

TO: LICENSING AND SAFETY COMMITTEE
DATE 19 October 2023

FEES AND CHARGES 2024/2025

Service Lead: Public Protection

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 02 October 2023.
- 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 2024/25 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 2024/25 fees and charges detailed in **Appendix A**.
- 2.2 **AGREES** that the fees for Private Hire Operators and Hackney Carriage and Private Hire Vehicle licence fees are subjected to a twenty eight day statutory consultation period from 08 November 2023 to 06 December 2023.
- 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 sent 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 2024 Executive and Council papers for approval; or if objections are received they be considered by the Licensing and Safety Committee at the meeting on 01 February 2024 and any changes be recommended to Council for approval.
- 2.6 **NOTES** that statutory licensing fees have not increased since circa 2011.
- 2.7 **AGREES** that the Chairman of the Licensing and Safety Committee should write to Central Government to request that the statutory fees be revisited.

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.
- 3.2 Statutory fees have not increased since circa 2011 and this is contributing to the shortfall in income being experienced by the service.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not increasing the discretionary fees. This was considered not viable given the rising costs faced by the Service.

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 Members are asked to note that a significant proportion of the statutory fees have not been uplifted for more than ten years whilst costs have been rising significantly for the Service. By way of contrast, as of the 01 April 2024, major planning application fees are due to rise by 35% and there will be an increase of 25% for all other applications. One of the recommendations in this report is that the Chairman of the Licensing and Safety Committee write to the relevant minister to request that these fees are increased in line with recent changes to planning fees.
- 5.4 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. Fees are calculated based on the time taken to complete the activity multiplied by the hourly rate. In initially calculating the hourly rate a range of factors were considered including the wide variety of council support service costs, staffing and associated costs, democracy and governance, contracts and the necessary training to maintain a competent workforce.
- 5.5 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. The hourly rate was increased to £64p/h for 2023/24.
- 5.6 For the financial year 2024/25 the proposed hourly rate is £68.25. This increase is based on headline CPI for the year to August 2023 which was confirmed by the Office for National Statistics to be 6.7%.

Unrestricted

5.7 The table below sets out the impact of the hourly rate on the vehicles and drivers licence fees since 2019/20. It should be noted that the fees were adjusted in 2022/23 in anticipation of the implementation of the new IT system and the anticipated savings that some of the automation should generate. It should also be noted that as of the 01 April 2022 a decision was taken to include the costs of the initial tests, safeguarding and disability training into the drivers three year fee.

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
HC&PH Vehicle (New)	£282	£288	£290	£266	£288	£307
HC&PH Vehicle (Renewal)	£282	£288	£290	£236	£256	£273
HC&PH Driver (New)	£264	£269	£271	£301 *	£328*	£350*
HC&PH Driver (Renewal)	£264	£269	£271	£272*	£296*	£316*
HTS Driver (New & Renewal)	£181	£185	£186	£207	£225	£240

5.8 The table shows that:

- the proposed cost of a new hackney carriage or private hire vehicle licence has increased from £282 to £307 over the past six years an increase of only 8.9%. This £25 increase in monetary terms equates to 48p per week for an annual licence.
- The cost of renewing a vehicle licence has decreased from £282 in 2019/20 to £273 in 2024/25.
- While the cost of a new drivers licence appears to have increased significantly from £264 to £350 (£86 or 55p per week for this three year licence) it should be noted that a decision was made to include the cost of the initial tests, safeguarding (£25) and disability awareness training (£40) in the fee in 2022/23. Drivers are also only charged for a knowledge test if they do not pass their first attempt.
- The same is true of the home to school driver costs which have increased from £181 to £240 (£59 or 38p per week over three years) but the new fee also includes the cost of the tests as set out above.

5.9 Members will recall from the information set out in the annual report in June 2023 that there has been a decrease in the number of operator, vehicle and drivers licences issued when compared to pre-pandemic levels as set out below:

Unrestricted

Type	01/04/19	01/04/20	01/04/21	01/04/22	01/04/23
Private Hire Operators	50	50	28	30	37
Private Hire Vehicles	176	184	107	104	91
Private Hire Vehicles (with dispensation)		5	5	20	20
Private Hire Drivers	167	145	94	96	104
Dual (Hackney Carriage and Private Hire) Drivers	157	160	140	109	105
Hackney Carriage Vehicles	77	78	52	57	52
Home to School Drivers	12	20	16	17	16
Home to School Vehicles	33	47	46	49	43

5.10 It is worth noting that due to the impact of Covid and competition on the licensed taxi and private hire trade and the alignment of street trading fees between the two authorities the Service has seen a significant fall off in fee income. As stated above this issue has been compounded by the stagnation on statutory fees. At the time of writing the Service is expecting a licensing income shortfall of £80k-£98K when compared to the 2019/20 base. A review of the Service has taken place and a staffing structure has been put in place to reflect the fall in income.

5.11 It is not permissible for one aspect of the licensing regime to subsidise another.

5.12 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 2.5 for Members to consider and approve.

5.13 It is worth noting that there is a separate annual consultation on taxi fares and the increase in fees are considered as part of that process. In the last three years fares have increased as follows:

	2021	2022	2023
Bracknell Forest	13%	14%	None

5.14 The proposed fees were discussed at the Joint Public Protection Committee meeting on the 02 October 2023. The Committee were supportive of the proposals set out in that report and reflected in Appendix A.

Proposal

5.15 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.

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=7410&Ver=4>

Unrestricted

Appendices

Appendix A - Proposed Fees and Charges for 2024/25

Contact for further information

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