



Buckinghamshire Council Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 14 APRIL 2021 IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.41 PM

MEMBERS PRESENT

C Jackson, S Renshell, D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor G Powell.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 March 2021 were agreed as an accurate record.

4 TAXI AND PRIVATE HIRE LICENSING FEES AND CHARGES

Councillor J Rush joined the meeting at 6.40pm

The Committee received a report which sought approval for the proposed taxi and private hire licensing fees and charges, as set out in appendix 1 of the report, for consultation purposes and statutory advertising requirements.

At the last meeting on 23 March, the Committee received a report on taxi and private hire licensing fees and charges and subsequently asked that the report be updated with additional information prior to the Committee making a decision on whether to approve the proposed fees and charges for consultation and statutory advertising purposes. More information to explain how the proposed fees and charges levels had been arrived at was contained in paragraphs 2.15 to 2.20 of the report.

As a result of unitarisation, the Licensing Service was going through a service improvement process under the Better Buckinghamshire programme, which would result in the legacy district council area licensing teams being brought together into a single licensing service for Buckinghamshire. A single taxi licensing team would be in place prior to the implementation of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy, which was currently scheduled for the 6th September 2021. A new single online digital application process for taxi licensing was also in development and would be implemented alongside the new Policy. This

would ensure that applicants were able to access and receive the service in the same way across the whole of the Buckinghamshire area and would have their applications processed in a single back office system to consistent service standards. The proposed fees had been costed based on the developing new team structure, processes and digital solutions to ensure that they, as far as possible, reflect the cost of this new harmonised approach.

In arriving at the proposed fee levels, officers considered the steps required for each licence type in order to process, validate, review, and grant or refuse a licence including external cross-check requirements such as Disclosure and Barring Service checks, knowledge tests and mechanical vehicle checks.

The new Buckinghamshire Council Taxi and Private Hire Licensing Policy implements the Statutory Taxi and Private Hire Vehicle Standards, which were introduced in July 2020 by the Department for Transport and aim to protect children and vulnerable adults from exploitation. Councils must have regard to these new standards and it was expected that they would be adopted unless there was compelling local reason not to do so. The Standards and Policy introduce a number of new requirements for existing and new drivers including an enhanced check with the Disclosure and Barring Service (DBS) every 6 months during the duration of each 3-year licence, English language testing for new and existing drivers, safeguarding training for new drivers and operators and refresher training for existing drivers. In addition, operators must submit annual Basic Disclosure Certificates from the DBS. The proposed fees reflected the additional resource and associated costs that were considered necessary within the licence application processes and during the duration of the licence to deliver these requirements. Case law judgments 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.

A benchmarking exercise had been carried out of current fee levels charged by 12 neighbouring local authority areas and this was attached as Appendix 2 to the report. The majority of local authorities included in this benchmarking exercise had not yet reviewed their fees following the introduction of the Statutory Standards in July 2020 and it was considered reasonable to assume that they might increase fee levels at the point that they carry out fee review given that licensing authorities must adopt the new standards and associated workload activity unless there was compelling local reason not to do so. Despite this, benchmarking indicates that the proposed fees for Buckinghamshire remain lower for vehicles and operators than almost all of its neighbouring authorities and that the proposed fees for drivers were in the mid-range of fees currently charged.

A comparison of the proposed and existing taxi licensing fees was provided at Appendix 1 of the report and set out the proposed fees against the comparative licence fees currently charged in the legacy district council areas under the four existing Taxi Licensing Policies. Also provided was the related percentage increase or decrease between the existing fee by area and the proposed fee.

Members were invited to ask questions of officers. In response to a question regarding what the Committee was being asked to decide upon, officers advised that the Committee were being asked to agree the proposed fees and charges for consultation purposes and that the trade would be consulted with as part of the consultation process. The results of the consultation would then be reported back to the next meeting of the Licensing Committee so that the Committee could make a decision on whether any amendments needed to be made to the proposed fees based on the results of the consultation.

With regard to the granting of a 1-year operator licence, officers explained that the granting of a 1-year licence was an exception rather than the norm and that operator licences were usually granted for 5 years. In exceptional circumstances, the Council might grant a 1-year operator licence at its discretion, but this would not normally be the case. The cost of administering and granting a licence was associated with the activities and processes that have to take place and therefore a one-year licence for a one vehicle operator was less cost effective than a 5-year licence where the associated ongoing costs to the Council were far lower for a smaller business. It was noted that historically around 20-25% of operators in the Wycombe, Chiltern and South Bucks area had opted for a one-year licence.

In response to a question regarding how officers had considered the steps required for each licence type when arriving at the proposed fee levels, the Committee were advised that a time estimate of activity required at each step had been carried out based on an understanding of the existing processes and digital systems currently in place and this had been combined with the digital development work underway with the Council's software providers. This information had then been considered in relation to historical application volumes, pre-Covid-19, for each licence type as well as staffing costs, direct and indirect costs associated with the taxi licensing service to arrive at the proposed fee levels. Officers also confirmed that the methodology and approach used, as well as costings, had input and oversight from Business Partner colleagues in the Council's finance team.

In response to a concern raised regarding some of the proposed increases to current fees given the challenges which businesses had been facing during the pandemic, officers advised that the Council appreciated that it had been a difficult time for the trade and that it had tried to support the trade as much as possible with advice, guidance and flexibility during the pandemic. The Council had continued to pay its operators for all of its school contracts throughout the entire covid period. Officers had also flagged and signposted the trade to government grants which were available.

In response to a comment made that some companies had lost drivers due to the introduction of the English language test, officers explained that the requirement to take the test had not been introduced yet as the policy did not come into effect until September. When the new policy did come into effect, drivers would have a year to take the test and it would only be on renewal so some drivers could have 3 or 4 years before they had to take the test.

With regard to the benchmarking exercise, which had been carried out of current fee levels charged by 12 neighbouring local authority areas, it was noted that, as far as officers were aware, only Wokingham had reviewed their fees so far this year.

Following a query, officers confirmed that the Council could not consult on a range of fees and was required by legislation to consult on exact figures. In response to a question regarding the setting of fee levels and covering the cost of the service, officers explained that Councils were required to take a reasonable and proportionate approach and should aim to set a fee level that would be sufficient to cover the cost of the administration of the various licences but not make a surplus.

Officers reiterated that the proposed fees reflected the additional resource and associated costs that were considered necessary within the licence application processes and during the duration of the licence to deliver the requirements of the new Statutory Standards, which were introduced in July 2020 by the Department for Transport.

Members agreed that the fees and charges should be reviewed annually by the Licensing Committee for the first two years, rather than on a rolling three-year basis as was proposed in the report, thus affording the opportunity to reconcile any surplus or deficit accrued.

It was thus proposed by Cllr Renshell, seconded by Cllr Wallace and on a vote being taken **resolved**

That the proposed fees and charges set out at appendix 1 be agreed for consultation purposes and statutory advertising requirements.

5 DATE OF NEXT MEETING

The provisional date of the next meeting is 30 June 2021 at 6.30pm