

Wiltshire Council

Licensing Committee

13 March 2017

Proposed Changes to Licensing Fees

Cabinet Member: Councillor J Wickham – Health (including Public Health) and Adult Social Care

Executive Summary

Wiltshire Council recovers the reasonable costs of providing the hackney carriage and private hire driver and operator licensing service through the licence fee. Previously this has not been subject to regular reviews. As a consequence there have been some increases in the licence fee which were above inflation. Whilst reviewing the fees last year, when licences changed to three year and five years, the council committed to reviewing the figure annually to ensure the costs of providing the service could be regularly updated. This work is undertaken to avoid drivers being subjected to any more significant increase in fees and to ensure the council continues to recover the reasonable costs, of delivering the service.

This report updates members on the proposed licensing fees for 2017/18 and explains the introduction of a monthly fee to enable the council to fulfil its obligations in line with the Immigration Act 2016.

Proposal

1. That the Licensing Committee agrees the proposed revision of fees for hackney carriage and private hire drive and operator licences.
2. Officers be authorised to carry out the necessary public consultation in relation to the proposed fee changes and to implement the revised fees in the event that no significant objections arise from that consultation.

Reason for Proposal

The council has committed to reviewing licensing fees annually to avoid drivers being subjected to more significant increases and to ensure the council continues to recover its reasonable costs.

The Immigration Act came into effect in December 2016. As a consequence, on occasion we will need to issue a driver with a licence for a short period of time to correspond with the period covered by their visa. A monthly fee has been calculated to enable a licence to be granted which would terminate at the same time as the period covered by the visa expires.

Tracy Carter
Associate Director, Waste and Environment

Proposed Changes to Licensing Fees

Purpose of Report

1. To consider the proposal to increase licensing fees for hackney carriage and private hire drivers and private hire operators within the administrative area covered by Wiltshire Council.

Relevance to the Council's Business Plan

2. The process of controlling and licensing hackney carriage and private hire vehicle operators assists the council in achieving a number of the outcomes in the Business Plan 2013-2017.

Business Plan Outcomes:

- 1 - Wiltshire has a thriving and growing economy
- 3 - Everyone in Wiltshire lives in a high quality environment
- 5 - People in Wiltshire have healthy, active and high-quality lives
- 6 - People are as protected from harm as possible and feel safe.

Main Considerations for the Council

3. Increasing fees would ensure that the council continues to recover its reasonable costs associated with providing the licensing service
4. Current charges are set at a level which enables the council to recover its reasonable costs. Income and expenditure have been projected over the next five years to ensure the proposed fees will enable recovery of reasonable costs in future years. The proposal is to increase fees by 5% in line with the decision made by full Council at its meeting held on 21 February 2017. The proposed revised fees are set out in **Appendix 1**.
5. The proposed fees should be published for public consultation, to come into effect, if no objections are received, 28 days after publication of the proposed changes.
6. In the event that objections are received within the above timescale, the Head of Service Environment, would consider those objections in consultation with the Head of Legal Services. If the objections are considered to be minor and do not warrant any changes to the proposals, the Head of Service Environment would set a new date for the increases to come into effect. If the objections received do warrant further consideration, they would be reported back to this committee for a further decision.

7. The Immigration Act 2016 ('the 2016 Act') amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle sector. With effect from 1 December 2016, the provisions in the 2016 Act mandate all licensing authorities not to issue licences to illegal migrants and to discharge this duty through immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK. The proposed monthly fee is set out in **Appendix 1**.

Background

8. The council last reviewed licence fees in 2015; the opportunity has been taken to review the fees to ensure that the council continues to recover the reasonable costs of delivering the service.

Safeguarding Implications

9. There are no safeguarding implications arising from this report.

Public Health Implications

10. There are no public health implications arising from this report.

Environmental and Climate Change Considerations

11. There are no environmental or climate change considerations arising from this report.

Corporate Procurement Implications

12. There are no procurement implications arising from this report.

Equality Impact of the Proposal

13. The impact of these proposals is assessed as 'low' against the council's statutory responsibilities.

Risk Assessment

14. If the driver and operator renewal fees are not amended the council will not continue to recover the reasonable costs of operating the service.

Financial Implications

15. The charges proposed in the report are anticipated to recover reasonable costs associated with providing the service and are in line with the council's Medium Term Financial Strategy. It is recommended that the charges are reviewed on an annual basis to ensure this continues to be the case.

Legal Implications

16. Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to charge fees for hackney carriage and private hire vehicle drivers' licences. The fees charged must be reasonable, with a view to covering the

costs of issue and administration. Similarly, Section 70 of that Act allows the council to charge fees for private hire operators' licences which, together with charges for vehicle licences, are intended to cover the reasonable cost of inspecting vehicles, providing taxi ranks and supervising hackney carriages and private hire vehicles.

Conclusion

17. There is a need to revise the fees to ensure the council continues to recover the reasonable costs of delivering the service.
18. There is a need for the introduction of a monthly charge to enable the council to comply with its obligations under the Immigration Act 2016.

Proposal

19. That the Licensing Committee agrees the proposed revision of fees for hackney carriage and private hire driver and operator licences.
20. Officers be authorised to carry out the necessary public consultation in relation to the proposed fee changes and to implement the revised fees in the event that no significant objections arise from that consultation.

Tracy Carter
Associate Director, Waste and Environment

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Background Papers