

Licensing Committee



1 October 2024

Title	Review and Setting of Fees & Charges for the licensing of Hackney Carriages, Private Hire, and Private Hire Operators
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Recovery, Service Delivery
Recommendations	Committee is asked to: - 1. Approve the proposed licensing fees and charges set out at Appendix B for consultation purposes and statutory advertising requirements.
Reason for Recommendation	In accordance with the Constitution, Committee is asked to approve the Licensing Fees for Taxi and Private Hire Licensing

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The fees for 25/26 need to be approved for public consultation by the Licensing Committee 	<ul style="list-style-type: none"> Need to have the fees approved before public consultation
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> The Licensing Authority asks the Committee to approve and/or make amendments to the fees. 	<ul style="list-style-type: none"> Following Licensing Committee recommendation consultation will commence

- 1.1 This report seeks Licensing Committee’s approval of proposed fee levels for the purposes of consultation and statutory advertising requirements.
- 1.2 The proposed fees for 2025/26 are to cover increased costs to the service. It is proposed to charge the trade the cost of the taxi policy revision over the length of the policy which is 5 years to keep the cost increase as low as possible.

1.3 It is also proposed not to charge for the proposed 2025/26 fees for a previous Licensing Sub-Committee on a hackney carriage driver which was deferred from 2023/24 fees due to the amount of increase.

1.4 The fees were revised in 2022/23 in line with the legislative requirements and the most up to date caselaw and guidance, as well as changes to the licensing procedure for efficiency purposes. Another review of the fees has been carried out for the setting of 2025/26 fees.

2. Key issues for Taxi and Private Hire Licensing Fees:

2.1 Spelthorne Borough Council in its role as the Licensing Authority (LA) is responsible for licensing Taxis and Private Hire drivers, vehicles, and operators.

2.2 The taxi licensing regime is a “two tier” system involving five categories of licence, hackney carriages, and private hire: -

(a) Tier 1 – the licensing of hackney carriage drivers and hackney carriage vehicles.

(b) Tier 2 - the licensing of private hire drivers, vehicles, and operators.

2.3 Spelthorne Borough Council licenses (at the 31 March 2024) the following: -

(a) 15 Operators

(b) 66 Hackney Carriage Drivers (mixture of 3-year and 1-year licences)

(c) 43 Private Hire Drivers (mixture of 3-year and 1-year licences)

(d) 48 Hackney Carriage Vehicles

(e) 45 Private Hire Vehicles

2.4 A list of the current fees is attached at **Appendix A**.

2.5 A list of the proposed fees is attached at **Appendix B**.

2.6 If approved, the proposed fees will be subject to a full consultation process with the licensed trade and other relevant parties. It is proposed that this consultation period will begin following this Licensing Committee.

2.7 Following the statutory consultation process, and if no objections are received, the fees will take effect on 1 April 2025.

2.8 If objections are received, a further report will be presented to the Licensing Committee meeting setting out the results of the consultation and any amendments made to the proposed fees as a result. The Licensing Committee will determine the fees as well as the date from which it will take effect.

3. Options analysis and proposal

3.1 **Option 1** – to agree to consult with the taxi trade on the proposed fees. **(This is the preferred option)**

3.2 **Option 2** – to agree the proposed fees with other amendments provided that such amendments are permitted by legislation.

3.3 **Option 3** – not to agree the proposed fees - while this is an option it is not realistic taking into account the legal considerations outlined in section 7 below.

4. Financial implications

4.1 If the proposed percentage fee increase is not agreed then the income from the hackney carriage and private hire regime will not cover the costs.

5. Risk considerations

5.1 Fees may be challenged in the High Court (Judicial Review). It is therefore important that the process the Council follows is fair, open, and transparent.

6. Procurement considerations

6.1 There are no procurement considerations.

7. Legal considerations

7.1 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees.

7.2 Section 70 of the Act specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.

7.3 The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. Councils are required, however, to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus.

7.4 Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds. For the avoidance of doubt, the Licensing Authority supports and continues to support the trade investigating any concerns and is under an obligation to ensure the safety of the travelling public.

7.5 The fees and charges proposed in this report ensure that the service provided remains cost neutral, and create no additional cost to council tax payers.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 An equality impact assessment has been carried out. No significant impacts were identified through the assessment.

10. Sustainability/Climate Change Implications

10.1 Taxi and Private Hire vehicles help reduce the need for private ownership of cars. They also play a pivotal role in transporting children to/from school and supporting the night-time economy. They can also help reduce emissions to the atmosphere.

11. Timetable for implementation

Licensing Committee to agree proposed fees	1 October 2024
Public Consultation	2 October for 28 days

11.1 Website	
11.2 Notice board	
11.3 Council Offices	
11.4 Newspaper	
11.5 Email to all licensed trade (hackney, private hire and operators)	
End of Consultation	30 October 2024
If no objections fees take effect	1 April 2025
If objections received Licensing Committee to be convened	November/December 2024 Licensing Committee to determine when fees take effect. Fees must be implemented on or before

12. Contact

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Background papers:

LGA Guidance on locally set fees:

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Appendices: -

- Appendix A – Current Fees & Charges 2024/2025
- Appendix B – Proposed fees for 2025/2026