

<b>SUBJECT:</b>	Dual Driver Licensing Fees
<b>REPORT OF:</b>	Director of Services – Steve Bambrick
<b>RESPONSIBLE OFFICER</b>	Head of Healthy Communities – Martin Holt
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<b>WARD/S AFFECTED</b>	All

## 1. Purpose of Report

1.1 This report is provided to committee to consider the proposed fees for dual driver licenses following the introduction of this licence as a result of the recent adoption of the new Hackney Carriage and Private Hire Policy.

### 1.2 RECOMMENDATION

1.3 It is recommended that

- i. To approve the proposed fees for dual driver licences as set out in Appendix 1 and to authorise the Head of Healthy Communities to advertise the proposed fees increase for 28 days.
- ii. If no objections are received, the increases to the fees set out in Appendix 1 to become effective on 1st April 2018.
- iii. That any objections received during the consultation be considered by the Licensing Committee at its meeting on 10th May 2018 and the Licensing Committee determine the fees with or without variation having had regard to objections received.

## 2. Background

- 2.1 Fees for private hire and hackney carriage licences were last set following the Licensing and Regulation Committee meeting on 26th March 2015. Following the adoption of the Chiltern District Council Hackney Carriage and Private Hire Licensing Policy on 1st December 2017, the option of a dual driver licence will now be available to applicants. Dual driver licences enable drivers to apply for a single licence to drive both hackney carriages and private hire vehicles without the requirement to apply for both a hackney carriage driver licence and a private hire driver licence. As the dual driver option was not available at the time of the fees being set, the process needs to be undertaken to ensure an appropriate fee is in place.
- 2.2 Licence fees for vehicles, operators and drivers are subject to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 ("1976 Act"). Section 53(2) of the 1976 Act in respect of Drivers Licences for Hackney carriages and private hire vehicles provides that the Council may charge and recover the reasonable costs of issue and administration.
- 2.3 The 1976 Act requires that where it is proposed that a fee exceeding £25 be imposed regarding vehicle and operators licences, an advertisement be published in the local newspaper, giving 28 days for objections. The Council also follows the same procedure regarding Drivers Licences.
- 2.4 If objections are received the authority must give them due consideration before either modifying or confirming the charges. Once agreed, whether modified or otherwise, the fee will come into

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operation with immediate effect or on the date to be agreed, without the need for further consultation.

### **3. Fee setting process**

- 3.1 The Licensing Service should be operated on a cost neutral basis as the legislation allows for full cost recovery of the licensing functions but requires that the service does not make a profit.
- 3.2 There have been a number of legal challenges to the level of fees that have been levied by licensing authorities. The focus of these challenges has been where fees are considered to be higher than the cost of exercising the functions connected to the provision of licences and also where it has been considered that cross subsidisation is occurring. Cross subsidisation is not permitted under the legislation and requires that fees are charged to the correct licence holders for the specific functions connected to that licence.
- 3.3 The Council last set the fees for taxi licensing on 26th March 2015. As such it is proposed that the fee for dual driver licences is calculated in line with the figures used to set the existing fees for private hire and hackney carriage licences. The original report presented to the committee on 15th January 2015 is attached at Appendix 2.
- 3.4 The work required for issuing and maintaining dual licences is higher than that involved in a private hire or hackney licence. This is due to further work such as checking compliance with both hackney carriage and private hire criteria when determining the application. Therefore the additional administration involved in the issue of a dual licence as opposed to a hackney carriage drivers licence or a private hire drivers licence is reflected in the proposal to maintain an additional nominal cost of £35 when compared to a 1 year hackney carriage drivers licence.
- 3.5 To achieve full cost recovery the licensing fees should reflect service costs. The proposed fees are set lower than the estimated cost of recovery for the licensing function to ensure that the Council's fees reflect current legislation and guidance as clarified by recent case law.
- 3.6 The full table of proposed fees is attached at Appendix 1.

### **4. Corporate Implications**

#### **4.1 Legal**

There is no statutory right of appeal against the level of fees once set. As with any council decision this can be challenged by way of judicial review proceedings on the grounds that it is unlawful or procedurally flawed. However, in this case the Council is proposing a fee which meets the relevant statutory criteria and is carrying out consultation in accordance with the 1976 Act. Therefore it not considered that the Council is at risk of a successful legal challenge..

#### **4.2 Financial**

The cost of carrying out the fees review and associated consultation including advertising costs will involve staff time and resources, but these costs will be met within the existing budget.

#### **4.3 Equality Act 2010**

An assessment has been carried out to establish if an Equalities Impact Assessment (EIA) is required in respect of this proposal, in accordance with the requirements of the Equality Act 2010. It was determined that a full Impact Assessment was not required. The assessment undertaken, a copy of

which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

**5. Next Steps**

The next steps will be as stated in the recommendations.

<b>Background Papers:</b>	
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