

**TO: LICENSING AND SAFETY COMMITTEE**  
**DATE 20 October 2022**

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## **FEES AND CHARGES 2023/2024**

### **Public Protection Manager**

#### **1 PURPOSE OF REPORT**

- 1.1 This report sets out the Public Protection Partnership's Fees and Charges which have been proposed by the Joint Public Protection Committee at its meeting on the 05 October 2022.
- 1.2 Each partner Council is required to review the fees and charges on an annual basis. **Appendix A** details the fees and charges for 2023/24 proposed for the Public Protection Service.
- 1.3 To consider the proposals for the statutory consultation associated with the fees and charges for private hire operator, and hackney carriage and private hire vehicle licence fees.

#### **2 RECOMMENDATION**

The Licensing and Safety Committee:

- 2.1 **AGREES** that save for the private hire operator, and hackney carriage and private hire vehicle licence fees, that the Committee **RECOMMENDS** to the Executive and Council the 2023/24 fees and charges detailed in Appendix A, for public consultation.
- 2.2 **AGREES** that the charges for operators and hackney carriage and private hire vehicle licence fees are subjected to a twenty eight day statutory consultation period from 09 November 2022 to 07 December 2022.
- 2.3 **AGREES** that a public notice pertaining to the hackney carriage and private hire vehicles and private hire operator's fees is placed in the Bracknell News.
- 2.4 **AGREES** that a consultation letter is posted to all hackney carriage and private hire vehicle owners and private hire operators in the Borough and that a copy of the consultation is posted on the Public Protection Partnership website and at Time Square.
- 2.5 **AGREES** that if no objections are received, the charges for operators and vehicle licence fees are included in the February 2023 Executive and Council papers for approval; or if objections are received they be considered by the Licensing and Safety Committee at the meeting on 02 February 2023 and any changes be recommended to full Council for approval.

### **3 REASONS FOR RECOMMENDATIONS**

- 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. These are identified in gold on the fee schedule at Appendix A.
- 5.3 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 and these rates were retained for 2022/23.
- 5.4 In light of the current inflation rate it is proposed to increase the hourly rate to £64p/h for 2023/24 (increase of 8.47%), the first time the hourly rate has been increased in three years. 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.
- 5.5 It is worth noting that due to the impact of Covid on the licensed trade and the alignment of street trading fees the Service has seen a significant fall off in fee income. At the time of writing the Service is expecting licensing income overall to be some 15% lower in real terms than 2019/20.
- 5.6 The implementation of the new single IT system for premises and licences was unfortunately delayed. It is now anticipated that the system will be in operation in autumn of 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.
- 5.7 All discretionary fees are calculated based on the length of time taken to process the activity multiplied by the hourly rate. Once the new system is embedded officers will review the length of time taken to process applications and the fees will be adjusted accordingly for the next financial year (2024/25).

- 5.8 The Council is required to undertake a statutory consultation in respect of the hackney carriage 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.
- 5.9 The proposed fees were discussed at the Joint Public Protection Committee meeting on the 05 October 2022. Members raised a number of queries about specific fees:

### **Knowledge Test**

- 5.10 Drivers are required to pass a knowledge test prior to a licence being issued. This is done through a multiple choice questionnaire and an additional verbal test for dual drivers. The proposal in the new policy is that this test has to be passed again every six years. This proposal will bring with it its own challenges for example if they fail, would their licence be revoked/suspended. Members noted that this test comprised two elements: the first part related to the laws relating to the licence that they have applied for and the conditions attached to that licence and the second part tested their geographical knowledge of locations in the area. The cost of a knowledge test is proposed to increase from £74 to £80.
- 5.11 Members queried if the second part of the test (i.e. the geographical knowledge) was still needed given the prevalence of satellite navigation systems available to drivers. They asked that consideration be given to removing this element of the test, thereby reducing the time needed for the test which would in turn mean that the cost could be reduced.
- 5.12 Officer Response: The fee for the first knowledge test is included in the application fee and therefore the knowledge test fee is only payable if they have to retake the test. On re-take the full fee is payable even if they only have to re-take one element of the test. At the moment no refresher tests is required but the proposal is that it would be required every six years. Going forward it would be possible to remove the geographical element should Members be minded to agree this. It is proposed to bring forward options on the knowledge test and associated fees ahead of the next fee setting cycle.

### **Disclosure and Barring Service Check (DBS)**

- 5.13 It is the policy of the Council that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of a number of matters which includes an enhanced criminal record check (DBS) and evidence that they are not on a child and/or vulnerable adult barring list. The cost of a DBS check is proposed to increase from £79 to £81.
- 5.14 While it is possible to apply for a basic DBS check online (<https://www.gov.uk/request-copy-criminal-record>) at a cost of £18 the enhanced DBS checks have to be undertaken through the Council. The setting of this fee is based on a cost recovery model. The proposed cost of the DBS comprises the fee charged by West Berkshire Council (£49) plus a half hour charge for the PPP to administer the check (£32). It should be noted that drivers can also sign up to the DBS Update Service where they can register at a cost of £13 per annum (<https://www.gov.uk/dbs-update-service>). The service will continue to advise drivers to sign up for the update service to save money.

- 5.15 Members noted the Gov.UK website states that as of the 06 April 2022 an enhanced with Barred Lists DBS check would cost £38 and they therefore asked that the proposed fee be revisited.
- 5.16 Officers have confirmed that they are charged £49 by HR for the fees which includes their processing costs. It has been agreed that the administration cost (£11) charged by HR will be absorbed into the half hour charged by the Service and that the fee would therefore be revised to £70. This is lower than the 2022/23 fee of £79.

### **Change of Address**

- 5.17 The proposal is to increase the fee for changing an address from £10.50 (2-22/23 fee) to £16.00. This is based on the calculation that it takes around 15 minutes to process this work. The fee for 2021/22 was set at £14.
- 5.18 The process involves receiving an email/letter with details which needs to be scanned, the contact details are then amended on the system and the change scanned and then the amended licence needs to be sent back to the licence holder. This process takes approximately 15 minutes to complete. While the introduction of the new system may expedite some of this process we will not be able to quantify any time savings until the system is in place and fully operational. There will still be some element of input required from officers as the amended licence will still need to be produced and sent to the driver. It is however acknowledged that this fee could be quite significant for someone who has a driver badge, operator licence and a few vehicles.

### **Street Trading Consents (Ice Cream Vans)**

- 5.19 The Joint Committee noted that the majority of fees and charges were aligned across the two authorities. They welcomed the fact that the range of licences for street trading consents agreed the previous year had been retained. They noted however that in Bracknell Forest ice cream van traders were able to apply for a six month fee at a discounted rate of £717 (proposed to increase to £781) where their counterparts in West Berkshire applying for a six month street trading consent had to pay the full fee of £803 (proposed to increase to £875). Officers explained that this was historical. Members commented that they would like to review this disparity.
- 5.20 Officers are not aware of any reasons why these fees should not be aligned should Members be minded to propose this option.

### **Proposal**

- 5.21 Members are asked to comment on the proposed fees and the statutory consultation process.

## **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.”

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 financial implications are contained within the report. (Laura Cooper - Finance Business Partner)

### 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. The fees are however potentially subject to legal challenge. It is therefore important the fees and methodology are subject to ongoing review

### Background Papers

The report of the Joint Public Protection Committee can be found here:  
<https://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=7177&Ver=4>

### Appendices

Appendix A - Proposed Fees and Charges for 2023/24

### Contact for further information

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