

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
21 March 2023**

**Report Title:** Private Hire & Hackney Carriage Fees & Charges 2023/2024

**Submitted by:** Head of Regulatory Services & Licensing Administration Team Manager

**Portfolios:** Finance, Town Centre & Growth

**Ward(s) affected:** All

**Purpose of the Report**

To request that Public Protection Committee considers the proposed taxi and private hire fees, following consultation, as referred to in the report.

**Recommendation**

**That Public Protection Committee approves the proposed taxi and private hire fees for 2023/24**

**Reasons**

Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to the Public Protection Committee.

1. **Background**

- 1.1 The approval of certain fees and charges relating to the licensing of Private Hire and Hackney Carriage licensing regimes are Council functions
- 1.2 Council at their meeting on 22<sup>nd</sup> February 2017 delegated this function to Public Protection Committee.

2. **Issues**

- 2.1 A report was presented to Public Protection Committee on 13<sup>th</sup> December 2022 in respect of the proposed fees and charges for Private Hire and Hackney carriage driver, vehicle and operator fees and charges for 2023/24. The committee discussed the proposed fees and charges and recommended that they should be advertised and a period of consultation undertaken in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 before being determined.
- 2.2 The advertisement was placed in the Sentinel newspaper on 16<sup>th</sup> December 2022 and copies placed at Castle House and Kidsgrove Town Hall. The consultation period ran from 16<sup>th</sup> December 2022 until 13<sup>th</sup> January 2023. A copy of the consultation paperwork was emailed to trade representatives on 22<sup>nd</sup> December 2022 including private hire operators, vehicle hire companies, the hackney carriage trade association and a local licensing consultant.
- 2.3 Within the consultation period there were no responses received from any consultee or third party.

2.4 The Committee report dated 13<sup>th</sup> December 2022 at paragraph 2.4 explained the reasons behind the proposed increase in certain fees and also highlighted that the overall cost for new and renewal driver applications would be reduced.

### 3 Proposal

3.1 The proposed fees and charges for 2023-24 are in column d in the table below:

a	b	c	d
Private Hire/Hackney Carriage (subject to consultation)	Fee/Charge 2022-23 (£)	Proposed Fee/Charge 2023-24 (£)	% Change
<b><u>OPERATORS</u></b>			
PHO Application fee	£267.00	£289.00	8%
Add/Remove Director	£41.00	£44.00	7%
Copy/Replacement Licence	£7.00	£8.00	14%
Basic DBS	£23.00 (set by DBS)	£18.00 (set by DBS)	-
<b><u>DRIVERS</u></b>			
Dual Driver Badge - 3 years	£273.00	£275.00	1%
Change of address	£17.00	£18.00	6%
Replacement badge	£13.00	£15.00	15%
Replacement vehicle badge	£13.00	£15.00	15%
Reissue/replacement badge (with amended details)	£29.00	£31.00	7%
DBS (CRB check)	£40.00 (set by DBS)	£38.00 (set by DBS)	-
DBS (CRB check) online	£60.34 (set by DBS and provider)	£64.34	-
Exemption certificates	£13.00	£15.00	15%
Knowledge test	£25.00	£20.00	-20%
Fail to attend Knowledge Test	£25.00	£20.00	-20%
Change of Name	£18.00	£21.00	17%
Replacement vehicle badge holder	£5.00	£6.00	20%
DE Training replacement cert	£0.00 (met by provider)	£0.00	0%
Copy of Paper Licence	£7.00	£8.00	14%
NEW Joint Disability and Safeguarding Training	N/A	£40+VAT	NEW
<b><u>VEHICLES</u></b>			
Transfer of vehicle	£41.00	£44.00	7%
Change of vehicle registration	£47.00	£50.00	6%
Failure to attend for vehicle test	£66.00	£74.00	12%
Retest	£30.00	£33.00	10%
Replacement plate carrier – front	£9.00	£10.00	11%
Replacement plate carrier – rear	£11.00	£12.00	9%

Replacement vehicle plate - front	£8.00	£9.00	13%
Replacement vehicle plate - rear	£10.00	£11.00	10%
Replacement vehicle sticker signage	£5.00	£6.00	20%
Copy of paper part of licence	£7.00	£8.00	14%
Change of Vehicle Colour	£47.00	£50.00	6%
HCV test	£70.00	£79.00	13%
HCV test 10yrs+	£70.00	£79.00	13%
PHV test	£70.00	£79.00	13%
PHV test 10yrs+	£70.00	£79.00	13%
HCV application fee	£234.00	£242.00	3%
PHV application fee	£231.00	£238.00	3%
Basic DBS	£23.00 (set by DBS)	£18.00 (set by DBS)	-
Change of Name/Address	£41.00	£44.00	7%
Spot check	£19.00	£22.00	16%
Replacement Internal Plate	£7.00	£8.00	14%

3.2 The recommendation is that the proposed fees be approved for 2023/24

#### **Reasons for Proposed Solution**

4. 4.1 The Council is required to set fees for private hire and hackney carriage licenses for 2023/2024.

#### **Options Considered**

- 5.1 The Council is required to set fees for private hire and hackney carriage licenses for 2023/2024. The fees proposed are based on cost recovery.

#### **Legal and Statutory Implications**

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 70) provides provision for the setting of fees and charges in relation to Operator and Vehicle licence fees. The fees are to be reasonable costs for carrying out the granting and renewal of licenses, costs for providing Hackney Carriage stands and costs relating to control and supervision of such vehicles.
- 6.2 The Act also specifies a maximum amount for the activities of £25 and should the costs exceed this then the Act defines a process of advertising and dealing with any objections made in relation to proposed fees.
- 6.3 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 53(2)) states that in relation to driver licence fees, 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, a fee as they consider reasonable. With a view to recovering the costs of issue and administration.
- 6.4 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators to establish a standard duration of three years for

hackney carriage and private hire driver licences and five years for a private hire operator licence.

6.5 The European Services Directive states (Art 12.2) *“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”*. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

6.6 In December 2019 the Court of Appeal in the case *“R (on the application of Abdul Rehman, on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166”* confirmed, that there is no general principle that the taxi licensing fee regime should be self-financing. Also that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) of the 1976 Act.

## 7. **Equality Impact Assessment**

7.1 There are no identified equality implications arising from the content of the report.

## 8. **Financial and Resource Implications**

8.1 There are a number of factors involved in setting a fees and charges, which have financial and resource implications, such as:

- The number of licenses issues in the forthcoming year – A review of recent trends and licenses due for renewal are used to inform this element
- The resources required delivering these activities – The number of licenses and resources required to deliver these are intrinsically linked.
- The processes and procedures completed in issuing and renewing licenses – The processes are regularly reviewed and updated, many applications are now through on-line applications.
- The Councils Taxi policy requirements and standards – This sets the foundations for the taxi licensing and influences the above points.

8.2 There is also provision within the regime that Private Hire drivers and vehicles can be licensed by other Local Authorities – Over the past years there has been a reduction in the number of both driver licenses and vehicle licenses issued by the Council.

8.3 There will be financial and resource implications for the Council if full cost recovery is not achieved.

## 9. **Major Risks**

9.1 The Council may be open to challenge should the calculation of the fees and charges prove to be contrary to the Act. The best practice guidance is followed in setting the fees and charges in order to mitigate such risk.

9.2 Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

Again, best practice is followed in order to mitigate against such risk.

9.3 The financial and resource implications are also considered to be risks, should the estimates be incorrect or change within the forthcoming year, these elements and controls are discussed in section 8 of this report.

## 10. **UN Sustainable Development Goals (UNSDG)**

10.1 The following goals are relevant:



## 11. **Key Decision Information**

11.1 Not applicable

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 Public Protection report 13<sup>th</sup> December 2022

12.2 Cabinet approval on 10<sup>th</sup> January 2023

## 13. **List of Appendices**

13.1 None

## 14. **Background Papers**

14.1 LGA Guidance on Local Fee Setting