

LICENSING COMMITTEE 24TH APRIL 2023

Report of the Interim Head of Regulatory and Community Safety

Part A

LICENSING FEES AND CHARGES 2023, FOLLOWING OBJECTIONS AND TAXI TRADE PETITION RECEIVED

Purpose of Report

That the Licensing Committee consider the objections and trade petition, received by the Licensing Authority, in relation to the statutory consultation on the proposed increase in fees related to hackney carriages and private hire vehicles.

Recommendations

1. Determine how and if the fees should be amended considering the objections received.
2. Determine that if the proposed new fees shall come into effect propose a date within 2 months for the implementation.

Reasons

1. The fees are increased under S70 of the Local Government (Miscellaneous Provisions) 1976. This requires the proposed fees to be advertised and any objections received to be considered.
2. If an objection (s) is not withdrawn, the district council is required to consider them and set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification, as decided by the district council, after consideration of the objections.

Policy Justification and Previous Decisions

The findings of the Hemmings v Westminster City Council case determined that a Council may recover the costs of the licensing service they provide and charge for the steps which a licence applicant must take if they wish to be granted a licence or to have their licence renewed. The steps may include administrative costs, the costs of vetting the applicant applying for the licence and the costs of investigating the compliance within the terms of the licence.

The Licensing Committee approved the fee approval process in 2015, for hackney carriage and private hire licensing. The Head of Regulatory and Community Safety (in liaison with the Council's Finance Section, the Chair of the Licensing Committee, and the relevant Lead Member) has delegated power to undertake the periodic review of fees and charges raised within the service area and falling within the scope of the Council's Income and Charging Policy Framework (Section 8.2 of the Constitution under Delegation to Heads of Service – item 1).

Implementation Timetable including Future Decisions

If objections are received and not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

As the first date (deadline for objections) was the 1st April 2023. Any such variation or moderation, to the fees, would be required by the 31st May 2023.

Report Implications

Risk Management

The recommended fee levels have been calculated to ensure that the service continues to bridge the gap between the fee charged and the costs of the service whilst remaining competitive with the neighbouring Leicestershire authorities.

Financial Implications

The additional renewal fees for the future year of 2023/2024 will approximately increase the Licensing fee income by **£2325.00**, which will contribute to the increased costs of the service, because of inflation and salary increases since 2019.

Equalities implications

There are no identified equality concerns arising from this report.

Background Papers: Delegated Decision DD039 2023

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Part B

1.0 **Background**

- 1.1 The Licensing Fees are reviewed on an annual basis but have not been reviewed since May 2019 due to the Pandemic. The Licensing Act 2003 and Gambling Act 2007 fees are statutory and set by Central Government. The Licensing Authority can set discretionary fees for the areas of Taxis, Scrap Metal and Sex Establishments. Charnwood currently has no Sex Establishments as they both closed in the Pandemic.
- 1.2 The power to set fees for licensed drivers is set out in Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, whilst the power to set fees for licensed vehicles and operators is Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. The power to set fees for Scrap Metal Dealers and Collectors is set out in the Scrap Metal Act 2013.
- 1.3 The fee approval process determined by the Licensing Committee in 2015 for hackney carriage and private hire licensing is that the Head of Regulatory and Community Safety publish a notice in a local newspaper with the proposed vehicle and operator fee increases as required under S70 Local Government (Miscellaneous Provisions) Act 1976. To ensure transparency all hackney carriage and private hire license fees are included. The proposed fees are formally consulted upon with the Council's Finance Section, the Chair of the Licensing Committee, and the relevant Cabinet Lead Member. The fees and charges are confirmed by a delegated decision by the Head of Regulatory and Community Safety.
- 1.4 The Delegated Decision DD039 2023 for the proposed licence fee increase of 2023/2024 was agreed and published on 2nd March 2023 (see **Appendix 1**).

2.0 **Taxi Fee Notice**

- 2.1 Section 70 of The Local Government (Miscellaneous Provisions) Act 1976 permits the Council to charge for the grant of licences in respect of hackney carriage and private hire vehicles and operators and that fees charged can only cover the costs of administration of the licensing scheme. They cannot be used to raise surplus funds.
- 2.2 Section 70 of the Act in relation to vehicle and operators' licences, can be viewed at **Appendix 2** of the report.
- 2.3 Under section 70 of the Act, a notice of proposed fees needs to be published and public comments invited. The notice can be viewed at **Appendix 3** of the report. To ensure transparency all hackney carriage and private hire licence fees are included.
- 2.4 The notice was published on the 1st March 2023 in the Loughborough Echo, added to the Council's website and advertised on the Council Notice Board outside the Council. To ensure all the trade was aware of the consultation, an all-trade email was sent. This is attached at **Appendix 4** of the report.

2.4 Section 70 (5) of the Act states that if an objection raised and then not withdrawn, the district council shall set a further date, not later than two months, after the first specified date when the fees shall come into force with or without modifications as decided by the district council after consideration of the objections.

3.0 **Objections received during the Consultation**

3.1 Five objections have been received from Charnwood licensed drivers by email. These are attached at **Appendix 5(a)**.

3.2 A trade petition has been received from the Charnwood Taxi Association. This is attached at **Appendix 5 (b)**

4.0 **Additional information**

4.1 Three of the objections referred to in 3.1 refer to Uber. Attached at **Appendix 5(c)** is the response sent to those objectors and the previous newsletter sent in 2019.

5.0 **Conclusion**

5.1 The Licensing Committee are asked to consider the objections received and determine how and if the fees are to be amended considering the objections received and propose a date (within 2 months of the 1st April 2023) for the implementation.