

Report to: Licensing Committee

Date: 7th July 2022

Title: Approval of additional Licensing Fee 2022/23

Report of: Director of Service Delivery

Ward(s): All

Purpose of report: To recommend the licensing fees proposed.

Officer recommendation(s): To recommend to Full Council to approve the licensing fees proposed.

Reasons for recommendations: To ensure that the licensing fees are considered and recommended for approval by the Licensing Committee.

Contact Officer(s): Name: Jo Dunk
Post title: Regulatory Services Lead
E-mail: jo.dunk@lewes-eastbourne.gov.uk
Telephone number: 07342065628

1 Introduction

- 1.1 Licensing fees should be considered by the Licensing Committee and then recommended to Full Council.
- 1.2 Following the fees report submitted to the Licensing Committee on the 17th January 2022 there were some costs relating to the new taxi and private hire guidance in Eastbourne Borough Council which were unknown at the time of the report.
- 1.3 The new taxi and private hire guidance has been implemented from 4th April 2022. There are elements of the new guidance which prior to implementation require fees to be approved.
- 1.4 The new taxi licensing guidance for Eastbourne stipulates that all new applicants for a Hackney and Private Hire Dual Drivers Licence will be required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English Language. I can confirm that a provider has been determined and the costs will be £65.00 for all new applicants

- 1.5 New applicants and current licensed drivers are required to undertake recognised Disability Awareness and Safeguarding training I can confirm that a provider has been determined and the costs will be £65.00 for all new applicants and £65 for all existing drivers which is to be paid to an external provider as part of their application process
- 1.6 All new applicants and current licensed drivers will be required to adhere to a 6 monthly dbs check this can be undertaken through the gov.uk website or alternatively can be processed by Eastbourne Borough Council. The cost of this service for Eastbourne Borough Council requires an increase from £40 to £65 to take into account an administration fee. It is intended that this will be a requirement implemented from September 2022 by the licensing team

Please see table below in summary of the proposed fee changes:

	New Applicants	Existing Applicants
English Proficiency Test	£65.00 as part of the application process	Not applicable as part of renewal process
Safeguarding and Disability	£65.00 as part of the of the application process to an external provider	£65.00 to an external provider as part of the renewal process
6 monthly dbs check	Included in application fee	£65.00 at six monthly intervals or alternatively .gov.uk can be used.

2 Financial appraisal

- 2.1 The costs of a DBS are £40.00 which needs to be undertaken every 6 months. To administer this on behalf of the taxi driver we will need to recover £25.00 per DBS which covers one hour of staff time. Alternatively, the taxi driver can obtain a DBS directly themselves and provide proof to us of their compliance. 2.2. This meets the Council's requirement to set fees for these services on a cost recovery basis with appropriate adjustments for any over or underspend from the previous year

3 Legal Implications

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 section 53(2) controls the fees of hackney and private hire drivers licences and states that the Council may demand such fees as it considers reasonable with a view to recovering the costs of issue and administration.
- 3.2. In deciding what is reasonable case law has clarified that reasonable does not imply a wide discretion but that the fees and charges shall relate to the levels of costs reasonably incurred in providing the service. Further, Members are advised to take account of the European Services Directive 2006 (although the Directive does not strictly apply to private hire/hackney licences) which reinforces the principles to be applied to the setting of local fees and charges in that such a process shall be reasonable, proportionate, non-discriminatory, justifiable, clear and transparent.

3.3 Legal Services considered this Report on 29 June 2022 (Iken-11108-EBC-MW).

4. Risk Management implications

4.1 There are no risk management implications.

5. Equality analysis

5.1 There are no equality analysis implications.

6. Environmental Sustainability Implications

6.1 There are no Environmental Sustainability Implications.

7. Background papers

7.1 None.