

LICENSING COMMITTEE

DATE OF MEETING: 7 FEBRUARY 2023

TITLE OF REPORT: PROPOSED LICENSING FEES AND CHARGES 2023/24

Report of: Executive Director - Place

Cabinet Portfolio: Regulatory

Key Decision: Yes

Confidentiality: Non-Exempt

PURPOSE OF REPORT

1. The purpose of this report is for Licensing Committee to consider the proposed changes in the fees and charges for licensing services, including hackney carriage and private hire vehicles and operators.

RECOMMENDATION

Licensing Committee are recommended to

- approve the proposed fees and charges for consultation as set out in Appendix 1,
- agrees that should there be no objections to the fees and charges, or any objections are subsequently withdrawn, then the fees and charges set out in Appendix 1 are set,
- note the statutory fees and charges as set out in Appendix 2.

BACKGROUND

2. Licensing Committee are required to set certain fees and charges relating to licensing activities.
3. The licensing fees are a mixture of fees which are set nationally (statutory charges) and those where the Council has the discretion to set the fees. Appendix 2 sets out the statutory fees and charges
4. For the areas where the Council has discretion, the Council is proposing to apply an inflationary uplift of 10% to the majority of existing fees and charges to reflect the annual increase staffing and associated costs. The February full Council will consider all the Council's fees and charges alongside the budget papers.

MAIN ISSUES

5. For the licensing fees, where there is discretion, it is proposed to increase the existing fees by 10%. These are set out in Appendix 1.
6. Hackney carriage and private hire fees can only be used for cost recovery of the licensing service under Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976. The cost recovery is restricted to the issuing of licences and some enforcement costs.
7. The driver's fees have increased to reflect the changes in legislation that are now in place, e.g. the NR3 check (for licensing offences committed in other council areas) and tax check which came into force on the 4 April 2022.
8. The licensing fees and charges reflect the Councils' costs incurred through the provision of certain services. This relates to the costs of Basingstoke & Deane providing the Shared Licensing Service, plus the management and oversight of Hart District Council and associated costs.

9. Some fees are set by external partners (DBS, medical advisor etc).
10. A legal ruling (Rehman v Wakefield) is likely to have a significant impact upon how fees are calculated in the future. The ruling will allow councils to pass on the costs of enforcement for licensed drivers, which are not currently included in the charges.

Correction to administrative error in 2022/23

11. The fees relating to private hire vehicle and hackney carriage vehicle licences were incorrectly published in 2022/23 Fees and Charges.
12. The rate in 2021/22 was £250.00. The correct figure for 2022/23 adjusted to reflect inflation should have been £258.00. However, the actual figure quoted in the published fees and charges was £239.00.
13. The proposed fee for 2023/24 is £284.00 which corrects the administrative error last year and applies the 10% inflationary uplift.

Consultation on the hackney carriage / private hire vehicles fees and charges

14. Where a Council proposes to amend fees and charges relating hackney carriage / private hire vehicles and private hire operator licences the fees must be advertised for 28 days in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
15. If Licensing Committee approves the proposed fees and charges for 2023/24 set out in Appendix 1, they will be advertised for a period of 28 days.
16. If no public objections are received within the consultation period, or any objections are later withdrawn, then (on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later) the fees would come into effect.
17. If objections are received during the consultation period, or any objections are not later withdrawn, then the Licensing Committee will receive a report setting out the objections received. The Licensing Committee can then set the fees and charges in light of those objections.

Other licences (where the fee is set by the Licensing Committee)

18. Appendix 1 also lists out a number of other licenced activities where the Licensing Committee has the discretion to set the fees and charges.
19. These fees and charges have been updated to include establishments which were previously omitted from the list, and others where the Shared Licensing team have recalculated and updated the fees.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

20. Failure to increase fees in line with inflation will result in a financial loss to the Council and effectively result in a subsidy of the licensing service.

CORPORATE GOVERNANCE CONSIDERATIONS

Relevance to The Hart Vision 2040

Setting appropriate fees and charges for the Shared Licensing Services is integral to the following section of the Corporate Plan; to explore options to increase financial self-sustainability by:

- a) To realise our ambitions to deliver more for less
- b) Maximising Council income through effective asset management and collection activities
- c) Continuing to work closely with partners to deliver joint services

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

21. The Licensing Committee has the legal responsibility for the setting of the Council's fees and charges with respect to the Gambling Act, Licensing Act, Hackney Carriage and Private Hire and Street Trading.

Financial and Resource Implications

22. The licensing fees and charges can only reflect the Councils' costs incurred through the provision of certain services. This related to the costs of Basingstoke & Deane providing the Shared Licensing Service, plus the management and oversight of Hart District Council and associated costs. The Shared Licensing Service does not operate on a full cost recovery basis because of legal restrictions.

Risk Management

23. Significant under-recovery of fees and charges poses a risk to finances as the Council will still have to provide statutory services and functions. Over recovery of fees by charging in excess of the statutorily recoverable elements may result in legal action from the affected parties. This can cause reputational and/or financial risk.

EQUALITIES

24. This report has no impact upon equalities.

CLIMATE CHANGE IMPLICATIONS

25. There are no direct carbon/environmental impacts arising from the recommendations.

ACTION

26. Subject to the Licensing Committee approving the proposed fees and charges set out in Appendix 1, the Shared Licensing Service will undertake the statutory consultation.

Contact Details: Mark Jaggard – Executive Director Place

Appendices:

Appendix 1 – Current and Proposed Licensing Fees and Charges for Hackney Carriage / Private Hire and Other Licences (set by Licensing Committee)

Appendix 2 – Current and Proposed Licensing Fees and Charges set by statute