

Crawley Borough Council

Report to Licensing Committee

12 September 2023

Proposed Fees & Charges for 2023: Hackney Carriage and Private Hire Licensing Regime

Report of the Head Community Services – HCS/063

1. Purpose

- 1.1. This report sets out the proposed licence fees and charges for mid-year 2023 in respect of the hackney carriage and private hire licensing regime.

2. Recommendations

The Committee is requested to:

- 2.1 Determine the percentage by which hackney carriage and private hire licensing fees are to be increased.
- 2.2 Approve the fees at the determined increase (as set out in Appendix A to this report) to better reflect the costs of providing the service.

3. Reasons for the Recommendations

- 3.1 In order to ensure that Council Tax payers are not subsidising the range of functions concerning taxi licensing, income is raised by license fees with the aim of covering the cost of the regime within the constraints of legislation and regulations. Licence fees should not be used to raise surplus revenues, but deficits also need to be addressed.
- 3.2 The Council's fees have been compared with other Licensing Authorities and where there are some variances, it is important that the Council's costs are fully recovered each year, taking account of inflationary uplifts so that the Taxi Licensing Service is cost neutral.

4. Licence Fee Setting - General Principles

- 4.1 The powers to set fees and charges for hackney carriage and private hire functions carried out by the Council are conferred by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 Hackney Carriage and Private Hire licence fees and charges were last fully assessed and increased earlier in 2023. At that time, and subsequently, the Licensing Committee has been kept informed that there would be a need to further review fees to address deficits and the need to seek cost recovery. Whilst fees are generally further reviewed annually as per statutory requirements, the current deficits have caused the matter to be put before the Licensing Committee for further consideration and an increase in fees and charges. Fee increases were last instated in 2023, but the deficit budget position has been such for some time.

- 4.3 The general methodology behind this review of fees has been determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence 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. It was last revised in June 2017 and so also does not take into account the decision in the recent Wakefield case (detailed below) in relation to enforcement costs.
- 4.4 The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible. 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 of services, determination and production of licensing policies, IT and web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.
- 4.5 The primary purpose of the hackney carriage and private hire licensing regime is the provision of a safe, accessible service whereby public safety is paramount. The Taxi Licensing Service, in common with other areas of licensing, is self-financing and the Council must be able to show that it calculates hackney carriage and private hire licensing fees in accordance with the specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. (LGMP Act 1976). This requires that such fees have to be reasonable to recover the cost of issue, administration of licences as well as regulatory and compliance matters in relation to the licensed trade.
- 4.6 The Court of Appeal case: *R (on the application of Rehman) v Wakefield City Council* [2019] EWCA Civ 2166 established that costs of administration under Section 53(2) of the LGMP Act 1976 could include the costs of enforcement against drivers of hackney carriages and private hire vehicles. The Act allows for a range of costs to be recovered in the fees, including:
- The reasonable cost of carrying out vehicle inspection to decide if a licence should be granted
 - The reasonable costs of providing hackney carriage stands
 - Any reasonable administrative or other costs in connection with vehicle inspection and providing hackney carriage stands and
 - Any reasonable administrative or other costs in the control and supervision of hackney carriage and private hire vehicles.
 - Regulatory and compliance matters associated with the licensed trade.
- 4.7 Fees cannot be used to raise revenue or fund activities such as taxi marshals. This has been confirmed in the court case *Cummings and Others v Cardiff City Council* [2014] EWHC 2544 (Admin), which reiterated that fees set must have regard to any surplus or deficit in previous years for each regime (hackney carriage or private hire).
- 4.8 There are also provisions for recovery of deficits. In *R v Westminster City Council, ex parte Hutton* (1985) 83 L.G.R. 461 it was held that where the fee income generated in one year fails to meet the costs of administering the licensing system, it is open to the local authority to make a proportionate increase in the licence fee for the following year(s) so as to recoup the cost of the shortfall (Hutton at p 518). This longstanding principle was confirmed in later case law.

- 4.9 Crawley Borough Council must also account for any surplus monies. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591 the court determined surpluses as well as deficits are to be carried forward. However, the Licensing Authority is not entitled to make a profit. (*R v Manchester ex parte King* [1991] 89 LGR 696).
- 4.10 It is recognised in law that general anticipated calculations and costs can provide a helpful picture. The Courts have directed that Councils are not required to pin-point precision year on year. The adjustment does not have to be precise: a general calculation which is broadly correct is considered satisfactory, but a cost neutral position needs to be attained, if not immediately then over a short period of time.
- 4.11 As stated previously, the relevant legal provisions for setting fees in the hackney carriage and private hire licensing regime are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically Section 53 with respect to driver licences and Section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.
- 4.12 Despite an apparent disparity between Sections 53 and 70 of the Act regarding whether the power to set fees is an executive or non-executive function, 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. It falls to the Licensing Committee to agree this and follow the statutory advertising requirements, consideration of any objections arising from the advertisement and determination of the fee levels thereafter.
- 4.13 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.
- 4.14 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences. The judgement in the Court of Appeal case of *R (app Rehman) v Wakefield City Council* [2020] R.T.R. 11 (2019), however, determined that "administration" can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of licensed vehicles and Operators.
- 4.15 Licence fees cannot, however, be used for enforcement activities against unlicensed 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 those seeking to become or who are already part of licensed trade within the Borough.
- 4.16 As previously stated, the Council cannot make a profit from licence fees and any surplus or deficit must be carried forward and form part of any subsequent review of fees. The Taxi Licensing Service has been carrying a historical combined budget deficit period, with the resultant position in 2023, and includes a forecast for 2023/2024 and 2024/2025. Table 1 below sets out the deficit position.

TABLE 1

	2020/21	2021/22	2022/23	2023/24 Forecast	2024/25 Estimate
Employees	159,472.22	160,568.46	195,908.53	204,324.25	238,598.84
Operating Costs	7,158.20	19,304.15	20,434.04	36,801.28	40,481.41
Contracted Services	21,262.46	63,049.03	7,365.30	5,000.00	5,500.00
Central Support	121,661.13	126,062.20	138,635.55	119,690.00	125,076.05
Other Income	- 64,805.76	- 19,423.35	- 10,734.34	- 5,343.02	- 10,734.34
Hackney Carriage Fees	- 34,774.72	- 58,993.09	- 58,076.01	- 65,000.00	- 66,462.50
Private Hire Fees	- 149,971.96	- 250,043.46	- 280,531.04	- 280,000.00	-286,300.00
Loss	60,001.56	40,523.94	13,002.03	15,472.51	46,159.46

- 4.17 As stated, fees are used to cover staffing costs, administration as well as regulatory and compliance work where appropriate. Monies are also used to fund service improvements, including IT and digital development and Policy work which represents an appropriate and legitimate approach and is in accordance with the associated requirements in the Act. Fees are used to pay for the implementation and ongoing review of the additional requirements brought about by the Statutory Taxi Standards (2020) and Best Practice Guidance (2010), which has been considered fully by the Licensing Committee previously and key elements implemented.
- 4.18 A proportion of the historical budget deficit can likely be attributed to the choice in the market introduced by the Deregulation Act 2015 which removed the restriction that limited sub-contracting of journeys to within District boundaries. This means that Private Hire Operators are permitted to sub-contract bookings between licensed private hire operators, and as a consequence a journey booked with an operator in one District may be undertaken by a vehicle and driver licensed by another District, providing the booking has been passed to a licensed operator in the second District.
- 4.19 Cross border hiring is also a significant factor in so far as if a Private Hire Operator takes a booking in a District, providing they use a licensed driver and vehicle from that same District, then a booking can be made and a journey undertaken. Whilst this is a lawful practice, this Licensing Authority has lobbied central government to review this practice on public safety grounds.
- 4.20 The COVID-19 pandemic also had a marked impact on the hackney carriage and private hire trade and the resultant income, with several individuals choosing to leave the trade having found alternative employment. For example, within the food delivery service industry, and/or retiring from the trade. Additionally, the lowering of suitability requirements in other Boroughs meant that some individuals found work as licensed drivers in other areas. This trend is now slowly reversing, particularly with the resurgence of air travel and Gatwick Airport.
- 4.21 At the time of writing this report, the total number of licences issued by the Council year on year is included in Table 2 (PH – Private Hire, HC – Hackney Carriage.)

TABLE 2

TYPE	2020 – 2021	2021 – 2022	2022 – 2023
Licensed drivers Total	1118	1050	926
PH Vehicles	686	601	587
HC Vehicles	123	123	123
PH Operators	36	37	41
New driver applications	5	20	*109

- * For the period 01/07/22 – 31/07/23
- * In year 01/0/23 – 01/08/23 64 New Driver applications have been granted

- 4.22 As previously noted, in common with several service led industries, COVID-19 pandemic had a significant impact on the numbers of individuals entering and leaving the trade. Some licensed drivers held a 2 or 3 year licence when the pandemic first impacted, and licences ran into the “pandemic years,” before expiry or surrender, and accounts for why there was not an immediate drop in numbers of licensed individuals. Fees arising from driver licence applications and renewals are split over the period applied for, with applicants impacted by fee increases on application for renewal or other activity. Those applicants choosing to renew for a period of more than 1 year are also not subject to annual or interim fee increases and therefore make savings.
- 4.23 Pre-pandemic, the average number of new driver applications would have been approximately 160 per annum. As new applicants complete the process, they are joining Airport Cars, Gatwick or other large Private Hire Operator. There is also a trend of current private hire drivers:
- Applying to become hackney carriage drivers instead
 - Setting up as smaller Private Hire Operators to avoid the circuit fees of larger Operators and to secure School Contracts with West Sussex County Council and other Education Authorities.
- 4.24 The number of Hackney Carriage Proprietor licences, in line with the current Council Policy to limit numbers, remains at 123.
- 4.25 The Taxi Licensing Service has a rigorous process which individuals must complete before becoming a licensed driver and has almost entirely implemented the Taxi Best Practice and Statutory Hackney Carriage and Private Hire Standards (2010/2020) . Some Authorities have more lenient selection and testing requirements, but Crawley Borough Council has continued to place public safety and customer service at the forefront of the licensing regime.
- 4.26 There is increasing prevalence of App based private hire operators are noted as operating in and around the Crawley Borough, exploiting the sub-contracting and cross-border hiring options. This has seen drivers leave to work as licensed drivers for such where they are licensed by other Local Authorities. No such Operators are licensed, as yet, by Crawley Borough Council (e.g Uber, Ola, Hallo, Ryde)
- 4.27 It is necessary that the service moves to a cost neutral budget position where the cost recovery process adequately funds the service that must be provided within a service where the needs of the travelling public and public safety are the priority.

5. Council Budget Position

- 5.1 The Council has a statutory responsibility to set Council Tax and its budget in advance of the commencement of the new financial year (1 April to 31 March). The Council Tax has to be set by 11 March each year. During 2023, the Council continues to review its spending plans and amends spending to meet new priorities and mitigate the ongoing impact of the COVID-19 pandemic and the cost-of-living crisis.
- 5.2 To provide adequate funding for the proposed level of services, and to fulfil the statutory requirement to set a Budget and Council Tax and report on the robustness of estimate. This continues to be monitored.

- 5.3 The Council's revenue expenditure is funded from a number of sources. The major sources are Council Tax, rents, Government grants, retained business rates, investment income and fees and charges. The majority of the Council's services are funded from the General Fund. The main exception is the management and maintenance of the Council's housing stock, which is funded through the Housing Revenue Account (HRA).
- 5.4 There have been a number of major financial pressures on the General Fund since the start of the financial crisis in 2008, followed by the impact of the pandemic, the move away from the European Union then the war in Ukraine which has impacted the cost of utilities, interest rates and general inflation. In common with all authorities there have been significant reductions in Government funding, which are highly likely to continue in the coming years. The worldwide issues over the last three years have had a significant impact on the Council's finances, there will be long term implications on both Crawley as a Town and the Council's long-term budgets including the homelessness, leisure contract, fees and charges and income from investment properties. In addition, Crawley is seeing the financial impact of the Water Neutrality issue.
- 5.5 The [Budget Strategy 2021/22 - 2025/26](#) details a series of costs, income and savings needed as a Council. In short, there is a need to increase fees and charges across all services managed by Crawley Borough Council to meet the demands placed on it.
- 5.6 There are a number of services where budgets are susceptible to changes outside the direct control of the Council. These tend to be demand-led services such as taxi alcohol and entertainment licensing as service led industries. These functions are designed to be self-financing and cost neutral.
- 5.7 Budgets are monitored by Officers on a monthly basis and the Corporate Management Team receives an update on key issues, while a Quarterly Revenue and Capital Budget monitoring report is considered by the Cabinet and included in the Councillors' Information Bulletin. This should ensure that any projected variances are identified at an early stage and this process has highlighted the need to return to the Licensing Committee for a review of fees and charges.
- 5.8 Regular meetings are held between the Chair and Vice Chair of the Licensing Committee as well as the Leader of the Council to keep them apprised of developments, concerns and risks within the licensing arena, including the budget position as a self-financing service.

6. Fees & Charges

- 6.1 In arriving at the proposed fee levels, Officers have considered the steps required for each licence type in order to process, validate, review, and suspend, grant or refuse a licence including additional compliance and regulatory checks as well as changes to operational practice and advances in technology to deliver a service that is responsive to change and meets the customers' needs. This includes the Disclosure and Barring Service, DAVIS Driving Licence checks, Kessing Identity checks, HMRC, Right to Work, NR3S (NAFN) Knowledge Tests, vehicle checks as well as other regulatory and compliance checks, some of which are newly introduced by the Statutory Taxi and Private Hire Vehicle Standards (The Standards) in 2020.
- 6.2 This information has then been considered in relation to historical application volumes, pre-Covid-19, for each licence type/activity as well as staffing costs, direct and indirect costs (as per the LGA guidance) associated with the taxi licensing service to arrive at the proposed fee levels.

- 6.3 The Council's Hackney Carriage and Private Hire Licensing Policy, as agreed previously by the Licensing Committee, has been updated to implements the Statutory Standards which were introduced in July 2020 by the Department for Transport, alongside the Best Practice Report from 2010. The principles contained in these documents aims to safeguard passengers as well as protecting children and vulnerable adults from exploitation.
- 6.4 The Standards have been presented to the Licensing Committee previously, and the majority of the Standards implemented. Other key elements yet to be fully implemented include mandatory CCTV which has audio and visual capabilities. Councils must have regard to these new standards and it is expected that all Standards will be adopted unless there is compelling local reason not to do so, for which the Council must account.
- 6.5 The Standards and Policy also 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 or shorter, as well as English language standard for new and existing drivers, safeguarding training for new drivers and operators and refresher training for existing drivers.
- 6.6 In addition, Operators must submit annual Standard Disclosure Certificates from the DBS and similar checks for Booking and Dispatch staff. This Council had already implemented some additional checks before the Statutory Standards came about, and implemented additional regulatory checks on the grounds of public safety.
- 6.7 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 are mindful of fee impacts on the taxi trade, this should not take precedence in decision making at the expense of public safety.

7. Benchmarking & Comparisons

- 7.1 A benchmarking exercise was carried out, and comparisons made with several other Licensing Authorities, including Reigate and Banstead, Mole Valley, Adur and Worthing, Arun, Horsham to compare fees and charges.
- 7.2 This has been challenging because different authorities charge fees for differing activities, with some aspects of "checks" and testing included in a total fee cost as listed but practices and inclusions vary. Some authorities spilt charges differently and charge for different services so a direct comparison is difficult and not representative. For this reason, any apparent "like for like" charges need to be treated with caution as the figure often includes different aspects to those within the Crawley Taxi Licensing Service and practices vary considerably.
- 7.3 The fee increases proposed are across the hackney carriage and private hire regime, except for where a fee comprises of a refundable deposit for an item or where fees are set by a government body or other body such as the Data Barring Service (DBS) These checks remain at a cost of £38 but may change as well as the future method of delivery. Committee members will see a wide variance in fees charged for this function by other Councils, particularly where this service is outsourced to a third party body.
- 7.4 The proposed fee increases are set out in a spreadsheet at **Appendix A**, and include 2 suggested fee increases, but Committee members may also consider a higher rate to be implemented.

- 7.5%
- 10%

- 7.5 For ease, the price difference of all functions has been included to enable Committee members to see the cost differences with a 7.5% and 10% increase on the Trade. However, the fees and charges associated with the taxi licensing regime are treated as something where tax can be deducted.
- 7.6 The spreadsheet gives the exact figure increase. but whatever increase is agreed, the figures will be rounded to the nearest 10 pence, as per wider standard Council practice. Committee members will also note that in one area, electric vehicles, the proposed increase exceeds 10%, but the figure looks to bring these fees in line with other vehicle types and a rationale for this is detailed later in this report at 7.15.
- 7.7 **Appendix B** includes fees and charge comparisons in relation to hackney carriage and private hire fees from the named authorities below, with the previous caveat regarding authority variances, differences in practice and inclusions/omissions from fees. Crawley Borough Council fees have been compared with:
- Reigate and Banstead Council
 - Arun District Council
 - Worthing and Adur Council
 - Mole Valley Council
 - Horsham District Council and
 - Mid Sussex District Council.
- 7.8 A review of the above identifies that, in the main, Crawley Borough Councils fees and charges are “mid range” or lower when compared to other authorities listed. A summary of key elements is provided below.
- 7.9 Some fees and charges listed for the Crawley. are inclusive of costs or are “add ons.” For example, the first Knowledge Test for new applicants wishing to become a hackney carriage or private hire driver is included in the application fee, with an additional fee payable thereafter for extra tests if they fail.
- 7.10 Previously, some requirements were tested in house, such as Safeguarding via the Knowledge Test and the Disability Awareness training, but the requirements have extended. These tests are now provided by specialist service providers who offer a bespoke, improved course directly aimed at applicants wishing to become a licensed driver and existing licensed individuals and cover the subjects with greater depth, alongside testing to check understanding by candidates
- 7.11 A new fee is proposed for a new street listing pack, so that new applicants are provided with a street name and listing document, which aims to help them with journey routes and street details which forms part of the Knowledge Test. This has been developed following feedback from applicants and the Trade as a helpful learning aid and reference point.
- 7.12 In the case of existing licensed drivers, and those moving from hackney carriage to private hire driver, or vice versa, individuals may already have passed the required courses such as the Disability Awareness Course, Wheelchair Access Course and Essential Safeguarding For Taxi Drivers (as provided by external bodies whom the individual pays directly) and may not need to repeat these if attained within the last 5 years. However, a Knowledge Test for a licensed private hire driver wishing to become a hackney carriage driver and vice versa would still be required and incur a fee due to the key differences, conditions and regulatory requirements which are distinct and

separate from one another.

- 7.13 It is worth noting that there are proposed fees for new hackney carriage proprietor vehicle licences, but these are not issued due to the decision by the Licensing Authority to limit the number of licences to 123 following the Unmet Demand Survey. These are included as chargeable if there is a change in position by the Licensing Committee.
- 7.14 In common with other authorities , both hackney carriage vehicle and proprietor licence transfers for both vehicle and proprietor licences are chargeable and require validation of paperwork, compliance checks and vehicle inspections which are time consuming and labour intensive. Practices vary across authority area.
- 7.15 In the case of all electric vehicles, of which there are none in the hackney carriage trade and 20 in the private hire trade at the time of writing this report, there is a request to bring the fees and charges associated with such in line with other petrol and diesel private hire and hackney carriages as the processes and procedures are identical. This means that the increase proposed is higher than the percentage increases sought in respect of other functions. The lower fee for electric vehicles is a legacy issue that needs to be addressed A reduced fee was put in place approximately 5 years ago to incentivize drivers to purchase all electric vehicles. This practice needs to be updated so that the costs are the same across the fleet, and meet the costs of providing the service as opposed to this being subsidized by other licensed drivers without an electric vehicle. The legislative framework is such that it is difficult for Councils to incentivize the use of electric vehicles through reduced fee levels as has been the case in previous years and that this practice should stop,
- 7.16 The Taxi Licensing Service is seeing a positive shift in the trade, whereby electric vehicles and hybrid vehicles are forming more of the total fleet. Following this report, those vehicles which are hybrid as well as electric will be categorized and recorded on Council systems in order to provide Members with a complete picture in the coming months. The Taxi Service also carries out monthly reporting to DEFRA regarding vehicles and emissions, and is working with Sussex authorities and the Energy Saving Trust in relation to electric fleets, vehicle emissions and associated local and national targets.
- 7.17 Furthermore, as part of the Councils declared climate emergency policy, emissions from key road users such as the hackney carriage and private hire trade, proposals to improve vehicle emission standards and the phasing out of diesel and petrol vehicles will be presented to the Licensing Committee in the coming months.
- 7.18 An ad hoc fee for Medical Assessments is already in place where there are additional matters requiring investigation or an emergency assessment is needed to allow an individual to continue to work, or to provide an outcome to medical issues arising from episodes during the currency of a licence and/or new applicants which are referred to the Councils Nominated Medical Advisor. Subject to new contract processes being in place in due course, all medical matters will be referred to the Councils Nominated Medical Advisor for comment.
- 7.19 Applicants and Licensed Drivers are subject to an Enhanced Data Barring checks every 6 months. In the case of new and renewal applications for Driver Licences, if an individual has completed components of the process such as being part of the Data Barring Service and registers thereafter with the Update Service, they pay an annual fee of £13.50 direct to this Service to remain part of it, and the Authority carries out remote checks with the consent of the driver. Therefore the set fee of £38 for an Enhanced DBS check is removed, unless it is not deemed valid or the Update Service requirement as per the Policy has been allowed to lapse.

- 7.20 Applicants and existing holders of hackney carriage or private hire licences are actively encouraged to take out the maximum licence term permitted, 3 years, except in exceptional circumstances where a shorter term may be considered, such as medical, conduct or other case as considered.
- 7.21 A 3 year licence however is the expected norm in relation to licence duration, in accordance with Best Practice Guidance. This will make it easier for the Trade and reduce the administrative burden on the Taxi Licensing Service.
- 7.22 In the same way, a review of Private Hire Operator Licences is ongoing with a view to splitting the application fee into an Application and Grant stage as several applicants decline to continue with their application after the initial interview and compliance process, and a 2 stage application and grant process would allow the Authority to recover some of the cost in lieu of the application process even if its not completed by the applicant.
- 7.23 Further, as a result of a legacy issue, all Private Operators licences are issued for one year only, but in accordance with Best Practice, after the issue of first licence for 1 year, thereafter a licence would be issued for a 5 year term and licence fee, split over that period as in the case of driver licences. Work is ongoing in relation to the fees and processes required for a 5 year Operator Licence and this will be revisited.

8. Legal Requirement to Advertise

- 8.1 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, Crawley Borough Council as Licensing Authority, if approved, the Council will need to advertise its intention to change the fees and charges associated with vehicle (both hackney carriage and private hire) and private hire operator licences for a prescribed period, during which objections can be made
- 8.2 It is a statutory requirement for the Committee to consider these objections in taking the decision whether to vary the fees, but the costs of providing the service do need to be met with the aim of a cost neutral service.

9. Equalities, Financial, Resource, Environmental and Legal Implications

- 9.1 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.
- 9.2 There are financial and staffing consequences that will arise and elements of the Service may not be delivered if the fees and charges are not increased, including key regulatory and compliance work which may impact upon public safety. An Equality Impact Assessment is included at **Appendix C**.
- 9.3 The licensed trade provide an important service in transporting members of the public, some of which are vulnerable due to their age or for other reasons. 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.

- 9.4 Councilors must ensure that they exercise their decision-making powers in a manner which is compliant with the Human Rights Act 1998, and the principles of natural justice
- 9.5 The Council is required to consider the impact any decision may have on crime and disorder in the area (Crime & Disorder Act 1998) which states as follows.
- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent;
- (a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment, and
- (b) The misuse of drugs, alcohol and other substances in its area, and
- (c) Re-offending in its area.
- 9.6 Pursuant to Section 149 of the Equality Act 2010, the Council when making decisions must have regard to the 'public sector equality duty'. In summary, this means that the Council must, in the exercise of its functions, have due regard to the need to-
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- (b) Advance equality of opportunity between persons who have a relevant protected characteristic and persons who do not share it.
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The characteristics protected by the Equality Act are:
- age
 - disability
 - gender reassignment marriage/civil partnership pregnancy/maternity race
 - religion/belief
 - gender and sexual orientation

10. Background Papers/Information

[UK Guidance on the Provision of Services Regulations 2020](#)

[Open for business: LGA guidance on locally set licence fees | Local Government Association](#)

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](#)

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