private Hire Licensing: Objection to Proposed Licence Fees and Charges 2022/2023

Licensing Committee on 8 March 2022

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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	8 March 2022 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 2022/23 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 In light of the impact of the Pandemic, Members had previously determined not to apply any increase for the fees for 2021/22 in recognition of the impact on the trade.
- 1.5 It is therefore proposed that the inflationary increase will be applied to charges from 1 April 2022 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.
- 1.6 At the Licensing Committee on 30 November 2021, Members approved the proposed fees as set out in Appendix A for publication, consultation and implementation with effect from 1 April 2022, subject to consideration of any unresolved written objections at Licensing Committee on 8 March 2022.
- 1.7 The authority received 2 objections to the proposed change in the licensing fees and charges, see table at Appendix B. This suggests that the trade is content with the proposed inflationary increase.

# 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**

2.4 In light of the impact of the Pandemic, Members determined not to apply any increase for the fees for 2021/22 in recognition of the impact on the trade. Therefore, Members are requested to approve the proposed 2022/23 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

2.5 Acknowledge the objections received and the impact of the pandemic on the trade, Members may choose to retain the current fees & charges level.

### **3. Consultation on Options**

2.6 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 and only 2 objections were received.

### **4. Implementation**

2.7 If Members approve the proposed fees and charges, these will come into effect on 1 April 2022 and will be advertised on the Council's website. The decision will be published on Tunbridge Wells Borough Council's website.

### **5. Appendices and Background Documents**

Appendices:

- Appendix A: Proposed 2022/23 Licensing Fees and Charges
- Appendix B: Table of objections to the proposed 2022/23 Licensing Fees and Charges

Background document:

<https://democracy.tunbridgewells.gov.uk/documents/g4926/Public%20reports%20pack%2030th-Nov-2021%2018.00%20Licensing%20Committee.pdf?T=10>

<https://democracy.tunbridgewells.gov.uk/documents/g4926/Printed%20minutes%2030th-Nov-2021%2018.00%20Licensing%20Committee.pdf?T=1>

## **6. 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.

Helen Ward, Mid Kent Legal Services Lawyer (Contentious), 26.01.2022

### **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 option of not imposing an increase for 2021/22 would not have a material impact on the budget but this loss of revenue will need to be recovered when setting future fees and charges

Jane Fineman, Head of Finance, Parking and Procurement, 19.01.2022

### **C. Staffing**

The report does not propose any changes to staffing

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022

### **D. Risk Management**

No significant risks identified

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022

### **E. Environment and Sustainability**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022

## **F. Community Safety**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022

## **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, 19.01.2022

## **H. Data Protection**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022

## **I. Health and Safety**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022

## **J. Health and Wellbeing**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 19.01.2022