



## Licensing Committee agenda

Date: Tuesday 16 April 2024

Time: 6.30 pm

Venue: The Paralympic Room, Buckinghamshire Council, Gatehouse Road, Aylesbury  
HP19 8FF

### Membership:

A Baughan, J Baum, D Dhillon, P Gomm, T Green, P Griffin, W Raja, J Rush, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace (Chairman) and A Wood (Vice-Chairman)

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15 May 2024 - Election of Chairman

18 June 2024 – Subject to Full Council approval on 15 May 2024

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01895 837319



Agenda Item 3  
**Buckinghamshire Council**  
**Licensing Committee**

## Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 27 FEBRUARY 2024 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.06 PM**

### MEMBERS PRESENT

A Baughan, J Baum, D Dhillon, P Gomm, T Green, W Raja, N Southworth, B Stanier Bt, D Town, J Towns, G Wadhwa, H Wallace and A Wood

### OTHERS IN ATTENDANCE

S Gallacher, A Thomlinson, L Vallis, E Cook, J Bowles and M Brown and L Eastwood

### Agenda Item

#### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Griffin and Jonathan Rush.

#### 2 DECLARATIONS OF INTEREST

Councillor Waheed Raja declared a prejudicial interest in item 5 (Taxi and Private Hire Licensing Budget Review and Fees and Charges). Councillor Waheed Raja left the room prior to the commencement of the debate on this item and did not return or take part in the vote on this item.

#### 3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 7 November 2023 were agreed as a correct record.

#### 4 BUCKINGHAMSHIRE COUNCIL DRAFT STREET TRADING CONSENT POLICY

The Committee received a report on the Buckinghamshire Council draft Street Trading Consent Policy. Prior to the formation of Buckinghamshire Council in April 2020, street trading was dealt with differently in each legacy district council area, using different application forms, processes, and fee levels. Since becoming a unitary authority, the licensing team had been working to consolidate records and develop working practices that were consistent across the new council area. There was currently no street trading consent policy covering the Buckinghamshire Council area. Whilst there was no statutory requirement for a policy under the legislation, it was considered appropriate to produce a single policy which sets out a clear and consistent framework for the Council's approach to street trading. The adoption of a policy supported the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.

A pre-draft policy consultation exercise had been carried out and the results had helped shape Buckinghamshire Council's first draft street trading consent policy. It was proposed that all streets in the Buckinghamshire Council area be designated as 'consent' streets. Subject to agreement by the Licensing Committee, the draft policy would be consulted upon widely for a period of 6 weeks. The results of the consultation would be reported back to the Licensing Committee for further consideration. The draft Street Trading Consent Policy (referred to onwards as "the Policy") at Appendix 1 also provided guidance on the application processes and a brief overview of relevant legislation. The Policy provided an opportunity to outline matters which the Council would take into consideration when deciding whether to grant a street trading consent and it aimed to balance the needs of the public, traders, businesses, and the environment as well as supporting the Council's Corporate Plan. The ability to determine where street trading could take place, the articles that might be sold and the way trading was conducted, could help to support other council plans in terms of how public spaces look, feel, and are used. The street trading regime could be used to promote healthy lifestyle choices and environmentally friendly activities. A well-planned street trading policy also presented an opportunity to support economic prosperity and areas with vibrant street trading activity were likely to benefit not only traders themselves but also other businesses within the vicinity.

The draft Policy was based on the recommendation that Full Council designates all streets in the authority's area as 'consent' streets, should the Licensing Committee be minded to support this recommendation. This would mean that anyone wishing to trade in Buckinghamshire Council's area would need to apply for a street trading consent unless one of the exceptions, as shown in 2.7 of the report, applied.

If approved by the Licensing Committee, and subject to any suggested amendments, the draft Policy would undergo a six-week public consultation with all relevant stakeholders notified, including current street trading consent holders and non-consent holders (where these could be identified), Ward, Town and Parish Councillors, Community Boards, Thames Valley Police, Fire and Rescue Service and a number of Council departments such as Environmental Health, Trading Standards, Economic Development Team, Public Health, Planning and Community Safety.

Following the consultation process, a further report would be presented to the Licensing Committee providing full details of any comments received, together with any recommended changes by the licensing service to the draft Policy arising from the consultation. Should the Licensing Committee be minded to agree the proposed recommendation to adopt consent street controls, the matter would be referred to Full Council for consideration once a final version of the Policy had been agreed by the Licensing Committee.

Should new street trading controls be introduced across the whole council area, including controls on mobile traders, it was anticipated that more traders would be brought within scope of the regime. At present it was not possible to give an accurate estimate of the number of new traders, however it was expected that this information would be available following the proposed consultation exercise. Once final decisions had been made on the adoption of street trading controls and policy content, the licensing service intended to review both the budgetary position and levels of fees and charges during the period 2024/25 with a view to ensuring a cost neutral financial position would be maintained. A further report would be presented to the Licensing Committee on this and if approved new fees might be introduced during 2024/25 dependent on the policy decision making process. Thereafter fees and income levels would be reviewed on an annual basis.

Members were invited to ask questions of officers. A Member questioned what the benefits were to having consent streets rather than prohibited streets and asked why prohibited streets

were not being proposed in the new policy. In response, officers explained that consents would allow the Council to regulate the street trading activities across all areas that members of public might freely access. This would include the historical prohibited streets from legacy councils. Once an application was complete and deemed valid, the application would be subject to a 28-day consultation. This consultation was comprehensive and would allow other council departments, external stakeholders and members of the public to review the application and make any representations either for or against the application. This process would therefore flag up any issues in the historical prohibited streets. Furthermore, once a street was prohibited there could be no events held there, so if the Council wanted to hold an event on a prohibited street it might not be able to do so. Therefore, consent streets would provide more flexibility, whilst still ensuring that the necessary safeguards were in place.

A Member questioned what the need was for introducing a policy when it wasn't a statutory requirement and there didn't seem to be an issue with the current situation. The Member was concerned that the new policy was not necessary and was overregulation which would make things more difficult for small businesses. Having referred to 2.9 of the report, which stated that there were only 19 street trading consents in operation across Buckinghamshire Council area, the Member questioned whether the Council would have the resources to consider and determine the increase in the number of street trading consents which would result from the introduction of the new policy and whether it had the resources to carry out the increase in activities, particularly in relation to enforcement, which would be required. Furthermore, the Member was concerned that there would be an overlap with the enforcement activities carried out by other services and partner organisations such as Environmental Health and the Police.

With regard to the reason for the Policy, officers explained that a single policy would set out a clear and consistent framework for the Council's approach to street trading. Furthermore, the adoption of the Policy would support the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation. Historically, there had been objections made to street consents, so it was an issue that had created concern amongst members of the public. Currently, there were streets in Buckinghamshire which were not regulated that the Council had no jurisdiction over and therefore could do nothing about if there were any concerns.

With regard to scope, officers explained that at this stage the exact number of additional traders which would be brought within scope of the regime was not known. The proposal was that, through the consultation, the licensing service would contact all food mobile traders who were registered with Environmental Health to get a better understanding of how many of those would come within scope of the regime. Officers would then be able to report those numbers to the Licensing Committee. There were around 200 mobile food traders registered with Environmental Health, but it was anticipated that not all of those would come within the scope of the regime and therefore the number within scope of the regime would be less than that.

In terms of resources, officers explained that fees would be set at a cost recovery basis. Enforcement costs would be factored into the fee setting the same way as had been done with the other licensing regimes. If the Policy was adopted, a full fee review would be carried out on a cost recovery basis to ensure that there were no additional costs to the Council whilst ensuring that the costs for businesses be kept to a minimum. With regards to the concern regarding a potential overlap with enforcement activities carried out by Environmental Health and other enforcement agencies, officers explained that they had met with Environmental Health and other enforcement agencies such as the Police and the feedback had been that they were in support of the Policy. In relation to Environmental Health and Licensing, it was noted that they

were two distinct regimes which compliment each other.

A Member asked a question regarding the pre-draft policy engagement workshops and which organisations had attended. In response, officers explained that the workshops were attended by numerous departments within the Council, including Environmental Health, Planning, Trading Standards and other licensing colleagues. Externally, the workshops were attended by representatives from some of the parish and town councils, High Wycombe Business Improvement District (HW BIDCo), Thames Valley Policy, Bucks Fire and Rescue and other organisations listed in the draft Policy.

A further question was asked as to whether any lessons had been learnt from the pre-draft policy engagement workshops and survey in terms of level of engagement and how to increase the number of responses in the consultation should the draft Policy be approved for consultation. In response, officers explained that the pre-draft policy consultation was publicised in the same way as any other consultation carried out by the Council and involved following a consultation plan which had been created in conjunction with the Council's Consultation and Engagement Team. The survey was published on social media and the link to the survey was sent to all relevant stakeholders including ward councillors. It was also publicised in the Town and Parish Councils' Newsletter. However, the response rate was low and the service would take on board any learning from the pre-draft policy engagement and work with the Council's Consultation and Engagement Team again on how to promote the consultation to improve response rates should the draft policy be approved for consultation. Officers welcomed any ideas which Members might have on how to promote the consultation and any support they could offer. This time, the consultation would not only go out to consented traders but would also go out to the mobile food traders registered with Environmental Health. The licensing service would also reach out to organisations like High Wycombe BIDCo and the Council's Town Centre Management teams.

Following a question regarding market traders, the Committee was advised that 'trading in a market or fair that has a legal right to be held by virtue of a grant or an enactment or order' was one of the activities which was not considered street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (see section 2.7 of the report). A concern was raised by a Member that a market trader who paid a levy every year might feel undermined by a trader who had a consent and potentially was paying lower for their pitch. In response, officers stated the Policy could actually help to address this issue as a regulated system would mean that the Council would have the discretion to ensure that street traders would not conflict with authorised market traders. At present there were large areas of Buckinghamshire town centres which were not regulated, meaning that there were street traders who were operating without having to pay any kind of fee for that location resulting in inequity across Buckinghamshire. Following a request from a Member, officers agreed to ensure that the Market Traders Association would be consulted with as part of the consultation process should the draft policy be approved for consultation.

A Member commented that one of the issues raised in Wycombe was that the street traders were effectively in competition with other fixed businesses in the town centre and often street traders did not have to pay rents or rates unlike the fixed businesses on the high street did and the price of a street trading consent was quite low in comparison. A Member asked how these inequalities would be addressed and any potential conflict avoided. Officers explained that this was something which was raised in the discussion with the Economic Development Team and the Town Centre teams as part of the pre-draft policy engagement and that they had stressed the need to ensure, when considering an application, that authorisation of a consent would not adversely affect the businesses already existing in the town centres. The draft policy was

proposing a comprehensive consultation process whereby this issue could be raised and the Council would have powers to refuse an application if there was a conflict. In terms of the fees, there were strict legal provisions which set out the extent to which the level of the fees could be set. The Council could not set fees deliberately at a level which would deter people from applying but fees could be set at a level to ensure the Council could cover its costs and the Council could also factor in other costs, like street cleansing, so that they were not borne by other businesses.

A Member welcomed the proposal to introduce the draft policy and felt that it would offer the opportunity to support economic prosperity which would benefit traders and other businesses in Buckinghamshire. In response to a comment about ensuring that the public know which traders had consent, officers stated that the draft Policy required all applicants and nominated assistants to provide proof of identification and a passport photo which would be printed on the consent. This consent would then need to be displayed when trading. Furthermore, it was being proposed that a public register for consent street traders be made available on the Council's website, similar to the public register of licensed premises.

Another Member referred to the Council's website and how the process regarding street trader consent was confusing as the process differed depending on what area of Buckinghamshire someone was trading in. The Member, therefore, welcomed the introduction of a clear and consistent single Policy.

Following the discussion, the Chairman explained that the recommendations being put to the Committee had been amended and were now as follows:

- 1) That the draft Street Trading Consent Policy set out at Appendix 1, subject to any recommended amendments, be approved for public consultation.
- 2) That following consultation on the Policy, the Licensing Committee recommend that Full Council pass a resolution to designate all streets in Buckinghamshire as 'consent streets' for the purposes of street trading.

On a vote being taken the first recommendation was proposed by Cllr Wood and seconded by Cllr Baum and:-

**RESOLVED that the draft Street Trading Consent Policy set out at Appendix 1, subject to any recommended amendments, be approved for public consultation.**

A vote was then taken on the second recommendation which was proposed by Cllr Gomm and seconded by Cllr Towns and:-

**RESOLVED that following consultation on the Policy, the Licensing Committee recommend that Full Council pass a resolution to designate all streets in Buckinghamshire as 'consent streets' for the purposes of street trading.**

## **5 TAXI AND PRIVATE HIRE LICENSING BUDGET REVIEW AND FEES AND CHARGES**

The Committee received a report on the taxi and private hire licensing budget review and fees and charges and were asked to consider whether to approve the proposed fees and charges set out at Appendix A of the report prior to statutory advertising and consultation.

Taxi and private hire licensing fees could only be set at levels to recover such costs as were prescribed in law. The Council could not make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice,

this meant that the costs of the Service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.

In July 2021, taxi and private hire fees and charges were approved as part of the implementation of a new Taxi and Private Hire Licensing Policy for Buckinghamshire, which came into effect in September 2021. The Licensing Service also went through the Better Buckinghamshire programme in 2021 and new structures for a harmonised Licensing Service, organised by specialism rather than geographical location, came into effect from the 1 September 2021. This created a single taxi and private hire licensing service serving the whole of Buckinghamshire and operating under the new Policy. Assurances were provided to the Licensing Committee that a full annual review of taxi licensing budgets and fees and charge would be carried out a year into implementation of the new Policy. This would enable the service to fully understand any surplus or deficit at that point and ensure that any adjustments required could be considered. This review was carried out between September and December 2022 and showed an adverse forecast position for the 2022/23 period of £100k. The main reasons for this were a reduction of application income into the service as a result of the longer term impacts of the Covid-19 pandemic and the alignment of legacy council licensing arrangements, which meant that licence holders who might have previously required more than one licence to work across Buckinghamshire, now only required one.

A revised set of taxi and private hire licensing fees and charges were presented to the Committee in January 2023, which were set at such a level to return the service to a cost neutral position over the following three financial rolling years. These fees were approved for statutory advertisement and consultation purposes and were subsequently approved by the Committee in April 2023 for implementation. Given the uncertainties at the time around the wider economy and the national trends on taxi and private hire driver and vehicle numbers following the impacts of the Covid-19 pandemic, it was proposed that the taxi and private hire licensing budget position be reported again to the Committee in Q4 of 2023/24. This would provide the opportunity to ensure that the budget position was as anticipated at the time that the fees and charges were set and that the service had maintained a cost neutral position. It would also provide an opportunity to carry out the annual review of fees and charges for the following year (2024/25) in relation to any increase in RPI that might be required to recover related increased costs to the Council. This report provided the Committee with the projected budget position for the 2023/24 financial period and proposed that a 4% uplift be applied to fees and charges for the 2024/25 period to ensure that the service remains cost neutral to the Council.

If approved, the proposed fees would be subject to a full consultation process with the licensed trade and other relevant parties. Section 70 of the Act sets out statutory advertising requirements in relation to vehicle and operator licences which require that an advert must be published within a local newspaper and at least 28 days provided for comments to be made. It was proposed that this consultation period would begin during March 2024. The licensed taxi and private hire trade would be made aware of the consultation and how to feed in via email, SMS and the Taxi and Private Hire News webpages. Following the statutory consultation process, a further report would be presented to the Licensing Committee at its next meeting on 16 April 2024, setting out the results of the consultation and any amendments made to the proposed fees as a result. If approved, the final proposed fees would take effect across the whole Council area from 22 April 2024. Fees would be reviewed annually and further reports would be provided to the Licensing Committee following review.

Members were invited to ask questions of officers. A Member asked why the proposed cost of a 3-year renewal was higher than some of the authorities listed in appendix B of the report.



Officers explained that the service was required to undertake the same checks for a renewal as were carried out for a new application. This included checks on right to work, DBS checks and ensuring that the processes around safeguarding had been followed. This was to ensure that the driver had not committed any motor offences or misdemeanours during the course of a previous licence. This also enabled officers to consider any additional intelligence or information from the Police or other authorities which might have been provided. This was in accordance with the statutory guidance which was issued to licensing authorities. This guidance had been applied differently in different local areas. Buckinghamshire Council had decided to be extremely robust in following the statutory guidance and its approach to licensing drivers and therefore the costs associated with these activities were the same as they were for a new application.

Referring to appendix B of the report, a Member asked why the Council was not doing better than some of the other local authorities in terms of fee levels. In response, officers advised that carrying out the necessary checks and measures was very important to ensuring public safety. Whilst all local authorities were encouraged to implement The Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards', it was not set in statute. Some local authorities were still in the process of including the guidance in their policies, whereas Buckinghamshire was one of the earlier adopters. There was still local disparity across the Country and whilst the gap between local authorities was narrowing, there was still report data being produced that showed that some local authorities were not operating to the same standards which were being operated to in Buckinghamshire. In terms of costs, considerable changes were made last year to the way the service was delivered to reduce the costs of running the service, which included making three staff redundant within the service to reduce staffing costs. It was noted that, following the recovery of the trade post-pandemic, the service was now experiencing a slight increase in demand compared to a year ago. The service had not had to take on any new staff to manage this increase in demand because of the improved systems and processes which had been put in place following the harmonisation of the service.

In response to a question regarding the timings of fee reviews, officers explained that there was a need to carry out an annual review of fees because due to a statutory requirement, the Council could not just apply an inflationary increase every year as there was a need to go out to consultation if the Council changed the vehicle and operator fees at a level above £25. This meant that the fees needed to be reviewed on an annual basis if an increase was proposed and brought to the Committee for a decision.

A Member asked why an increase in fees was being proposed if the forecast was that the outturn position would be £16k positive at end of year and questioned if there was a risk that taxi licence income would be reduced by pushing the trade away if fees were increased. In response, officers explained that forecast application income into the service was projected to be slightly higher than budgeted and likely reflected the gentle recovery of the licensed trade post-pandemic. Running costs and staffing costs had increased in line with this and were offset by the additional income received. Officers had carried out a comprehensive review of the cost of delivering taxi licensing services. The fees were set based on known information and on assumptions and forecasts. When setting fees, the Council had to take into account the rolling nature of the applications and renewal processes over a 1, 3 and 5-year application cycle. The Council also had to consider additional costs to the service which could occur over the next financial period, such as staffing pay awards and supplier costs which could vary subject to wider market pressures and contract costs. Furthermore, more applications would mean more activities and potentially more enforcement activity, activities at events and complaints. The service always strived to manage within its existing resources to keep the cost down for the

trade but if there was additional work required in that area, then the service needed to think about the potential cost of that.

With regard to the trade, officers stated that the service had tried hard to work closely with the trade and build relationships with their key representatives, such as through the working group and stakeholder meetings which were working well. Officers explained that whilst the service wanted Buckinghamshire operators to operate in Buckinghamshire and for the drivers to licence in Buckinghamshire, it was an open market and therefore drivers could licence in other areas and then subcontract back into Buckinghamshire. However, the service had not seen that happen in significant numbers in Buckinghamshire and if this was to happen it was likely that this would have happened last year when the fees went up.

In terms of communicating the fee increase to the trade, officers explained that the service would send out SMS and emails to operators and drivers and license holders and would update the trade's communications page on the Council's website. A Member stressed the importance of ensuring that the trade was informed of the reasons for the proposed increase and how the Council must retain a cost neutral position.

Following the discussion, the Chairman explained that the recommendation being put to the Committee had been amended and was as follows:

That the proposed fees and charges set out at Appendix A are approved prior to statutory advertising and consultation.

On a vote being taken the recommendation was proposed by Cllr Town and seconded by Cllr Dhillon and:-

**RESOLVED that the proposed fees and charges set out at Appendix A be approved prior to statutory advertising and consultation.**

Councillor Waheed Raja, having declared a prejudicial interest, left the room prior to the commencement of the debate on this item and did not return or take part in the vote on this item.

## **6 DATE OF NEXT MEETING**

It was noted that the date of the next meeting was 16 April 2024 at 6.30pm.



## Report to Licensing Committee

**Date:** 16<sup>th</sup> April 2024  
**Title:** Approval of Gambling Licence Fees and Charges  
**Author(s):** Simon Gallacher, Principal Licensing Officer

**Recommendations:**

**To approve the proposed Gambling Licence Fees and charges set out in Appendix 1 to ensure that the gambling licensing regime remains cost neutral. Once approved the new fees and charges shall be applied from 1<sup>st</sup> May 2024.**

### 1. Background

- 1.1 In accordance with the Gambling Act 2005 (the 'Act'), Buckinghamshire Council, in its role as Licensing Authority, is responsible for authorising certain gambling activities at premises used for gambling purposes by the issuing of premises licences and permits and processing notices.
- 1.2 Under section 349 of the Act, the Licensing Authority is required to prepare and publish a Statement of Licensing Policy, "Policy", which sets out its approach to the consideration and determination of applications made under the Act and any subsequent necessary compliance and enforcement action. The Policy must be reviewed by the council at least every 3 years. Buckinghamshire Council's current Policy took effect from 1<sup>st</sup> April 2022 and accordingly is due for review prior to 1<sup>st</sup> April 2025. A report relating to this review is scheduled to be presented at the next Licensing Committee meeting and will include officers' recommended Policy amendments and consultation proposals.
- 1.3 The purpose of this report is to provide the Licensing Committee with an update on the current position regarding gambling licence fees and to seek approval to apply a 4% increase in licence fees for the period 2024/25 to ensure that that the gambling licence regime remains cost neutral. It is proposed that the new fees take effect from 1<sup>st</sup> May 2024.
- 1.4 A further report will be provided to the Licensing Committee with details of a full service fee review which will be carried out in tandem with the statutory review of the current Policy.

## 2. Main content of report

- 2.1 Buckinghamshire Council, in its role as Licensing Authority, is responsible for issuing premises licences for premises where gambling activities are proposed to take place. Examples of such premises are betting shops, bingo halls and entertainment / gaming centres.
- 2.2 Licensing authorities are also responsible for issuing permits for gaming machines, processing notices for one off gambling events and for registering societies who wish to carry out small scale lotteries, and for ensuring local compliance and enforcement of the Act.
- 2.3 The Gambling Commission is responsible for licensing operators and individuals involved in the provision of gambling activities, including online and remote facilities.
- 2.4 Section 212 of the Act gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe which includes a maximum fee level. The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
- 2.5 The Gambling Commission's guidance for Licensing Authorities states at para 36.4 *Fee setting must be transparent and licensing authorities should closely track their costs and be able to evidence how they arrived at the fee levels in order to demonstrate that they have been calculated on a cost recovery basis only. Fees should be reviewed annually.*
- 2.6 In accordance with Buckinghamshire Council's constitution, the Licensing Committee is delegated with responsibility to determine and set fees associated with gambling premises licensing.
- 2.7 There is no statutory requirement for public consultation when setting fees under the Act and it for the Licensing Committee to agree these fees.
- 2.8 At its meeting of 20th October 2021, the Licensing Committee approved a schedule of new gambling licence fees to be applied when the new Policy took effect in April 2022. These fees were calculated based on a comprehensive review of the costs involved in delivering activities relating to gambling licences and reflected both the full staffing costs of running the service as well as the support service costs. This review also factored in recoverable costs incurred by the council such as Democratic Services and committees, corporate governance, office accommodation, IT provision, administration and supplies and services.

- 2.9 The general methodology behind the review of fees was determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. The core principles in the LGA guidance are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.
- 2.10 The legislation does not require the Council to make a precise calculation to arrive at an income which exactly meets the cost of the administration of licences and permits. Councils are required, however, to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus. On that basis it was reported at the meeting of 20<sup>th</sup> October 2021 that a full service review of fees would be carried out on a rolling three year basis in line with the policy review, thus affording the opportunity to reconcile any surplus or deficit accrued.
- 2.11 It was also reported that fees would continue to be reviewed annually in relation to any increase in RPI, or alternate inflationary measure used by the Government, and where appropriate an increase will be applied to the fee to recover related increased costs to the council. Accordingly, an increase of 9% was applied to applicable gambling licence fees in April 2023 to reflect the inflationary change in prices over the preceding 12 months to ensure the licensing service continued to meet its costs in administering gambling licences without generating a surplus. It should be noted that this figure reflects the CPI rate of inflation which is used by the council rather than the RPI measures which tends to be slightly higher.
- 2.12 Having reviewed the budgetary position, licence fees should now increase by 4%, which reflects the CPI measure of inflation for the preceding 12 months, to ensure that income from gambling licence fees continue to meet the costs incurred in administering the gambling licence regime without generating a surplus.
- 2.13 Current gambling licence fees are shown at Appendix 1, together with the proposed fees reflecting a 4% increase.
- 2.14 Some fees, such as for small society lotteries, gaming machine permits and automatic entitlements are set by central government and there is no discretion locally. No fee is chargeable for Occasional Use Notices which are intended for infrequent (a maximum of 8 per year) track betting at events such as point-to-point meetings.
- 2.15 For premises licence fees and Temporary Use Notices, there are regulations which set maximum possible fee levels for each type of application. These maximum permitted fee levels have also been included in Appendix 1 for comparison purposes.
- 2.16 The number of licensed gambling premises has reduced slightly since the new Policy was introduced in April 2022 and this is likely to be reflective of the increasing preference for online based gambling portals which are regulated by the Gambling

Commission. The majority of the tasks carried out by the licensing service in this area relate to processing requests for gaming permits, small society lottery registrations, ongoing maintenance of premises licences, compliance and enforcement activities.

- 2.17 A further report will be provided to the Licensing Committee later this year with details of a full service fee review which will be carried out in tandem with the statutory review of the current Policy. This report will include additional budgetary information and the latest fee comparison benchmarking with other licensing authorities.

### **3. Next steps and review**

- 3.1 If approved, it is intended that the fee changes will be communicated to existing premises licence holders and the changes will take effect from 1<sup>st</sup> May 2024.

### **4. Other options considered**

- 4.1 None. The proposed changes are considered necessary so the licensing service can continue to manage the local gambling premises licensing regime on a cost neutral basis.

### **5. Legal and financial implications**

- 5.1 [Section 212 of the Gambling Act 2005](#) states that the licensing authority, "...shall aim to ensure that the income from fees of that kind [determined by the licensing authority] as nearly as possible equates to the costs of providing the service to which the fee relates...".
- 5.2 The [Gambling \(Premises Licence Fees\) \(England and Wales\) Regulations 2007](#) (the 'Regulations') set out the statutory provisions and limitations for setting gambling fees.
- 5.3 R (Cummings) v Cardiff [2014] established that the charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other.
- 5.4 In Hemming v Westminster [2013] the Supreme Court identified two different approaches to charging licence fees. The type 'A' approach is whereby a fee is charged to cover the cost of determining the application and a second fee is payable to cover ongoing maintenance. The type 'B' approach is whereby the whole fee is charged and in the event that an application is unsuccessful any surplus fee paid by the applicant is refunded. The Court's view was that the type B approach is not compatible with the Provision of Service Regulations, however it should be noted that these regulations do not apply to the licensing of gambling activities. In

addition, as noted in the LGA guidance, not all legislation permits councils to set out fees in this way. Under section 159 (6)(c) of the Act, gambling premises applications must be accompanied by the prescribed fee and there appears to be no discretion to separate out when different elements of the fee are paid.

- 5.5 The proposed increase of 4% is considered necessary and proportionate to ensure that the revenue from licence fees continues to meet the costs of delivering the gambling licensing regime without incurring a surplus. The 4% increase is subject to any stipulated Statutory Maximum fee.
- 5.6 There are no net impacts on the Council's medium term financial plan.

## **6. Corporate implications**

- 6.1 Protecting the vulnerable – The licensing objectives underpinning the Gambling Act 2005 include the requirement to protect children and other vulnerable persons from being harmed or exploited by gambling. It is important that the costs of maintaining the local licensing regime are met so that the service is adequately resourced to take the appropriate steps to ensure the ongoing promotion of this objective.

6.2 Property – N/A

6.3 HR – N/A

6.4 Climate change – N/A

6.5 Sustainability – N/A

Equality – an equality impact screening assessment was completed in 2021 and indicates that a full equalities impact assessment is not required. A further assessment will be carried out as part of the Policy review. The proposed increase in licence fees will ensure that the current status is maintained and it is not anticipated that any protected group will be adversely impacted by the proposed fee increases.

6.6 Data – N/A

- 6.7 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum whilst also ensuring that the provision of the service is cost neutral.

### **Key documents:**

Open for business: Local Government Association (LGA) guidance on locally set licence fees.

<https://www.local.gov.uk/publications/lga-guidance-locally-set-licensing-fees>

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Appendix 1								
<b>Gambling Act premises licence fees</b>	<b>Current</b>	<b>Proposed</b>	<b>Statutory max</b>		<b>Gambling Act premises licence fees</b>	<b>Current</b>	<b>Proposed</b>	<b>Statutory max</b>
<b>Large Casino</b>					<b>Betting premises (Track)</b>			
App. Fee	9696	10000	10000		App. Fee	1878	1953	2500
Annual fee	7271	7562	10000		Annual fee	666	693	1000
Transfer	1608	1672	2150		Transfer	752	782	950
Variation	3919	4076	5000		Variation	860	894	1250
Prov statement	9696	10000	10000		Prov statement	1878	1953	2500
Re-instatement	1608	1672	2150		Re-instatement	752	782	950
Lic app(Prov Statement)	3919	4076	5000		Lic app(Prov Statement)	752	782	950
<b>Small Casino</b>					<b>Family Entertainment Centre</b>			
App. Fee	8000	8000	8000		App. Fee	1648	1714	2000
Annual fee	5000	5000	5000		Annual fee	581	604	750
Transfer	1608	1672	1800		Transfer	752	782	950
Variation	3919	4000	4000		Variation	765	796	1000
Prov statement	8000	8000	8000		Prov statement	1648	1714	2000
Re-instatement	1608	1672	1800		Re-instatement	752	782	950
Lic app(Prov Statement)	3000	3000	3000		Lic app (Prov Statement)	752	782	950
<b>Bingo Hall</b>					<b>Betting Premises (Other)</b>			
App. Fee	2302	2394	3500		App. Fee	2132	2217	3000
Annual fee	605	629	1000		Annual fee	452	470	600
Transfer	752	782	1200		Transfer	752	782	1200
Variation	1168	1215	1750		Variation	1168	1215	1500
Prov statement	2302	2394	3500		Prov statement	2132	2217	3000
Re-instatement	752	782	1200		Re-instatement	752	782	1200
Lic app (Prov Statement)	752	782	1200		Lic app (Prov Statement)	752	782	1200
<b>Adult Gaming Centre</b>					<b>Temporary Use Notice</b>			
App. Fee	1648	1714	2000		Grant fee	431	448	500
Annual fee	581	604	1000		Copy of Notice	15	16	25
Transfer	752	782	1200		Notification of Change	31	32	50
Variation	765	796	1000					
Prov statement	1648	1714	2000		<b>For all licences</b>			
Re-instatement	752	782	1200		Licence copy	15	16	25
Lic app(Prov Statement)	752	782	1200		Notice of change	31	32	50

Permit fees (statutory amount)	Current	Proposed			Permit fees (statutory amount)	Current	Proposed
<b>Licensed Premises Gaming Machine Permit</b>					<b>Family Entertainment Centre Gaming Machine Permits</b>		
New Applications	150	150			Grant	300	300
Variation	100	100			Renewal	300	300
Transfer	25	25			Change of name	25	25
Annual Fee	50	50			Copy of Permit	15	15
Change of name	25	25			<b>Prize Gaming Permits</b>		
Copy of Permit	15	15			Grant	300	300
<b>Licensed Premises Automatic Notification Process</b>					Renewal	300	300
On notification	50	50			Existing operator Grant	100	100
<b>Club Gaming Permits (statutory fee)</b>					Change of name	25	25
New Application	200	200			Copy of Permit	15	15
Grant (Club Premises Certificate holder)	100	100					
Variation	100	100					
Renewal	200	200					
Renewal (Club Premises Certificate holder)	100	100					
Annual Fee	50	50					
Copy of Permit	15	15			<b>Small Society Lotteries Registration</b>		
Renewal - Fast Track Clubs	100	100			Registration	40	40
Renewal - Transitional Application Fee	100	100			Annual Fee	20	20
<b>Club Machine Permits</b>							
New Application	200	200					
Grant (Club Premises Certificate holder)	100	100					
Variation	100	100					
Renewal	200	200					
Renewal (Club Premises Certificate holder)	100	100					
Annual Fee	50	50					
Copy of Permit	15	15					
Renewal - Fast Track Clubs	100	100					
Renewal - Transitional Application Fee	100	100					



## Report to Licensing (Regulatory) Committee

**Date:** 16<sup>th</sup> April 2024

**Title:** Approval of Animal Licence Fees and Charges

**Author(s):** Lindsey Vallis, Service Director – Transport & Regulatory Services

**Recommendation:**

**To approve a 4% increase in animal licence fees and charges as set out in Appendix 1 to ensure that the animal licence regime remains cost neutral. Once approved the new fees and charges shall be applied from 1<sup>st</sup> May 2024.**

### 1. Background

- 1.1 In accordance with the Animal Welfare Act 2006, Buckinghamshire Council, in its role as Licensing Authority, is responsible for authorising businesses that provide animal activities and ensuring that these activities meet statutory licensing and welfare standards that are prescribed by DEFRA. In addition, the Council is also responsible for licensing kept animals that are defined as dangerous wild animals under the Dangerous Wild Animals Act 1976 and for the licensing of zoos under the Zoo Licensing Act 1981.
- 1.2 The purpose of this report is to provide the Licensing Committee with an update on the current position regarding animal licence fees and to seek approval to apply a 4% increase in licence fees for the period 2024/25 to ensure that the animal licence regime is cost neutral. It is proposed that the new fees take effect from 1<sup>st</sup> May 2024.
- 1.3 Licence fees should be subject to full review on a rolling 3-year cycle. Animal licence fees and charges were last subject to a full review in July 2022, when the current fees were set. It is therefore proposed that a full 3-year review is carried out towards the end of the 2024/25 period and a further report is provided to the Licensing Committee at that time.

### 2. Main content of report

#### 2.1 Statutory provisions

- 2.2 The relevant statutory provisions that enable the local authority to set and recover fees for animal licensing activities are set out within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, made under the Animal Welfare Act 2006, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. DEFRA and the Local Government Animal Welfare Group also issue guidance to local authorities to support fee setting.
- 2.3 **Animal Welfare Act 2006 and Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**
- 2.4 The Licensing Authority is responsible for issuing licences to an individual (or ‘operator’) under the Animal Welfare Act and associated regulations, including for the following primary activities, providing or arranging provision of boarding for cats and dogs, the breeding of dogs for commercial purposes, keeping or training animals for exhibition, selling animals as pets and hiring out horses. The legislation and associated statutory guidance (produced by DEFRA and which the Council must operate to) are very prescriptive in nature and have become increasingly so in recent years as growing public concern and awareness around animal welfare issues has been reflected in statute. There are very significant obligations placed on Licensing Authorities to ensure that licenced premises meet at least the minimum standards of animal welfare required.
- 2.5 As at the 1<sup>st</sup> April 2024 Buckinghamshire Council licensed 197 operators under the Regulations; 12 dog breeders, 21 operators hiring out horses, 19 animal exhibitors, 18 operators selling animals as pets, and 130 operators providing or arranging of boarding cats or dogs. Note that some operators hold licences for more than one activity.
- 2.6 Under Regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, local authorities can charge fees for:
- a) considering an application, including any inspections,
  - b) compliance checks on existing licence holders, this includes the costs of inspections
  - c) enforcement costs against an unlicensed operator doing licensable activities
  - d) compiling and submitting data needed by the Secretary of State
- 2.7 **Dangerous Wild Animals Act 1976**
- 2.8 The Licensing Authority is responsible for issuing licences to private individuals (the ‘keeper’ of the animal) that keep certain species of dangerous wild animals with the intention of ensuring that they do so in circumstances that create no risk to the public and safeguard the welfare of the animals. The Council has statutory duties to licence the keeping of any animal controlled by the Act. This requirement does not

apply to dangerous wild animals kept in a zoo or a circus, nor to premises licensed for selling animals as pets, or a place which is a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986. The types of animals that require a licence are specified within the Schedule to the Act and include primates, wild cats and dogs, bears, ostriches, crocodiles and alligators and some species of snakes, lizards, scorpions and spiders.

- 2.9 As at the 1<sup>st</sup> April 2024 Buckinghamshire Council licensed 4 dangerous wild animal keepers to keep lemurs, black buck, sitatunga, nilgai, capuchin, and lynx.
- 2.10 Section 1(2)(e) of the Act states that a local authority shall not grant a licence unless the application for it is 'accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application)'.
- 2.11 **Zoo Licensing Act 1981**
- 2.12 The Licensing Authority is responsible for issuing zoo licences under the Zoo Licensing Act 1981 to anyone who keeps an establishment where wild animals (as defined in Act) are kept for exhibition to the public, other than for purposes of a circus or pet shop, and the public have access with or without charge on seven days or more in a 12-month period.
- 2.13 On the 1<sup>st</sup> April 2024 Buckinghamshire Council licensed 3 zoos. All are small scale specialist collections and as such have been given statutory dispensation by the Animal and Plant Health Agency (APHA) which reduces the requirements under the Act. Inspections of zoos with an APHA dispensation are carried out by a licensing officer and an APHA nominated expert veterinarian.
- 2.14 Under section 15 of the Act local authorities have the power to charge such reasonable fees as they may determine in respect of applications for the grant, renewal, or transfer of licences and subsequent action. Local authorities may also charge for reasonable expenses incurred by them in respect of inspections. This charge includes both the costs incurred by the local authority in appointing their own inspectors and the costs incurred in meeting the cost of services and expenses of those inspectors appointed by the Secretary of State (where required). Under section 15(5) the local authority is required to ensure that the amount of all fees and other sums charged in a particular year is sufficient to cover the reasonable expenditure incurred by the authority in that year by virtue of the Act.
- 2.15 The general methodology behind the review of fees is determined by the document Local Government Association (LGA) guidance on locally set licensing fees. The core principles in the LGA guidance are that fees should be non-discriminatory; justified; reasonable and proportionate to the cost of the processes associated with a licensing scheme; clear; objective; made public in advance; transparent; and accessible. It is also an accepted principle that licensed activities should be funded

on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse. Fees should be set at a level to ensure full cost recovery whilst also being fair and providing value for money for the businesses. Councils are required to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost, but not make a surplus.

- 2.16 The Council's constitution provides delegated responsibility to officers to set fees but recognises that it may be appropriate, under consultation with the portfolio holder, to refer a decision to the relevant Committee. The Licensing Committee is delegated with responsibility to determine and set fees associated with animal licensing.
- 2.17 Animal licensing fees were subject to a full review and were last set by the Licensing Committee in July 2022. At this meeting it was reported that fees would continue to be reviewed annually in relation to any increase in RPI, or alternate inflationary measure used by the Government, and where appropriate an increase would be applied to the fee to recover related increased costs to the council. The Committee requested that an update report was provided when fees were next proposed to be increased. This report details the first inflationary increase since fees were last set at full review in 2022.
- 2.18 As background the comprehensive review in 2022 considered the average time spent on each regime activity and included receipt, review and validation of the application, research, travel, inspections (initial and mid-term) and report writing as well as issue of the licence documents. Compliance and enforcement costs for administering the regime were also attributed as well as recoverable costs incurred by the Council such as Democratic Services and Committees, corporate governance, IT provision, administration, supplies and services etc.
- 2.19 Some animal licensing inspections are undertaken alongside an expert veterinarian including for operators breeding dogs (at first inspection), hiring out horses and those keeping a dangerous wild animal. The services of a vet are also used occasionally on an ad-hoc basis, as required to support decision-making. Where the services of a vet are required, the third-party vet fees are separated from the application fee and reflect the cost of the vet visit solely for that particular operator. This is considered fairer to businesses than including the vet fee within the application fee, as inspections of smaller operators and those that are more compliant tend to require less input and time from a vet than a larger, and/or non-compliant business and will be cheaper. The Licensing Service sources the approved vet and pays the practice directly. The fee is then recovered from the operator/keeper.
- 2.20 Having reviewed the budgetary position, licence fees should now increase by 4%, which reflects the CPI measure of inflation for the preceding 12 months, to ensure that income from animal licence fees continue to meet the costs incurred in

administering the licence regime. This increase is consistent with other increases across the varying licensing regimes.

- 2.21 Current licence fees are shown at Appendix 1, together with the proposed fees reflecting a 4% increase. There is no statutory requirement for public consultation when setting fees under the Acts and the proposed increased fees and charges are included within this report solely for the purposes of consideration and approval by the Committee.
- 2.22 Licence fees should be subject to full review on a rolling 3-year cycle. Animal licence fees and charges were last subject to a full review in July 2022, when the current fees were set. It is therefore proposed that a full 3-year review is carried out towards the end of the 2024/25 period and a further report is provided to the Licensing Committee at that time.

### **3. Next steps and review**

- 3.1 If approved, it is intended that the fee changes will be communicated to existing licence holders and the changes will take effect from 1<sup>st</sup> May 2024.
- 3.2 The Government has recently published new regulations under the Animal Welfare (Primate Licences)(England) Regulations 2023 regarding the keeping of primates which will make it illegal for private keepers in England to own and keep primates without a licence from April 2026. Licensing Authorities will be expected to consider applications and issue licences under these regulations. Once the expected guidance on the new regulations has been published by the Government a report will be presented to the Licensing Committee for review setting out the implementation plans for the new regime, including any proposed licence fees for consideration and approval.
- 3.3 These activities will introduce some additional resource requirements for the Council. It is anticipated that some new burdens funding may accompany this additional work but the amount is not yet known.

### **4. Other options considered**

- 4.1 None. The setting of fees is a statutory requirement. Animal licensing fees are required to be cost neutral and a reasonable fee must be charged to cover the cost of the service.

### **5. Legal and financial implications**

- 5.1 Animal licensing legislation allows for the recovery of a reasonable fee for the grant of a licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in

subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle. There are no impacts on the Councils medium term financial plan.

## **6. Corporate implications**

6.1 Property – N/A

6.2 HR – N/A

6.3 Climate change – N/A

6.4 Sustainability – N/A

Equality – N/A Data – N/A

6.5 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum.

6.6 **Key documents:**

[LGA Guidance on locally set licensing fees](#)



Appendix 1 - Current and proposed animal licensing fees

activity	Current fee	Proposed fee (4% increase)
Arrange/provide for the boarding of dogs or cats	£ 581	£ 604
Arranger - additional host	£ 145	£ 151
Cattery	£ 581	£ 604
Dog breeding - less than 10 dogs	£ 596	£ 620
Dog breeding - 10 -19 dogs	£ 781	£ 812
Dog breeding - 20 or more dogs	£ 846	£ 880
Dog day care	£ 627	£ 652
Dangerous wild animal (DWA) - new application	£ 598	£ 622
Dangerous Wild animal (DWA) - renewal application	£ 451	£ 469
Exhibition of animals	£ 582	£ 605
Homeboarding - dog	£ 581	£ 604
Kennel	£ 596	£ 620
Pet Sales (one category of animal - mammals, reptiles, birds, fish)	£ 598	£ 622
Pet Sales (per additional category of animal - mammals, reptiles, birds, fish)	£ 87	£ 90
Hiring of horses - less than 10 horses	£ 574	£ 597
Hiring of horses - 10-19 horses	£ 732	£ 761
Hiring of horses - 20 or more horses	£ 866	£ 901
hiring of horses - 40 or more horses	£ 1,119	£ 1,164
Licence variation - paperwork only	£ 29	£ 30
Licence variation inspection and paperwork	£ 145	£ 151
Multiple activities (per additional licensable activity)	£ 251	£ 261
Zoo - new application	£ 969	£ 1,008
Zoo - renewal application	£ 991	£ 1,031
Administration activity e.g. replacement paper licence	£ 29	£ 30
Vet fees are charged in addition to application fees (where applicable)		
Where an expert opinion is required to aid officer decision making the Council can appoint a vet to assist with this process and recharge this to the applicant		

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## Report to Licensing (Regulatory) Committee

<b>Date:</b>	16 <sup>th</sup> April 2024
<b>Title:</b>	Taxi and Private Hire Licensing Fees and Charges
<b>Cabinet Member(s):</b>	Cllr Mark Winn, Cabinet Member for Homelessness & Regulatory Services
<b>Contact Officers:</b>	Lindsey Vallis, Service Director – Transport Services Simon Gallacher, Principal Licensing Officer
<b>Ward(s) affected:</b>	None specific

**Recommendations:** **That the proposed fees and charges set out at Appendix A are approved and take effect from 22<sup>nd</sup> April 2024, in order to maintain a cost neutral taxi and private hire licensing regime.**

**Reason for decision:** If taxi and private hire licensing is not a cost neutral service paid for from licence fee income the financial burden will fall to the wider council taxpayer. Fees and charges should increase by 4% in order to cover the costs of providing the service.

### 1. Background

- 1.1 Taxi and private hire licensing fees can only be set at levels to recover such costs as are prescribed in law. The Council cannot make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.
- 1.2 A [report](#) was provided to the Committee at the meeting of the 27<sup>th</sup> February 2024 which set out the projected budget position for the 2023/24 financial period and proposed a 4% uplift was applied to fees and charges to ensure that the service remained cost neutral to the Council. At the meeting the Committee approved the

proposed fees and charges (Appendix A) prior to statutory advertising and consultation.

- 1.3 Since that meeting the fees and charges have been advertised in a newspaper within the Council area, as required by the legislation. All licence holders were contacted by email twice during the statutory advertisement period to advise them of the proposal to increase fees and notify them of the statutory advertisement of the proposed fees and charges. Information on the proposed fees and charges and how to feed in was provided on a dedicated Council [webpage](#). Licence holders were provided with a link to this page and advised how they could comment on, or object to, the proposal prior to the 28<sup>th</sup> March 2024. Officers also engaged with the Taxi Working Group (representatives of the taxi and private hire trades) to make them aware of the proposal and how to feed in.
- 1.4 This report seeks the approval of the proposed fees and charges following the statutory advertisement and consultation process. If approved, the proposed fees and charges will take effect on the 22<sup>nd</sup> April 2024.

## **2. Main content of report**

### **Fees and charges – legislative framework**

- 2.1 Taxi and private hire fees should be kept under annual review and a full review should be undertaken regularly and at least every 3 years to ensure that fees and charges are set at an appropriate level. Taxi and private hire licensing fees can only be set at levels to recover such costs as are prescribed in law. The Council cannot make a profit from licence fees and any shortfall in revenue, if not met by licence fee payers, must be borne by the Council as a whole. In practice, this means that the costs of the Service should be covered entirely by taxi licensing fee income into the Council. Any surplus or deficit must be carried forward and form part of any subsequent review of fees.
- 2.2 The relevant legal provisions are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53(2) 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.
- 2.3 Regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000 requires that where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge, is not to be the responsibility of an executive of the authority. As a result, fee setting for taxi licensing is a non-executive function of the Council and decisions are taken by the Licensing Committee.

- 2.4 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver's licence fees. In respect of vehicle and operator licences, section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.5 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences. However, the judgement in the Court of Appeal case of R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019) determined that "administration" can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.
- 2.6 Licence fees cannot be used for enforcement activities against unlicensed drivers, vehicles and operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds, and costs awarded following Court proceedings. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.
- 2.7 The general methodology behind the review of fees has been determined by the Act and the document 'Local Government Association (LGA) Guidance on Locally Set Licencing Fees'. This guidance has been used as a starting point only because it does not take into account the specific statutory restrictions applicable to taxi and private hire fees and therefore not all the costs listed as recoverable in the guidance have been included in the fees.
- 2.8 The LGA guidance acknowledges that the EU Services Directive, applicable to most forms of licensing, does not apply in the case of taxi and private hire licensing but the principles, remain helpful. The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.
- 2.9 The LGA guidance draws attention to two important judicial decisions in relation to fees. The first is R (Cummins) v Cardiff [2014] in which the Council conceded that the charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.
- 2.10 The second is R (Hemming) v Westminster City Council [2017]. Strictly speaking this does not apply to taxi and private hire licensing as this case proceeded under the auspices of the EU Services Directive from which transport services are specifically excluded. The principle ruling was that application fees relate solely to the costs of

authorisation i.e. reviewing the application and granting or refusing it. Successful applicants should subsequently be charged an additional fee relating to the costs of on-going maintenance and enforcement. Whilst this is not necessarily applicable to taxi and private hire licensing it would be prudent to bear in mind the principle and might inform the Council's refund policy in respect to surrendered licences..

- 2.11 The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. It provides a number of elements that Councils may wish to consider. These include administration, visits, third party costs, liaison with interested parties, management costs, local democracy costs, staffing on-costs, development, determination and production of licensing policies, web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.

#### **Annual fee review 2023/24**

- 2.12 An annual review of the costs of delivering taxi and private hire licensing services was carried out and [reported](#) to the Committee at the meeting of the 27<sup>th</sup> February 2024. The fees and charges proposed reflect both the full staffing costs of running the service, as well as the support service costs, with likely pay award and inflationary uplifts. The review factored in recoverable costs incurred by the Council such as IT provision, administration, supplies and services etc. It did not include Freedom of Information requests, Data Protection Act requests or activity related to unlicensed drivers, operators or vehicles.
- 2.13 Where the fee pays for a service provided to the Council by a supplier, such as DVLA checks or a physical item such as a plate or bracket for a vehicle, this was factored into the fee. Fees that are paid by the applicant directly to an external supplier for services required as part of the application or licensing process, such as safeguarding training medical examinations and testing for driving standards and English language, were not included.
- 2.14 In arriving at the proposed fee levels, Officers considered any changes to processes and changes of operational approach since the full budget review in 2022/23. They also considered anticipated application volumes (new and renewal) for the 2023/24 period and for the 2024/25 period for each licence type. Future staffing costs and direct and indirect costs (as per the LGA guidance) were also considered in order to arrive at the proposed fees and charges. The methodology and approach used had had input and oversight from Finance Business Partner colleagues.
- 2.15 To maintain an assured cost neutral position for 2024/25 it was proposed that a 4% increase is applied to all taxi and private hire fees and charges, which reflects the CPI measure of inflation for the preceding 12 months.

### 3. Consultation

- 3.1 Since that meeting the fees and charges have been advertised in a newspaper within the Council area, as required by the legislation. All licence holders were contacted by email twice during the statutory advertisement period to advise them of the proposal to increase fees and notify them of the statutory advertisement of the proposed fees and charges. Information on the proposed fees and charges and how to feed in was provided on a dedicated Council [webpage](#). Licence holders were provided with a link to this page and advised how they could comment on, or object to, the proposal by the 28<sup>th</sup> March 2024. Officers also engaged with the Taxi Working Group (representatives of the taxi and private hire trades) to make them aware of the proposal and how to feed in.
- 3.2 The consultation ended on the 28<sup>th</sup> March 2024 and responses were collated and reviewed. During the consultation period 25 responses were received. These responses have been provided at Appendix B. All of the responses received were from those connected to the licensed trade.
- 3.3 Of the 25 responses received, 21 made clear objections to the proposal. One respondent was supportive of the increase and three were neutral but submitted comments. There were a variety of themes raised by respondents summarised below:
- 3.4 **Financial concerns:** Respondents (approximately 32%) expressed concern over the proposed fee increase, citing the current economic challenges, such as high inflation rates, increased cost of living, and soaring vehicle-related expenses. One respondent argued that the increase is not justified, especially when the rate of inflation is forecasted to be lower than the proposed fee increase.
- 3.5 **Hackney carriage fares:** Respondents (approximately 32%) made reference to hackney carriage fares and commented that these have not increased and these also need to increase to off-set the proposed increase in licence fees.
- 3.6 **Comparison with other Services:** A few respondents referenced operators licensed in other areas working within Buckinghamshire Council's area, which respondents claim operate without contributing to local taxes or adhering to the same regulations as the locally licensed trade. This perceived imbalance is a point of contention, as respondents feel it puts them at a disadvantage.
- 3.7 **Council's financial management:** A few respondents questioned the Council's financial management and the rationale behind the need to increase fees to break even. They suggest that the fees are already high and that the service provided in return is not commensurate with the costs. One respondent suggested that the Council should focus on other issues such as road conditions and traffic management rather than increasing licence fees.

- 3.8 **Quality of services:** The quality of services provided by the Council was raised by a couple of respondents, such as vehicle door stickers and the Council's approach to compliance. These respondents expressed views that they expect better quality in return for the fees they pay.
- 3.9 **Impact on business:** A couple of respondents commented that income has been reduced due to reduced demand for services. A respondent raised the potential impact on taxi drivers' livelihoods, with concerns about the ability to attract new staff and operate profitably under the increased financial burden.
- 3.10 **Impact of covid-19:** A few respondents cited lingering impacts of covid-19 and mentioned that the trade has still not sufficiently recovered post pandemic.

#### **Officers' observations**

- 3.11 Whilst it is recognised that the trade has faced increasing costs, likewise the Council has also faced increasing costs and as stated in the report, it is important that licensing service remain cost neutral and that costs associated with running the service are not met from resources other than the beneficiaries of the service. The proposed increase of 4% is considered necessary and proportionate to ensure that the revenue from licence fees continues to meet the costs of delivering the licensing regime without incurring a surplus.
- 3.12 The majority of the locally licensed trade work within the private hire industry whereby private hire operators are free to set their own fares at a level they consider appropriate, including passing on additional costs incurred to passengers. The maximum fares that may be charged by the hackney carriage trade is regulated by the Council. Respondents representing the hackney carriage trade have referenced that whilst it is proposed to increase fees and charges, hackney carriage tariffs (the maximum rate that can be charged to the customer) had not yet increased despite engagement with officers on a tariff increase proposal over several months ago.
- 3.13 The setting of hackney carriage tariffs is an executive function and the decision on increasing hackney carriage tariffs is currently on the forward plan for Key Decision by the Leader of the Council. Following feedback from the Licensing Committee on increasing hackney carriage tariffs at the meeting of the 7th November 2023, further engagement was carried out with hackney carriage representatives on the points raised by the Committee and the potential to apply a booking fee to some journeys. This work has now concluded, and it is anticipated that a decision on increasing hackney carriage maximum tariffs will be taken by the Leader shortly.
- 3.14 The Council's licensing service has no control over vehicles and drivers licensed by other authorities working within the Council boundaries, which they are lawfully entitled to do providing they are operated by an operator licensed with the corresponding authority. To control such activity would necessitate a change in the



legislation. It is also worthy of note that conversely there are also Buckinghamshire Council licensed vehicles and drivers who benefit from this arrangement and effectively operate within other council areas.

- 3.15 In terms of financial management, as stated elsewhere in the report, income and expenditure from licence fees is effectively ring fenced. This means that income from applications fees is solely used to finance the running of the associated service. Income and expenditure are closely monitored within the service and regular budget meetings take place to ensure robust financial controls are in place. Any surplus cannot be used to finance other areas of Council responsibility, such as road repairs, and must remain with the service's budget.
- 3.16 With respect to the quality of service, the licensing service continually reviews the quality of its service provision and regularly meets with trade representatives to discuss service improvements. Suppliers of materials are subject to a robust procurement procedure which includes quality assurance measures. Specifically in terms of livery, the service has very recently approved a new supplier and the trade will begin to see new style vehicle door signs, licence plates, window cards and driver badges. Officers within the service undergo ongoing training and performance management to ensure work is carried out to a high and consistent standard.
- 3.17 Whilst it is recognised that an increase in fees may have a potential adverse impact on business, in the same way any increase in running costs would, as stated the service must aim to remain cost neutral and operate without cost to the wider taxpayer. Whilst economic factors are an important consideration, the Council has a legal responsibility to be satisfied that all members of the trade that it licences are fit and proper and this is the paramount consideration when considering service delivery.
- 3.18 It is recognised that the Covid-19 pandemic impacted heavily on the taxi and private hire trade. However, the service has noted that the demand for driver and vehicle licences is increasing both locally and nationally, which is hopefully indicative of the ongoing economic recovery.

#### **4. Conclusion**

- 4.1 Overall, the feedback received during the statutory advertisement period was as expected and not surprising given the nature of the proposal and the recent and current economic situation and inflationary climate. However, the authority is required by law to provide the taxi and private hire licensing service and unless the costs are subsidised by council taxpayers, it should be cost neutral and operate at no cost to the council taxpayers.

- 4.2 Benchmarking provided to the Committee at the meeting of the 27<sup>th</sup> February 2024 indicated that the proposed fees compared reasonably with the average fees charged by neighbouring authorities and remained cheaper than some.
- 4.3 Whilst the Service is always mindful of the impacts of an increase in fee to licence holders, the legislative framework on cost recovery means that fees should increase if the service is to remain cost neutral to the Council. The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. However, Councils are required to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus or deficit. The increase of 4% to fees and charges is both reasonable and proportionate when considered against the wider economic context since fees were last subject to review 12 months ago.
- 4.4 A short form equalities impact assessment (Appendix C) was undertaken and accompanies the fees and charges review. Increases in fees and charges have the potential to impact groups with protected characteristics in terms of both race and ethnicity, and poverty (social and economic deprivation). This is because a high proportion of licensed drivers and operators are from ethnic minorities and any increase in fees may have a disproportionate effect on this group, including their ability to continue working in the field. Those experiencing poverty (social and economic deprivation) may be impacted similarly. Under the public sector equality duty, the Committee should have due regard to this when making a decision on the proposed increases to fees and charges.
- 4.5 The equalities impact assessment recognises that any increase in fees is to accommodate the increased costs of licensing drivers, vehicles and operators and that the purpose of licensing is to ensure a regulatory regime to protect the public who use taxi and private vehicle hire services. Therefore, any possible financial impacts need to be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements also indicate that Licensing Committees should not take financial considerations into account when reaching individual taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and indicates that whilst the Council may be mindful of financial impacts on the taxi trade, this should not take precedence over public safety in decision making.
- 4.6 Where objections are received to the proposed advertised fees, under Section 70 of the Local Government Miscellaneous Provisions Act 1976 the Committee can either approve the fees as proposed or modify the fees after consideration of the objections. Whether approved as proposed, or modified, the fees must come into effect no later than two months after the date of advertisement (1<sup>st</sup> May 2024).

## **5. Next steps and review**

- 5.1 If approved as proposed (without modification) the fees will take effect across the whole Council area from 22<sup>nd</sup> April 2024. Fees must be brought into effect on or before 1<sup>st</sup> May 2024.
- 5.2 Fees will continue to be reviewed annually, and further reports will be provided to this committee following review.

## **6. Other options considered**

None. Taxi fees should be cost neutral, and a reasonable fee must be charged to cover the cost of the service. Legally the Council cannot make a profit from taxi licensing.

## **7. Legal and financial implications**

- 7.1 Sections 53 and 70 of the Act allow for the recovery of a reasonable fee for the grant of a driver, operator and vehicle licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle.
- 7.2 This report covers the financial implications of the proposed fees and charges for taxi and private hire licencing. The proposed fees and charges are in line with keeping this as a cost neutral service which should be paid for from licence fee income and operate at no cost to the wider council taxpayers. Fees and charges have been proposed to increase to cover the costs of providing the service.
- 7.3 There are no net impacts on the Council's medium term financial plan.

## **8. Corporate implications**

Protecting the vulnerable – The licensed trade provides an important service transporting members of the public, some of whom are vulnerable. Taxi fees should be set at a level which ensures that all necessary checks and testing can be carried out to ensure that new applicants are “fit and proper” to hold a licence, and for compliance checks and appropriate enforcement measures to be undertaken with existing licence holders where required.

Property – N/A

HR – N/A

Climate change – the legislative framework is such that it is difficult for Councils to incentivise the use of environmentally friendly vehicles through reduced fee levels as the costs associated with processing and administering a vehicle licence are the

same. In effect a reduced fee would mean that other vehicle licence holders were subsidising the use of these vehicles. The Policy instead incentivises the use of less polluting vehicles through the provision of extended vehicle age limits.

Sustainability – N/A

Equality – A full equalities impact assessment was carried out for the Taxi and Private Hire Licensing Policy in 2021. A short form equalities impacts assessment has been carried out and accompanies this fees and charges review. Under the public sector equality duty when making a decision the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Data – N/A

Value for money – while the paramount consideration is passenger safety, the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum and that savings are made where possible.

## **9. Key documents:**

[LGA Guidance on Locally Set Licensing Fees](#)

# Hackney carriage and private hire licence fees

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*(Chargeable from 22<sup>nd</sup> April 2024 – subject to approval)*

## Driver licence fees – hackney carriage, private hire and dual

Driver licences are usually granted for 3 years but may be granted for a shorter duration in certain circumstances. Application costs include safeguarding and disability awareness training.

Following the Enhanced DBS check Applicants are required to sign up to the DBS updater service and pay the DBS directly for this service. Applicants are required to pay suppliers directly for required tests and documents including cabology, enhanced Disclosure and Barring Service (DBS) check, knowledge tests, English language tests and medicals.

- New private hire driver licence - £368.00
- New hackney carriage driver licence - £368.00
- New dual private hire/hackney carriage driver licence - £368.00
- Renewal driver licence (all types) - £368.00
- Extension of licence (visa) - £80.00
- Replacement identity badge - £33.00
- Replacement paperwork - £18.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

## Vehicle licence fees – private hire

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.

- New private hire vehicle licence - £286.00
- Renewal private hire vehicle licence - £249.00
- Vehicle transfer (from one owner to another owner) - £100.00
- Insurance vehicle/change of vehicle - £80.00
- Replacement plate, (holder, bracket, secure fixings) - £43.00 \*

- Replacement door stickers - £22.00 \*
- Replacement internal licence - £19.00\*
- Replacement paperwork - £22.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

\* Individual livery items can be ordered, and prices shown within ordering form

## Vehicle licence fees – hackney carriage

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections

- New hackney carriage vehicle licence - £293.00
- Renewal hackney carriage vehicle licence - £253.00
- Vehicle transfer (from one owner to another owner) - £100.00
- Insurance vehicle/change of vehicle - £80.00
- Replacement plate, (holder, bracket, secure fixings) - £43.00\*
- Replacement internal licence - £19.00\*
- Replacement paperwork - £22.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

\* Individual livery items can be ordered, and prices shown within ordering form

## Vehicle licence fees – executive

Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.

- New executive vehicle licence - £275.00
- Renewal executive vehicle licence - £237.00
- Vehicle transfer (from one owner to another owner) - £100.00
- Insurance vehicle/change of vehicle - £80.00
- Replacement internal licence - £19.00\*
- Replacement paperwork - £22.00
- Variation of licence – fee dependant on variation type, relevant individual item fees shown within variation form

\* Individual livery items can be ordered, and prices shown within ordering form

## Operator licence fees

If you run a private hire firm, you need an operator licence. Operator licences are usually granted for 5 years. In exceptional circumstances the Council may grant a 1 year operator licence at its discretion, but this will not normally be the case.

### 5 year licence

- Owner operator licence (1 vehicle) - £593.00
- Operator licence (under 10 vehicles) - £1163.00
- Operator licence (under 50 vehicles) - £1928.00
- Operator licence (more than 50 vehicles) - £3031.00

### 1 year licence

- Owner operator licence (1 vehicle) - £474.00
- Operator licence (under 10 vehicles) - £630.00
- Operator licence (under 50 vehicles) - £709.00
- Operator licence (more than 50 vehicles) - £788.00

Operators who increase the number of vehicles during the course of a licence and exceed their existing fee bracket level will be required to pay the difference between the two fee brackets for the remainder of the existing licence period.

- Variation of licence - £114.00
- Replacement licence - £37.00
- Replacement paperwork - £22.00

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Appendix B	
	Comment
1	I do not agree with the purposed taxi licence cost increased. The amount of work is down and the cost of living is far higher than it used to be, so a increase is not justified.
2	I strongly object to this perposed increase.
	<p>I am writing this email to object to the proposed increase to licensing fees of 4%.</p> <p>This is a considerable increase on the existing fees. When the councils merged we understood this to mean a reduction in costs due to the savings from that change.</p> <p>Alongside this maybe the council should be looking at UBER which is is operating in our county without any charges or contribution to bucks county. Why should the local drivers have to pay more to operate and Uber can operate with any contributions and take local business, the council has a responsibility to protect the livelihoods of drivers who are paying the council. If the council is struggling financially they should be looking at introducing fees for Uber to operate in the county.</p>
3	<p>A few points to consider w.r.t. the proposed increase in taxi/PH licensing fees.</p> <p>Firstly 4% is not rationale or reasonable. The annual rate of inflation for 2024 is forecasted to be 2.2% and expected to be below 2% for the next 4-5 years. Please see link below for further detail.</p> <p><a href="https://www.statista.com/statistics/306720/cpi-rate-forecast-uk/">https://www.statista.com/statistics/306720/cpi-rate-forecast-uk/</a></p> <p>Secondly, in my opinion the fees are already extortionate. £360 for a P/H driver licence and £275 for a P/H vehicle licence! How can you justify this, there is minimal work involved in processing driver/vehicle licences. There is no way that these fees would hold if you were operating in a competitive, efficient, environment or the private sector. For comparison the renewal fee for a DVLA driver licence online is only £14 and there is no charge for address/name changes.</p>

	<p>Thirdly, the fact that you are suggesting you need to raise the fees in order to breakeven in terms of the licensing department budget just screams of inefficiencies, inadequate working practices and poor management to name a few.</p> <p>Fourthly, the service we receive for the fees we pay is inadequate to say the least. For example the vehicle door stickers are of such poor quality and the compliance and regulations could do with vast improvements.</p> <p>Fifthly, in my view considering the squeeze on incomes that all businesses and individual's have experienced during the last few years (especially taking COVID in to account) I would expect you to decrease the fee's or at least leave them unchanged.</p> <p>Finally, please consider the following charges/fees which are already increasing and reducing our margins/competitiveness and making it increasingly difficult to attract new staff and operate at a profitable level. Fuel prices/duty, vehicle purchase/maintenance/insurance costs, other various insurance costs, road tax increases (Toyota Prius's used to be exempt), congestion charges, ULEZ charges, parking charges and fines, competition from new and innovative entrants into the market such as Uber/Bolt etc. New rules and regulation on applications and compliance. Ie. no longer being able to register CAT S vehicles. I could go on.</p> <p>In the way of a caveat, I would however like to add that the majority of the licensing staff are all first class. Considering, the amount of nonsense they have to deal with on a daily basis, I have always found them to be utterly professional. The issue lies further above the pyramid and are of a regulatory and systemic nature.</p>
4	<p>Thank you for the email and detailing of fees.</p> <p>I am very concerned that fees are being increased for the licensing fee.</p> <p>Please kindly note the following points to why I feel the fees should not be increased:</p> <ul style="list-style-type: none"> <li>- inflation is very high for us as taxi drivers</li> <li>- repair cost for vehicles have soared</li> <li>- cost of living is significantly higher (bills are very expensive)</li> </ul>

	<ul style="list-style-type: none"> <li>- taxi fares have remained stagnant when there should be price increases at this end</li> <li>- UBER and Bolt have come into Buckinghamshire area and are expanding which in turn effects our business</li> <li>- new car law whereby cars cannot be more than 5 years old also needs be abolished</li> </ul> <p>Considering the above points I hope you can take a decision to not increase the fees.</p>
5	<p>Sir,I strongly disagree with your proposed increase in taxi licence fees.</p> <p>Why?</p> <p>We are legitimate.</p> <p>Oobr ( yes, I know how to spell their name properly. But I hate their crooked nature.) They are illegitimate.</p> <p>Their mission, not to pay local taxes or get qualified drivers ...</p> <p>They employ monkeys who can press a few keys on the screen and off you go.</p> <p>Do they pay you licensing fees?</p> <p>Do they comply with your rules and regulations that we have to?</p> <p>We, as taxi drivers?</p> <p>No comment</p> <p>I strongly disagree with your proposed increase.</p> <p>If anything, you should be supporting the taxi trade under these difficult times, when the monkeys have nicked so much of our trade.</p> <p>Or do you Not see that ???</p> <p>Best of luck in your muddy waters policy and politics.</p>
6	<p>I'm writing in regards to the above taxi and private hire fees increases by 4% which I have received an email as-well.</p>

I just want to clarify why has this fees keep increasing on regular basis and yet the service which is paid for is falling down by the council? It is very concerning, Surely the paid for service should improve above and beyond Expected. How many people have suffered and victimised from your service Due to not keeping a correct record and causing them unnecessary stress by revoking or suspending their licenses which later on gets proven that the council have incorrect record or missing records and yet no apology gets received from your wrongdoing.

Your increasing fees leaving the drivers of Aylesbury out of pocket with the amount of other unnecessary costs that's also involved such as DBS check plus update service, medical, English tests and the list can go on.. does any of you realise how much that could effect people who's working stupid amount of hours day and night to just to survive?

You're putting driver's health and life at risk. Untill today I don't see you have provided any help or support to the drivers but infact you have decided to remove food from the table from half of the drivers in Aylesbury by coming up with the most stupid English test which doesn't even make sense, the drivers with many years of experience have to take English test, not taking into consideration that experience drivers know what they're doing as they been doing it for years, not taking into consideration that English is their 2nd or 4th language but you're just to busy taking advantage of people by grabbing money from them which they worked hard for it.

You're forcing people to give up driving taxis and claim benefits as majority of the people only ever driven a taxi and some are to old drivers who aren't capable of doing any other jobs.

There's no breakdown of the current fees or the increase fees.

I suggest as a council you should first focus on improving the roads and the traffic and the hundred thousand's potholes but your main focus is increasing your own wages and sitting in the office doing nothing and getting paid.

	Looking forward to hear from you
7	Hi to increase the license fee for a second time in 2 years is not good for our business we are not recover yet from past covid I think the carent fee is bit high for us
8	I object.
9	<p>I would like to object to the increasing licencing fees because of the following reasons</p> <p>Increase in cost of living</p> <p>Vehicle prices have more than doubled in the last phew years, with the age limit does not help. The newer the vehicle the more it costs. We have just bought a 8 seater minibus for £18000 which we can only run till 2027. As you are aware we solely do school runs and our vehicles only do maximum 10000 miles per year. The competitive school run market we won't be able to cover the cost of the vehicle especially when we have to pay crews increased wages, increased maintenance costs,insurance,fuel etc.</p> <p>Taxi Licensing should be supporting us especially businesses that are solely doing school runs. We , school run businesses, should have the age limit increased so we can continue to provide sevicees for Buckinghamshire County Council client transport, that is already under alot of financial pressure.</p> <p>Looking forward to hearing from you</p> <p>Kind regards</p>
10	I feel that last couple of years we have had an increase in license fees and this is happening year after year especially in this current economic situation.
11	<p>I am writing this Email to object against the 4% raise in private hire licence.</p> <p>There are many reason why majority of us disagree with raise.</p> <p>I understand the council have to keep up with inflation at current economy crisis.</p>

However as you may know we too suffering from the same crisis and inflation crisis. The rates on everything has gone up massively, yet as a self employed driver we getting the old rates on fares. I believe it also isn't the customers to charge a high amount so we could also keep in line with inflation. Every single driver is having massive problems and stress due to being troublesome with the current rates.

Furthermore on the council website it mentioned "This is because taxi and private hire licensing must be fully funded by the income from these fees and set at a level so that we don't make a profit or a loss." May I ask what are the huge expenses that goes into hire licensing. As a driver we do not receive any benefit or any facility from the council in order to make our working life a tiny bit easier.

We have a noticed there are now a huge and very large amount of drivers on the road which has made our daily earnings extremely difficult especially after paying all the expenses. With the amount of drivers (no caps) being given licence, it seems to us that the council must be earning extreme amount from those fees but there is always an opportunity squeeze more from an honest, hardworking and struggling to get by people.

We are already facing the distractions of the current crisis. The cost of maintenance plus parts comes with the gold and silver pricing. The price of petrol has gone up, the insurance companies has increased the prices and more.

On top the taxi company has employed tremendous amount of drivers to earn more profits so the council but our rates as a driver is the same. Due to extreme amount of drivers we are on the roads longer to earn a little amounts.

Deivers are struggling to pay the finance for the car. To put the cherry on top, the living expenses also has gone up.

I am requesting you to have some compassion and understanding at heart to see this issue. 4% isn't but right now every penny counts for us. We have always been told by our government that we are in this together since Brexit but it has never seems like that.

Thank you for the opportunity to raise our voices regarding this issue.

12	<p>I received email regarding fees increasing for drivers license etc</p> <p>My dear we are already struggling in this difficult time inflation cost of living gone so high, same time ours customers are struggling too If you want to increase your fees same time put our meter prices up too</p> <p>All our surrounding areas meter is much higher than us Hemel Hempstead, Watford, Slough, Windsor &amp; Maidenhead, and Henley, Reading Borough etc We are Buckinghamshire High council tax payers than others I mentioned above, Please do consider If you want to increase yours fees &amp; do ours too Thanks</p>
13	<p>I disagree regarding fees increasing in 2024 because already we are struggling to run our life routine. Please keep fees remained the same. Thanks</p>
14	<p>Hi I think the current fee is high and our business is still suffering we are not recovering from it</p>
15	<p>I am writing to express my strong objection to the proposed increase in license fees for taxis. At a time when the cost of living is at crisis levels, such a hike in fees would place an unjust burden on taxi drivers who are already amongst the lowest earners in our society.</p> <p>First and foremost, the current economic climate has inflicted immense hardships on individuals and families, with the cost of living skyrocketing. Many are struggling to make ends meet, and taxi drivers are no exception. They work tirelessly to provide an essential service to our communities, often for meager wages, and an increase in license fees would only exacerbate their financial strain.</p> <p>Moreover, fuel prices have reached record highs, placing additional pressure on taxi drivers who rely on their vehicles for their livelihoods. The recent surge in fuel costs has significantly cut into their earnings, leaving them with little room to absorb any further expenses.</p>

	<p>Additionally, insurance premiums for taxi drivers have been on the rise, further squeezing their already tight budgets. These increased costs coupled with stagnant or declining incomes make it increasingly challenging for taxi drivers to sustain themselves and their families.</p> <p>Furthermore, it is deeply concerning that in a time when more and more people are struggling to put food on the table, authorities are even considering burdening taxi drivers with additional financial obligations. It is outrageous and, quite frankly, inhumane to contemplate imposing further hardships on individuals who are already grappling with economic uncertainty.</p> <p>In light of these factors, I urge you to reconsider the proposal to increase license fees for taxis. Doing so would not only be unjust but would also perpetuate the cycle of financial hardship for those who can least afford it. Instead, I implore you to explore alternative solutions that prioritize the well-being of taxi drivers and ensure that they are able to continue providing their vital services without undue financial strain.</p> <p>Thank you for considering my objections to this unjust proposal.</p>
16	<p>This is really unfair increase in taxi licence fee.</p> <p>I do not agree with this changes, please This shouldn't be this high fee. Prices are going up for everything _ instead of helping us you should charge less fee instead of charging 4% increased.</p>
17	<p>I am commenting on the email you sent today for my opinion on you coming increase on the private hire increas.</p> <p>I am totally opposed to the increase that's my opinion, the might be inflation we the Drivers are also suffering in it as well, where can drivers get the fund to foot this increase.</p> <p>Taxi business is getting bad by the day and now theres plan on the way to increase this , it totally unfair to the Drivers, drivers are not the cause of the inflations they should be left out of this at end of the day drivers are ones being targeted with the increase.</p>
18	<p>This is another nonsense.</p> <p>Last year you already increased with almost 100%, now another 4%.</p> <p>When you guys will start working in favour of Buckinghamshire residents?</p> <p>When you will stop killing businesses?</p>



	<p>You're the most pathetic office in the council.          Civil servants? This is last I can call you.          You're servants to yourself ONLY.          Competence - not existing in your offices.</p>
19	<p>Sir/Madam          As you increase 4% fee for taxi licensing          Things.but my question is who responsible too increase taxi fare. Taxi fare is never increase from so many years.by that time fuel prices increase          Mobile pda Internet prices are increase          Car parts prices are increase          Car for taxi we using prices talking to sky.          So it's no fare for taxi drivers.you need to think about taxi fares also</p>
20	<p>I am writing to object to the increament of the fees.</p> <p>My reasons are that patronage of taxis have gone down due to the high cost of living.</p> <p>This have had adverse effect on the income of taxi drivers coupled with high prices of parts etc hence increasing the fees would rather put more pressure on us since taxi fares have not been increased in recent times.</p>
21	<p>I object to 4%. Our fares have not gone up but everything else has now the Taxi fees as well.</p>
22	<p>I think to be honest reasonable and fair decision by Council to increases as strike to balance cost of living and inflation rates going up .</p>
23	<p>Licensee fee increases can feel like a burden, especially if they come unexpectedly or if the increase is significant. They can impact businesses' bottom lines, potentially leading to higher costs for consumers or reduced profitability for the licensee. It's essential for businesses to carefully manage their expenses and evaluate the impact of fee increases on their operations and customers. Additionally, transparency and communication from the licensing authority about the reasons for the increase can help alleviate concerns and foster understanding within the licensee community.</p>

After a 4% increase in license fees, if we don't benefit from improved services or infrastructure provided by the licensing authority. These could include enhanced customer support, WC facilities, Taxi ranks - Temp ranks, Taxi Marshalls or expanded resources that benefit both licensees and the community. Additionally, if the increased revenue is reinvested wisely, it could lead to a more robust and sustainable licensing system in the long run, which may create a better environment for our businesses to operate. It's essential to assess how the fee increase translates into tangible benefits for me and my business and fellow license holders.

Transparency and accountability are crucial in ensuring that license fee increases are justified and that licensees see a corresponding increase in the value they receive. I/we feel that the increase isn't justified or we're not seeing the expected benefits, it's essential that we communicate our concerns with you the licensing authority and advocate for transparency and accountability in how fees are utilised.

A 4% increase in license fees during a period of rising living costs can indeed pose challenges for businesses and independent license holders as it adds to their operational expenses. It's important for licensing authorities to consider the economic context and potential impact on businesses and drivers when implementing fee increases. Businesses may need to adjust their budgets and pricing strategies accordingly to absorb these additional costs or pass them on to consumers, which can further exacerbate the strain on households already facing rising living expenses. Communication and collaboration between licensing authorities and businesses are essential to navigate these challenges effectively and ensure a fair and sustainable approach for all stakeholders.

Increasing meter taxi fares by 5% to 10% to offset the rise in license fees could be a consideration for taxi drivers and operators facing increased operational costs. However, it's essential to balance this with considerations for consumers who rely on taxi services. Any fare adjustment should be made transparently and in consultation with relevant stakeholders, taking into account factors such as affordability, competition, and the overall economic environment. Additionally, some regulatory frameworks may govern fare adjustments, so it's important to adhere to any applicable regulations while considering fare changes.

	<p>Absolutely, considering fare pricing competition between operators and taxi drivers is crucial when implementing a license fee increase. It's essential to ensure that any adjustments in fees or fares maintain a fair and competitive environment within the industry. This means taking into account factors such as market dynamics, consumer preferences, and the overall economic landscape. Open dialogue and collaboration between licensing authorities, operators, and drivers can help ensure that any changes are implemented in a way that promotes fair competition and benefits all stakeholders.</p> <p>Increasing taxi license fees by 4% could potentially provide additional revenue to the licensing department, which, if managed efficiently, could be allocated to improving the speed and efficiency of the licensing process. This could include investing in better technology, hiring more staff, or implementing streamlined procedures to reduce waiting times and processing delays. However, it's essential for the licensing department to prioritise these improvements and ensure that the increased revenue directly translates into tangible benefits for licensees, such as faster processing times and better service overall.</p> <p>Inflation can indeed impact taxi fares, as it affects the overall cost of goods and services, including fuel, maintenance, and operational expenses for taxi operators. As costs rise due to inflation, taxi operators/Drivers may need to adjust their fares to maintain profitability and cover their increased expenses. However, fare adjustments should be made thoughtfully and transparently, taking into account not only inflation but also factors such as competition, consumer demand, and regulatory considerations. Effective communication with passengers about fare changes is also important to maintain trust and transparency in the taxi service industry.</p>
24	I am struggling as it is and an increase would force me to license through other councils. What about increasing fares in line with 4 per cent inflation?
25	If there is 4% increase inflation then the prices for fair on taxi will increase with 4%

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# Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

The Public Sector Equality Duty (PSED) was introduced as part of the Equality Act 2010, which protects people from discrimination in the workplace, in the provision of services and in wider society.

The duty requires all public bodies to have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people

Public bodies demonstrate this due regard in different ways, including producing robust equality impact assessments when considering changes to policies and services.

An EqIA enables us to check the potential impacts on residents and employees of our policies, services and projects. It's an opportunity to challenge how we currently do things.

Carrying out an EqIA should not create extra work; it should be part of your normal service planning process. Most of the information required should already be available to you through other work already undertaken e.g. service user monitoring, analysis of complaints and national research.

The purpose of an EqIA is to *take account* of equality as plans develop, to promote and assist the consideration of equalities issues arising in plans and proposals and to ensure that where possible adverse or disproportionate impacts are minimised and positive impacts are maximised. As such where possible an EqIA should be started at the outset of a project/proposal and continually be developed and reviewed until a final proposal is adopted. An EqIA should be used to ensure decision makers have all the information they need regarding potential impacts to ensure they have due regard to the Public Sector Equality Duty when making judgements.

Carrying out EqIAs should be an integral part of policy or service development/change and larger projects may need more than one EqIA if different areas are impacted by the change.

Any project that requires consultation will automatically require an EqIA.

All approved and signed EqIAs are recorded in a central register. Please email your completed draft EqIA to [equalities@buckinghamshire.gov.uk](mailto:equalities@buckinghamshire.gov.uk). Previous EqIAs can be made available for information upon request. For any questions or if you require support in completing your EqIA please contact Maria Damigos and Natalie Donhou Morley directly.



# Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

## Part A (Initial assessment) - Section 1 - Background

Proposal/Brief Title: Taxi and Private hire fees and charges

OneDrive link to report/policy:

<https://buckinghamshire.moderngov.co.uk/documents/s72642/Taxi%20and%20PH%20budget%20and%20fees%20report%20Feb%202024.pdf>

Related policies: **Taxi and Private Hire Licensing Policy and related EQIA**

Date: 14<sup>th</sup> February 2024

Type of strategy, policy, project or service:

Please tick one of the following:

- Existing
- New or proposed
- Changing, update or revision
- Other (please explain)

This assessment was created by:

Name: Lindsey Vallis

Job Title: Service Director – Transport & Regulatory Services

Email address: Lindsey.vallis@buckinghamshire.gov.uk

Briefly describe the aims and objectives of the proposal below:

An annual review of fees and charges has been carried out and existing fees for driver licence fees, vehicle licence fees and operator licence fees may increase (subject to statutory advertisement/consultation and Licensing Committee decision) as a result. However, this must be balanced alongside the overriding Taxi and Private Hire Licensing Policy objective of protecting public safety. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.

What outcomes do we want to achieve?

Fees and charges set that ensure the service operates at a cost neutral position at no cost to the taxpayer, as is the best practice approach and set down in statutory guidance

Does this proposal plan to withdraw a service, activity or presence? No

Does this proposal plan to reduce a service, activity or presence? No



# Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Does this proposal plan to introduce, review or change a policy, strategy or procedure? No

Does this proposal affect service users and/or customers, or the wider community? Yes

Please explain your answer:

The proposal to increase fees impacts existing and new licence holders.

Does this proposal affect employees? No

Will employees require training to deliver this proposal? No

Has any engagement /consultation been carried out, or is planned in the future? Yes

Please explain your answer:

Taxi and private hire fees are subject to statutory advertisement and consultation. If the proposed fees are approved by the Licensing Committee for consultation they will then be advertised in accordance with legal requirements. Feedback received as a result of this will be provided to the Licensing Committee when reaching a final decision on the level that fees and charges should be set at.

## Section 2 - Impacts

Please highlight potential impacts (including unintended impacts or consequences) for each protected characteristic\*/equality groups below. Where there are negative or positive impacts please give more details of the impact. Where the impacts are unclear please explain why.

Age*				
Positive	Negative	Unclear	None	
Details:				
Disability*				
Positive	Negative	Unclear	None	
Details:				
Pregnancy & maternity*				
Positive	Negative	Unclear	None	
Details:				
Race & Ethnicity*				
Positive	Negative	Unclear	None	



# Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Details: As a high proportion of drivers and operators are from ethnic minorities any increase in fees may have a disproportionate effect on this group including their ability to continue working in this field.

## Marriage & Civil Partnership\*

Positive	Negative	Unclear	None
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Details:

## Religion & Belief\*

Positive	Negative	Unclear	None
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Details:

## Sex\*

Positive	Negative	Unclear	None
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Details:

## Sexual Orientation\*

Positive	Negative	Unclear	None
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Details:

## Gender Reassignment\*

Positive	Negative	Unclear	None
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Details:

## Gender identity

Positive	Negative	Unclear	None
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Details:

## Carers

Positive	Negative	Unclear	None
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Details:

## Rural isolation

Positive	Negative	Unclear	None
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# Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Details:

Single parent families

Positive	Negative	Unclear	None
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Details:

Poverty (social & economic deprivation)

Positive	Negative	Unclear	None
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Details: an increase in fees may have an impact on the ability of this group to start working in this field or continuing to do so where the fees are increased.

Military families / veterans

Positive	Negative	Unclear	None
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Details:

## Section 3 – Is a full assessment required?

**If you have answered yes to any of the initial assessment questions in section 1 of this EqIA, or have indicated a negative or unclear impact in section 2, it is likely you will need to complete part B of the EqIA form. Should you need guidance as to whether a full EqIA is needed at this time please contact Maria Damigos or Natalie Donhou Morley before continuing.**

Following completion of part A, is part B completion required?

- Yes
- No
- Not required at this time

Explain your answer:

The current recommendation is that the fees are increased, and whilst this is agreed pending consultation the final decision has not yet been taken. It is therefore possible that the fees may remain the same or reduce which is why the potential impacts are set at unclear. If fees are increased the potential unclear impacts are expected to change to negative.

Any increase in fees is however to accommodate increased costs of licensing drivers, vehicles and operators which is to ensure a regulatory regime to protect the public who use taxi and private vehicle hire services.



# Equality Impact Assessment (EqIA)

Template reviewed Nov 2021

Therefore, any possible financial impacts need to be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements also indicate that

Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of financial impacts on the taxi trade, this cannot take precedence in decision making.

In addition, as the proposed fees and charges are being consulted on there will be opportunity to receive views on the proposed increase from the taxi and private hire community as a whole.

The potential negative effect has been identified and will be taken into account in the decision making process as appropriate

## **Have you completed a DPIA for this project/change? No – not required**

(As you are completing an EqIA, you may also require a DPIA - for more information please contact [dataprotection@buckinghamshire.gov.uk](mailto:dataprotection@buckinghamshire.gov.uk))

## **Section 4 – Sign off (Only complete when NOT completing Part B)**

Officer completing this assessment: Lindsey Vallis

Equality advice sought from: Legal Services Date: 27<sup>th</sup> January 2023 (for previous annual fee review – advice remains relevant)

Service Director sign off: Lindsey Vallis Date: 14<sup>th</sup> February 2024

CMT sign off (*if deemed necessary by Service Director*) sign off: (Please insert name) Date: (Please insert Date)

Next review Date: N/A