
Licensing Fees and Charges 2022/23 Report

Committee considering report:	Licensing Committee
Date of Committee:	08 November 2023
Portfolio Member:	Councillor Hilary Cole
Date Service Director agreed report: <i>(for Corporate Board)</i>	TBC
Date Portfolio Member agreed report:	TBC
Report Author:	Sean Murphy
Forward Plan Ref:	JPPC4133

1 Purpose of the Report

- 1.1 To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee on 13 September 2021 pertaining to Licensing for the Committee to consider ahead of consideration by Executive and Full Council.
- 1.2 To consider the proposals for the statutory consultation associated with the fees and charges for hackney carriage and private hire drivers, vehicles and operators.

2 Recommendations

The Licensing Committee:

- 2.1 **AGREES** that save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the fees set out at Appendix A go forward for consideration as part of the Council fee setting process.
- 2.2 **AGREES** that the proposed charges for operators and vehicle licence fees are put forward for statutory consultation.
- 2.3 **AGREES** that the charges for private hire operators and vehicle licence fees are subjected to a twenty eight day statutory consultation period from 18 November 2021 to 16 December 2021.
- 2.4 **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees is placed in the Newbury Weekly News and Reading Chronicle.

- 2.5 **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District and that a copy of the consultation is posted on the Public Protection Partnership website and in the reception area at the Market Street Offices.
- 2.6 **AGREES** if no objections are received, the charges for operators and vehicle licence fees are included in February 2021 Executive and March Council papers for approval; or if objections are received they be considered by the Licensing Committee at the meeting on 31 January 2022 and any changes be recommended to full Council for approval.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>The costs of producing this report and running the consultation exercise will be met from within the existing Public Protection Partnership budgets.</p> <p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit</p> <p>The total lost revenue budget from the adjustments to the Taxi and Private Hire Vehicles and Private Hire Operator’s fees will be in the order of £60K per annum across the PPP. This loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.</p>
<p>Human Resource:</p>	<p>The projected loss of income will be managed through the service reconfiguration process for the new two authority Public Protection Service. Vacant posts have been held to assist with mitigation.</p>
<p>Legal:</p>	<p>Fees for drivers licences</p> <p>Section 53 of the Local Government (Miscellaneous Provisions) Act 1976: “...a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.”</p> <p>Section 53 above therefore limits the cost of a driver’s licence to the council’s administration costs associated with the “...the</p>

	<p>grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...”.</p> <p>Fees for vehicle and operators’ licences</p> <p>Section.70 of the Local Government (Miscellaneous Provisions) Act 1976: “...a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:</p> <ul style="list-style-type: none"> (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.” <p>The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with “...control and supervision of hackney carriages and private hire vehicles.”</p>
<p>Risk Management:</p>	<p>The fees are potentially subject to legal challenge. It is therefore important the fees and methodology are subject to ongoing review</p>
<p>Property:</p>	<p>None</p>
<p>Policy:</p>	<p>The Joint Public Protection Committee is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and charges. The JPPC made some changes to the Street trading consents in order to align the West Berkshire and Bracknell Forest Council Fees. It is not the role of this Committee to set the fees for 2022/23. The Committee is being asked to consider the fees prior to them being considered by Executive and</p>

	Council. The Committee may amend the proposals and put forward alternative fees for consideration.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		There are no implications arising from the recommendation in this report.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		There are no implications arising from the recommendation in this report.
Environmental Impact:		X		<p>The reduction in fees should assist the trade which in turn will help to assist a public transport infrastructure which should be beneficial to the environment.</p> <p>Nuisance arising from licenced premises can have a significant impact on individuals and the wider community. The implementation of and policy oversight of the licensing regime provides important protections.</p>
Health Impact:		X		There are no implications arising from the recommendation in this report.
ICT Impact:		X		There are no implications arising from the recommendation in this report.

Digital Services Impact:		X		The consultation will be published on the Council's website.
Council Strategy Priorities:		X		This work is business as usual within the service.
Core Business:		X		Business as Usual
Data Impact:		X		Not applicable
Consultation and Engagement:	The fees for Taxis and Private Hire Vehicles and Private Hire operators will be subject to statutory consultation.			

4 Supporting Information

- 4.1 The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils. The JPPC met on the 13 September 2021 to consider the proposed fees and charges.
- 4.2 It is noted that a significant number of fees within the licensing field are set by Government Regulation and cannot therefore be changed by the Council.
- 4.3 At the meeting of the JPPC in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. In 2018/19 a generic hourly rate for the service was set at £55 p/h as the basis of cost recovery. This was increased in 2019/20 to £57 per hour and was held at this level for 2020/21. For 2021/22 the full cost of the service, including internal support service re-charges (as per Council budget build processes) and the current establishment lists were updated which resulted in a new rate of £59 p/h. Given the uncertainty of the staffing changes for 2022/23 it is proposed to maintain the hourly rate at £59p/h for 2022/23 and conduct a full review once the new structure is in place.
- 4.4 In calculating this rate a range of factors have been considered including the wide variety of council overheads each of the partners must contribute to, the levels of staffing, their costs, contracts and the necessary training to maintain a competent workforce.
- 4.5 During the discussion at the JPPC meeting the issue of the disparity between the Street Trading Consent fees in Bracknell when compared to West Berkshire Council. Officers were asked to revisit these fees and an amended proposal in relation to these set of fees is therefore including in Appendix A.

- 5.7 The most significant issue this year affecting the fees has been the imminent introduction of the new single system for premises and licences. This will be in place by the 1st April 2022 and will improve efficiency in the licensing administration process by allowing on-line applications and automated reminders at key times. It will also allow for on-line payments at the time of application which will significantly reduce the amount of invoicing. The cost recovery aspect of the fees has been considered in this context and consequently a number of discretionary fees have been reduced.
- 5.8 The PPP has also sought to review some of the additional fees that the taxi and private hire trade asked the PPP to consider through the liaison meetings. Having reviewed the fees for drivers a reduction for drivers has been proposed, based on the efficiency gains from the single system efficiency. This has enabled the incorporation of the fees for safeguarding and disability awareness training into the driver licence fee for only a small increase in overall cost. The plan is to deliver this training in-house.
- 5.9 The total lost revenue budget from these adjustments will be in the order of £60K per annum across the two authorities. The final figure depends on the extent of any recovery within the sector. Any loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.
- 5.10 The Council is required to undertake a statutory consultation in respect of the Taxi and Private Hire Vehicles and Private Hire Operator's fees and the proposed mechanism and timescales are set out in recommendations 2.2 to 2.6 for Members to consider and approve.

5 Other options considered

- 5.1 None. It is a requirement of the Inter Authority Agreement for the JPPC to consider the fees and charges and make a recommendation to the individual authorities. There is a requirement to set fees and charges annually and there is a statutory requirement to undertake consultation on the proposed charges for operators and vehicle licence fees.

6 Conclusion

- 6.1 Members of the Licensing Committee are asked to consider the proposed fees and charges and the consultation proposals and agree a way forward.

7 Appendices

Appendix A – Proposed Licensing Fees for 2022/23

Background Papers:

Papers that went to the Joint Public Protection Committee on the 13 September 2021.
<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=6420&Ver=4>

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

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