

To: **Licensing Committee**
01 February 2024

PUBLIC PROTECTION PARTNERSHIP FEES AND CHARGES 2024/2025
Service Lead: Public Protection

1 Purpose of Report

- 1.1 To consider representations made to the Council in the statutory twenty-eight day consultation period relating to variations to operators and vehicle licence fees.
- 1.2 Consider if the fees proposed by the Joint Public Protection Committee should be adjusted in the light of the consultation responses and therefore recommend a revised fee structure to full Council.
- 1.3 To consider whether any additional changes should be made the wider set of discretionary Public Protection Partnership (PPP) fees being recommended to full Council for approval.

2 Recommendations

The Licensing and Safety Committee:

- 2.1 **NOTES** the comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Appendix A to this report.
- 2.2 **NOTES** the proposed revised hackney carriage and private hire vehicle and private hire operator's fees (included in Appendix B) and consider if any further modifications should be made to those being recommended to full Council for approval in light of the consultation responses.
- 2.3 **NOTES** the wider set of relevant discretionary Public Protection Partnership fees (as set out in Appendix B) being recommended to full Council for approval.
- 2.1 **RECOMMENDS** that Full Council adopt the proposed fees at Appendix B as part of the annual fee setting process and that these fees come into effect as of the 01 April 2024, noting there is no additional impact on the revenue budget proposals.

3 Reasons for Recommendations

- 3.1 A proposed set of fees were presented to the Licensing and Safety Committee at the [19 October 2023 meeting](#). The Committee agreed that the fees for Taxi and Private Hire Vehicles and Private Hire Operators be subjected to a twenty-eight day statutory consultation period. The Committee also agreed that if representations were received that they be considered by the Licensing and Safety Committee at this meeting and that any changes be recommended to full Council for approval.
- 3.2 The wider set of PPP fees proposed at the October meeting were based on the Consumer Price Index (CPI) for the 12 months to the end of August 2023 i.e. 6.7%. In September CPI remained at 6.7% before reducing to 4.6% in October and then 3.9% in November 2023 albeit that it rose slightly to 4% in December 2023. Taking into account the forecast increase in the cost base of the service it is proposed to increase the hourly rate on which the fees are based to £67 p/h i.e. at full cost recovery. This equates to an increase of 4.68%.

4 Alternative Options Considered

- 4.1 To propose amending the discretionary fees in line with the corporate position of 5%.
- 4.2 To propose the [fees originally presented](#) to the Committee in October 2023 based on a 6.7% uplift. (£68.25 hourly rate)

5 Supporting Information

- 5.1 The 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 (Bracknell Forest and West Berkshire) annually. The proposed fees for 2024/25 were discussed at the [JPPC meeting held on Monday, 02 October 2023](#). In light of the then inflation rate it was proposed to increase the hourly rate from £64p/h to £68.25p/h for 2024/25 (increase of 6.7% which was in line with CPI for the 12 months to the end of August 2023)
- 5.2 These fees were then presented to the [Licensing and Safety Committee at the 19 October 2023 meeting](#). The Committee agreed that, save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the discretionary fees go forward for consideration as part of the Council fee setting process.
- 5.3 The Committee also agreed that the fees for private hire operator, and hackney carriage and private hire vehicle licence fees be subjected to a twenty-eight day statutory consultation period. If representations were made that they would be considered by the Licensing and Safety Committee at this meeting and that any changes arising from the consultation be recommended to full Council for approval. The fees, with or without variation would come into effect on the 01 April 2024.
- 5.4 The proposed 2024/25 fees subjected to the statutory consultation are set out below:

Hackney Carriage (Taxi) and Private Hire Vehicle Licence

Hackney carriage vehicle new / renewal	£307 /£273
Private hire vehicle new / renewal	£307/£273
Private hire vehicle with dispensation / renewal	£307/£273
Temporary Vehicle Licence (issued up to 3 months Maximum)	£273
Home to School new/ renewal	£171

Number of vehicles	New	Renewal
1	£512	£375
2	£597	£461
3	£682	£546
4	£768	£631
5	£853	£717
6	£938	£802
7	£1024	£887
8	£1109	£973
9	£1194	£1058
10	£1280	£1143
11	£1365	£1229

12	£1450	£1314
13	£1536	£1399
14	£1621	£1484
15	£1706	£1570
16	£1792	£1655
17	£1877	£1740
18	£1962	£1826
19	£2048	£1911
20	£2133	£1996
20+	£2133	£1996
Variation to licence	£68.25	£68.25

5.5 The following consultation process was followed:

- The consultation ran from 08 November 2023 to 06 December 2023.
- A public notice was placed in the Bracknell News (Wednesday, 08 November 2023) and on the Public Protection Partnership's website on the 08 November 2023.
- A copy of the notice was emailed individually to all licensed hackney carriage proprietors for their comments on the 08 November 2023.
- A copy of the notice was also placed on the Time Square notice board on the 08 November 2023.

5.6 Officers received one response to the consultation during the consultation period. The response was submitted by the Chairman of the Bracknell Hackney Taxi Driver Association and was signed by 44 Members of the local trade.

5.7 The submission stated that the trade would like to see the fees for 2024/2025 frozen at the existing levels to reflect the issues being experienced by the trade including the cost-of-living crisis, impact of the rail strikes and increased running costs of the vehicles. Although they noted that these items were outside of the scope of the statutory consultation, they also raised concerns about costs associated with age of vehicle inspections, the cost of drivers' licences and Disclosure and Barring Service (DBS) fees.

5.8 In response to the representation officers would advise as follows:

- Whilst the representation is understandable the fact remains that the Service, like all organisations, has been affected by inflation which has fed into salaries and supplies and services.
- It is an accepted principle that licensed activities should be paid for by those benefiting from the licensed activity, rather than drawing on the public purse.
- The hourly rate set at the October JPPC meeting reflected an increase of 6.7% which was in line with CPI in the 12 months to the end of August 2023. The CPI figure remained at 6.7% in September, decreased to 4.6% in October and fell again to 3.9% in November 2023, albeit that it rose slightly to 4% in December 2023.

- Officers have therefore proposed a revised hourly rate of £67 p/h. This represents a 4.68% increase. The proposed fees at Appendix B have been adjusted to reflect this revised hourly rate.
- The proposed fees would mean an annual increase of £13.50 for a new vehicle licence and £12 for a renewal. The three year driver licence fees would increase by £12 for a new licence and £10.50 for a renewal.
- As a result of the adoption of the new [Hackney Carriage and Private Hire Licensing Policy](#) which now sets criteria around emissions standards for vehicles the age of vehicle checks will no longer be undertaken and the fee has been removed.
- In terms of DBS checks, drivers will be able to sign up to a national scheme which will see the initial cost reduced to £59 for an initial check and an ongoing annual renewal fee.

5.9 As a representation has been received as was previously agreed the objections have been brought to this Committee for consideration prior to the Committee making a recommendation on the proposed fees to Council.

6 Consultation and Other Considerations

Legal Advice

6.1 The implications of the proposals are identified within the report and its Appendixes.

Other than those as identified within the Appendixes as being fixed, by amount, under Statute, the Council has discretion to determine its own fees and charges in seeking to recover its reasonable costs incurred in the carrying out its licensing functions. Such discretion arises either specifically under the various Acts and Regulations that are referred to in the Appendixes, or else as determined and prescribed under its published fees policies, where applicable.

Specifically, for Hackney Carriage and Private Hire Vehicle and Private Hire Operators' fees, The Local Government (Miscellaneous Provisions) Act 1976 prescribes,

s. 53 Fees for Hackney Carriage and Private Hire Vehicles Drivers' Licences

"...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 grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...".

S. 70 Fees for Vehicle and Operators' licences

"...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.”

Financial Advice

- 6.2 The financial implications are contained within the report. It should be noted that there will be no net financial impact from the proposals.

Other Consultation Responses

- 6.3 As set out in Appendix A.

Equalities Impact Assessment

- 6.4 No evident contribution to inequality. The income received from licence applicants covers the cost of providing the statutory licensing function.

Strategic Risk Management Issues

- 6.5 The fees are potentially subject to legal challenge. It is therefore important that the fees and methodology are subject to ongoing review.

Climate Change and Ecological Impacts

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂. Discussions are however ongoing with the trade to establish if there are ways in which the Council can support them to ‘Go Greener’. The recently approved Hackney Carriage and Private Hire Licensing Policy includes a requirement that for any vehicle renewing in 2027/28 – the vehicle must be compliant with Euro 5 emissions standards. For any vehicle renewing in 2029/30 – the vehicle must be compliant with Euro 6 emissions standards. Where vehicles do not meet the relevant emissions criteria, the proprietor may have the vehicle adapted/ modified to meet the standard and provide evidence of this; or replace the vehicle with one that meets the emission standard.

Health & Wellbeing Considerations

- 6.7 None.

Background Papers

The Consultation Document
Reports and Minutes from the 19 October 2023 Licensing and Safety Committee

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