



Buckinghamshire Council

Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 23 MARCH 2021 IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.07 PM

MEMBERS PRESENT

C Jackson, S Renshell, D Barnes, S Lambert, J Lowen-Cooper, I McEnnis, G Powell, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor S Morgan.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3 February 2021 were agreed as an accurate record.

4 TAXI AND PRIVATE HIRE LICENSING FEES AND CHARGES

The Committee received a report which sought approval for the proposed taxi and private hire licensing fees and charges, as set out in appendix 2 of the report, for consultation purposes and statutory advertising requirements.

Taxi licensing fees are currently being charged separately in the legacy district council areas, with different licence fees, charges and fee structures being applied. A table of the existing fees charged in the legacy district council areas was provided at appendix 1 of the report. Further to the approval of the new Taxi and Private Hire Licensing Policy at the Council meeting on the 24th February 2021, it is now necessary to align all fees and charges relating to taxi licensing to enable full implementation of the policy and consistency across the Council area. New fees would come into effect from the implementation date of the Policy, currently scheduled to be 6th September 2021.

Taxi fees are required by law to be cost neutral and the relevant legislation and case law set out the elements of the licensing process which could be included in the calculation of fees. The relevant legal provisions were set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53 with respect to driver licences and section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.

If the proposed fee levels were to be approved for the purposes of consultation and statutory advertising requirements, a further report would be brought before the Licensing Committee with a recommendation to implement the final proposed new fees and charges, subject to any amendments following consultation.

Members were invited to ask questions of officers. In response to a query regarding the budget position for the Aylesbury Vale area and why there was a budget surplus of £100k for the Aylesbury Vale area in 2020/21 compared to a deficit in the other council areas, officers explained that this was likely partly due to how trade moves between the areas and that Aylesbury had a large increase in licence applications following the introduction of the Deregulation Act which enabled the drivers and the trade more generally to choose more freely where they wanted to apply for a licence. The Committee were advised that the Aylesbury Vale area reserve fund was routinely used at financial year end to offset staffing costs within the service and to fund service improvements including IT and digital development which represented an appropriate and legitimate approach and was in accordance with the associated requirements in the Act. Current budget projections indicated that any Aylesbury Vale surplus would be fully utilised within the service by 6th September 2021 when the new Taxi and Private Hire Licensing Policy would be implemented. Should this not be the case then it would be included in the rolling review of fees and charges within the service going forward.

With regard to ensuring that the consultation would be widely advertised across the whole council area, officers advised that they would ensure that it would be suitably published to cover the whole council area in terms of newspaper advertising. Furthermore, as part of the consultation process, the Council would be contacting those affected directly such as the trade and disability groups. In addition, the consultation would go on the Council's website and the Licensing Service would be working with the Communications Team to publicise the consultation.

In response to a concern raised that the taxi trade should have been consulted with prior to these figures being brought to this Committee to approve for formal consultation, officers explained that it was normal practice to bring any proposal to consult to the Committee first to ensure that members were happy for the consultation to proceed. Officers advised that the Committee were being asked to agree the proposed fees and charges for consultation purposes and that the trade would be consulted with as part of the consultation process. The results of the consultation would then be reported back to the Licensing Committee so that the Committee could make a decision on whether any amendments needed to be made to the proposed fees based on the results of the consultation.

Following comments raised that there was not enough information in the report as to how these proposed fees and charges figures were arrived at, officers advised that a comprehensive review of the cost of delivering taxi licensing services was carried out and the new fees being proposed reflected both the full staffing costs of running the service as well as the support service costs. As required the review had factored in recoverable costs incurred by the Council such as Democratic Services and Committees, corporate governance, office accommodation, IT provision, administration, supplies and services etc. The cost of implementing the provisions of the Statutory Taxi and Private Hire Vehicle Standards, which were published in July 2020 and which have been included within the new policy, had also been taken into consideration. The Standards impose various significant new requirements on both the trade and the Council and as a result their implementation would inevitably affect fee levels.

A number of comments were made that it would have been beneficial for members, if one table had been included which set out the difference between the existing fees and charges of each of

the legacy district council areas compared to the proposed fees and charges and how those working in the old legacy district areas would be positively or negatively impacted by the fee change.

With regard to service improvement and whether this had been taken account of in the proposed fees and charges, officers explained that work was currently underway to create a single taxi licensing structure for the service, which would result in a single team working under a single management arrangement dedicated to taxi licensing. The new proposed fees have been set based on how the processes within the new service would work including the introduction of a single online digital application process for the trade.

In response to the point made that it would have been useful to have been provided with benchmarking information on neighbouring authorities, officers advised the Committee that a benchmarking exercise had been carried out with Milton Keynes, Luton, Oxford and Transport for London. Comparison figures were verbally provided to the Committee which showed that the proposed fees in Buckinghamshire were generally in the middle of the range of fees charged compared to its neighbours. It was also advised that in most cases these authorities did not appear to have yet reviewed their fees following the introduction of the new DfT Statutory Standards in July 2020. It was noted by the Committee that it would have been beneficial to also have included neighbouring local authorities from the south, such as Windsor and Maidenhead, Reading and Woking, in the benchmarking exercise.

Following a comment made by a member that the report did not detail any climate change and sustainability implications, officers advised that climate change and sustainability implications had been covered as part of the wider Taxi and Private Hire Licensing Policy approval process and were set out in detail in the report which went to the last Licensing Committee and Full Council.

In relation to operator licence fees, it was noted that officers have proposed a tiered model approach which was previously utilised in the some of the old legacy district council areas to ensure that larger operators, where there were larger associated costs to the service, would pay a higher fee compared to smaller operators.

The Committee were of the opinion that more detail was required in the report and appendices in order for members to make an informed decision on whether to approve the proposed fees and charges for consultation purposes and statutory advertising requirements. The Committee therefore requested that the report and appendices be updated with the following information so that the decision on whether to approve the proposed fees and charges for consultation purposes and statutory advertising requirements could be taken at a future meeting of the Licensing Committee on 14th April 2021:

- more information to explain why the proposed fees and charges have been set at the level that they have been;
- a revised table of figures which sets out, in one table, the existing fees and charges of each of the legacy district council areas compared to the proposed fees and charges and how those working in the old legacy district areas would be positively or negatively impacted by the fee change; and
- benchmarking information with other neighbouring authority including neighbouring local authorities from the south.

It was thus proposed by Cllr Lowen-Cooper, seconded by Cllr Lambert and on a vote being taken **resolved**

That an updated report and appendices be submitted to a Licensing Committee meeting on 14th April 2021, to include the information as set out above, so that a decision on whether to approve the proposed fees and charges for consultation purposes and statutory advertising requirements could be taken.

Councillors Powell and Rush left the meeting at 7.59pm.

5 VERBAL UPDATE ON A CHANGE TO THE IMPLEMENTATION DATE OF THE TAXI AND PRIVATE HIRE LICENSING POLICY

Lindsey Vallis (Transition Head of Licensing, Cemeteries & Crematoria Services) provided a verbal update on a change to the implementation date of the Taxi and Private Hire Licensing Policy.

The new Taxi Private Hire Licensing Policy for Buckinghamshire was approved by Full Council on 24 February with a proposed implementation date of 1 August 2021. Full Council also resolved to delegate authority to the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services, to change the implementation date of the policy, if necessary.

Since approval of the policy, officers have been working within the Licensing Service to understand and identify the steps that need to be taken to implement the policy. Due to the considerable operational and legislative work that was required to implement the policy, it has been agreed, in consultation with the Cabinet Member for Regulatory Services, that the implementation date for the policy would be changed from 1st August to 6th September. This new date would also fit in with the timeframes for the service improvement work which was taking place within the Licensing Service and would also enable the trade some additional recovery time as the economy starts to reopen following the lifting of Covid-19 restrictions.

RESOLVED that the update be noted.

Councillor Lowen-Cooper left the meeting at 8.03pm

6 DATE OF NEXT MEETING

The date of the next meeting is Wednesday 14 April 2021 at 6.30pm