

TO: LICENSING AND SAFETY COMMITTEE
DATE 21 October 2021

FEES AND CHARGES 2022/2023

Public Protection Manager

1 PURPOSE OF REPORT

- 1.1 This report sets out the Fees and Charges which have been proposed by the Joint Public Protection Committee at its meeting on the 13 September 2021.
- 1.2 Each Council is required to review the fees and charges on an annual basis. **Appendix A** details the fees and charges for 2022/23 proposed for the Public Protection Service.

2 RECOMMENDATION

- 2.1 That, save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the Committee **RECOMMENDS** to the Executive the new fees and charges detailed in Appendix A, for public consultation.
 - 2.2 That the Committee **AGREES** that the proposed charges for operators and vehicle licence fees are:
 - a) put forward for statutory consultation;
 - b) if no objections are received, implemented for any licences commencing from 1 April 2022; or
 - c) if objections are received they be considered by the Committee at the meeting on 03 Feb 2022 and any changes be recommended to full Council for approval.
 - 2.3 The Committee **AGREES** that the fees for Taxi and Private Hire Vehicles and Private Hire Operators are subjected to a twenty eight day statutory consultation period from 10 November 2021 to 08 December 2021.
 - 2.4 The Committee **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees is placed in the Bracknell News.
 - 2.5 The Committee **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators and that a copy of the consultation is posted on the Public Protection Partnership website.
- #### **3 REASONS FOR RECOMMENDATION**
- 3.1. 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

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 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.
- 5.2 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.
- 5.3 As a matter of principle, all fees and charges should be set on the basis of full cost recovery. Also aligning fees across the Public Protection Service authorities is proposed where appropriate.
- 5.4 During the discussion at the JPPC meeting on the 13 September 2021 the Chairman of the Licensing and Safty Committee raised 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. For information we have also attached the Street Trading Consent - Standard Conditions at Appendix B for information.
- 5.5 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 structure is settled.
- 5.6 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.
- 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. This is a saving that will be passed on directly to the licence holders. This 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 2.5 for Members to consider and approve.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Fees for drivers licences

s.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."

Section 53 above therefore limits the cost of a driver's licence to the council's administration costs associated with the "...the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...".

Fees for vehicle and operators' licences

s.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:

- (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."

Unrestricted

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."

Borough Treasurer

- 6.2 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. This is a saving that will be passed on directly to the licence holders. This loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

Background Papers

The report of the Joint Public Protection Committee can be found here:

<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=6420&Ver=4>

Appendices

Appendix A - Proposed Fees and Charges for 2022/23

Appendix B – Bracknell Forest Borough Council Street Trading Consent – Standard Conditions

Contact for further information

Sean Murphy 01635 519 840 sean.murphy@westberks.gov.uk