

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

Licensing Sub-Committee on 1 December 2020

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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	1 December 2020
Licensing Committee	9 March 2021 for consideration of any unresolved written objections

## Recommendations

1. That the Committee approve 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.

# 1. Introduction and Background

- 1.1 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 previous reductions in support service recharges have contributed towards this.
- 1.2 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.
- 1.3 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used as the baseline guide to determine the fees and charges. It is proposed that an increase will be applied to charges for 2021/22 to reflect changes in costs and to continue towards the objective of achieving a position of self financing.
- 1.4 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.
- 1.5 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.
- 1.6 To comply with the new national standards the authority is required to introduce a further mechanism to evaluate drivers understanding of :
  - Child Sexual Exploitation/Safeguarding;
  - Disability Awareness; and
  - Gangs & County Lines

This will be delivered via an online test undertaken at the Council offices utilising an external software product, therefore all new applicants and future renewal drivers will be required to undertake this for a one off fee (this fee entitles the applicant to have up to 10 attempts at no additional cost). Once an applicant or driver renewal has passed the test there will be no requirement to re-take this at their next renewal date.
- 1.7 The fee for the Disclosure Barring Service (DBS) Enhanced Check is incorporated within the driver application fee. The Council acts as the collection

agent and passes on the fee element attributed to the enhanced checks to the DBS.

- 1.8 Once the driver has received the initial DBS disclosure certificate, they will be required to sign up to the online checking service with the DBS; this will enable us to undertake periodic checks in accordance with the new National Standards for the Taxi and Private Hire vehicle sector across England and Wales.
- 1.9 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.
- 1.10 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.
- 1.11 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2021 are as set out at Appendix A.

## **2. Options Considered**

- 2.1 The fees and charges are reviewed to ensure that they are set at an appropriate level, to support the recover of the cost associated with providing the service. It is therefore proposed to apply an increase of 2.5% for 2021/22 resulting in the proposed fees and charges as set out in Appendix A.
- 2.2 To propose no changes or reductions to the existing fees.
- 2.3 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.

## **3. Preferred Option and Reason**

- 2.1 To approve 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.

## **4. Consultation on Options**

- 2.1 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.

## **5. Implementation**

- 2.1 Subject to the consideration of any unresolved objections by Licensing Committee at its meeting on 9 March 2021 these be implemented with effect from 1 April 2021.

## **6. Appendices and Background Documents**

Appendices:

- Appendix A: Proposed Hackney Carriage and Private Hire Licence Fees and Charges 2021/22
- Appendix B: Tunbridge Wells Borough Council's Taxi Accounts 2017/18, 2018/19 and 2019/20

## **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), 14.11.2020

### **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.

Jane Fineman, Head of Finance, Procurement and Parking. 14.11.2020

### **C. Staffing**

The report does not propose any changes to staffing

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020

### **D. Risk Management**

No significant risks identified

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020

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

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020

## **F. Community Safety**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020

## **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, 14.11.2020

## **H. Data Protection**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020

## **I. Health and Safety**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020

## **J. Health and Wellbeing**

No issues identified.

Sharon Degiorgio, Senior Licensing Officer, 14.11.2020