

Licensing Committee (Non Licensing Act 2003 Functions)

Date: **14 October 2021**

Time: **3.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** , Deane (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Bagaeen, Ebel, Heley, Knight, Lewry, Moonan, Phillips, O'Quinn, Rainey and C Theobald

Contact: **Penny Jennings**
Democratic Services Officer
01273 291065
penny.jennings@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

9 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

10 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the meeting held on 24 June 2021 (copy attached)

11 CHAIR'S COMMUNICATIONS

12 CALLOVER

- (a) Items (13 – 17) will be read out at the meeting and Members invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

13 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by 12 noon on 8 October 2021 ;
- (c) **Deputations:** to receive any deputations submitted by 12 noon on the 8 October 2021.

14 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

15 HACKNEY CARRIAGE UNMET DEMAND SURVEY- CONSULTATION ON WHEELCHAIR ACCESSIBLE VEHICLE PROVISION 13 - 16

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Martin Seymour*

Tel: 01273296659

Ward Affected: All

16 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING 17 - 24

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Alex Evans*

Tel: 01273296659

Ward Affected: *All Wards*

17 LICENCE FEES 2022/23 25 - 42

Report of the Executive Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: *Jim Whitelegg*

Tel: 01273 292438

Ward Affected: *All Wards*

18 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to Council for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON-LICENSING ACT 2003 FUNCTIONS)

3.00PM 24 JUNE 2021

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Simson (Group Spokesperson), Knight and Moonan

PART ONE

1 PROCEDURAL BUSINESS

In welcoming all to this meeting of the Licensing Committee (Non-Licensing Act 2003 Functions), the Chair, Councillor Deane explained that in line with current Government guidance this a hybrid meeting. The debate and decision making rested solely with the 4 Members who are in attendance in the Chamber. Apart from the Officers present in the Chamber others would be joining the meeting via Microsoft Teams. The meeting was being webcast live and would be capable of subsequent repeated viewing.

1(a) Declarations of Substitutes

1.1 Councillor Moonan was present in substitution for Councillor Henry.

1(b) Declarations of Interest

1.2 There were no declarations of interests in matters listed on the agenda.

1(c) Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 4 March 2021 be agreed and signed as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair, Councillor Deane stated that firstly she wished to talk about the continuing effects of covid restrictions, officers were continuing to work closely with the Trade and a one off grant payment of £400 had been made to all licensed B&H drivers in April.
- 3.2 With regard to Electric Vehicles, three on-street rapid charging hubs with 12 bays for taxi charging had been officially launched earlier that month at Preston Park, Ashton Rise and Victoria Recreation Ground in Portslade. Sadly, work on the 4th rapid charger hub at the Racecourse had to be delayed until October due to events and the use of the site as a vaccination centre. To promote the launch of the on-street rapids: Electric Blue, our charge point operator was providing free electricity for the first month at these sites. Over the next few months additional fast chargers would be added to the network. Further bids were to be submitted bids for additional lamp post and fast chargers.
- 3.3 Another fully electric private hire vehicle had been licensed recently and the taxi licensing team were fielding enquiries regarding more electric vehicle applications.
- 3.4 At this juncture the Chair stated that she would normally to invite her deputy Cllr Steve Davis who was now the lead on Taxis, to speak, but unfortunately as he was unable to take part in this meeting so she would take the opportunity to say a few words on his behalf:

“With restrictions lifting, the weather brightening and tourists returning to the city, I genuinely hope the Trade will see some semblance of normality return to their lives. I feel I know a fair amount of the pain you have felt during this unprecedented period. I have been a self-employed driving instructor and had to close my business down for the best part of fourteen months and was on the breadline for much of that time so I understand your angst at the number of out-of-town drivers who have been plying for trade in our city, but must remind you that as a local authority our hands are tied by government legislation on this matter. On behalf of this Committee, I want to wish you the best of luck in keeping the wheels turning, and hope you have a very busy summer.”

- 3.5 Following the by election in May there had been a few changes to the Licensing committees so the Chair wished to say farewell and thanks, albeit in their absence, to Cllrs Carmen Appich, Theresa Fowler, Martin Osborne, and Lee Wares for all the work they had put into this Committee in the past, and to welcome Cllr Chris Henry as Opposition Spokesperson, Cllr Amy Heley, and Cllrs Clare Moonan, Alex Phillips and Carol Theobald.
- 3.6 **RESOLVED** – That the contents of the Chair’s Communications be noted and received.

4 CALLOVER

- 4.1 All items appearing on the agenda were called for discussion.

5 PUBLIC INVOLVEMENT

5(a) Petitions

5.1 There were none.

5(b) Written Questions

5.2 There were none.

5(c) Deputations

5.3 It was noted that two Deputations had been received.

Pedicabs Proposal

5.4 Mr Bernstein was invited to speak in support of his Deputation which had been circulated with the agenda and is also set out below:

5.5 The Chair, Councillor Deane responded in the following terms:

"Unfortunately, there are some barriers to your proposed scheme from a licensing perspective. Outside London, pedicabs are classified as Hackney Carriages, they can therefore be licensed and can ply-for-hire (i.e., be available to passengers for immediate hire). This decision was made by the Court of Appeal in the case of R v Cambridge City Council ex-parte Lane (1999). The decision in this case was that pedicabs fall under the definition of a Hackney Carriage under the "Town Police Clauses Act 1847" and, as such, must be licensed as Hackney Carriages. Fares are charged at a flat rate regardless of how many passengers are carried.

The consequence of pedicabs being classified as Hackney Carriages outside London is that there are many difficulties in transposing hackney carriage regulations in order that they may apply equally to pedicabs.

In Brighton & Hove we have a managed growth policy for issuing hackney carriage vehicle plates (5 per year) and there is a significant waiting list for these plates. The vehicle would also need to meet the required standards at the time and be able to go anywhere in the City as requested and could not legally refuse except for the normal reasons. The driver must also be a licensed hackney carriage driver. The council's current Taxi policy does not allow for the issuing of licenses to rickshaws or novelty vehicles. It is recommended therefore that the Deputation is noted and received."

5.6 **RESOLVED** – That the contents of the petition be noted and received.

Brighton and Hove Licensed Taxi Trade

5.7 Mr Peters was invited to speak in support of his Deputation which was circulated as an addendum and is also set out below:

5.8 The Chair, Councillor Deane responded in the following terms:

“We are unclear about the reference to a “total loss of licensing control”. A properly licenced Private hire vehicle and driver can work anywhere in the country, providing the vehicle, driver and operator (taking booking) are all licensed by the same authority.

A Hackney Carriage vehicle can only ply for hire in the district they are licenced, outside the district they are not permitted to ply for hire and must be booked, A Hackney Carriage vehicle can act as their own operator.

As such, checks will have been carried out to ensure that the driver/operator are Fit and proper and the vehicle is safe.

We understand and share frustration of out-of-town vehicles operating in the City but this is not new as legislation allows for properly licensed vehicles to operate anywhere in the country.

We can and do control our own licensed vehicles and we have good working relationships and joint working agreements with neighbouring authorities regarding their vehicles working in the city. We can also take action against any vehicles (out of town or our own) if statutory offences are being committed but if it relates another authorities' conditions then we would rely on joint working/enforcement.

We do investigate reports of offences with regard to out-of-town vehicles, but we do need evidence and unfortunately, we receive a considerable amount of 3rd hand information which lack the evidence that we require to fully investigate in a timely fashion. We do follow up those individual cases and have stopped and spoken to out-of-town vehicles but found no identifiable offences.

Previous investigations have not demonstrated an actionable offence and concluded that vehicles identified to us were either legally dropping off or picking up or using their vehicle for personal means.

Anecdotal evidence suggests the TfL drivers have lost a large proportion of their work during the pandemic and many have turned to delivering for companies like Uber eats.

We will investigate cases where there is sufficient evidence.

With regard to restricting bus lanes to out-of-town taxis, Traffic management have stated that a review of all traffic orders is required and currently it is not a priority in the city due to the pressure across the service. In terms of delays from a network management point of view they have little to no impact on the road network as the volume is relatively low. We also consider the impact on disabilities and mobility issues accessing the city from surrounding areas. This would increase delays and cost to those individuals. Additional matters raised would be responded to outside of the meeting and specific incidents raised would be investigated further. It is recommended therefore that the Deputation be noted and received.

- 5.9 There was discussion regarding whether a further report should be submitted to Committee providing an update on the issues outlined. Members considered that all valid complaints received should be investigated and that the issues identified be kept

under review. Updates could be included in Chair's Communications Members and a report for consideration at a future Committee if the abuses identified continued.

- 5.9 **RESOLVED** – that the Deputation be noted and received, that the matters referred to be kept under review and as/if appropriate form the subject of a report to a future Committee meeting.

6 MEMBER INVOLVEMENT

6(a) Petitions

- 6.1 There were none.

6(b) Written Questions

- 6.2 There were none.

6(c) Letters

- 6.3 There were none.

6(d) Notices of Motion

- 6.4 There were none.

7 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

- 7.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities which provided an update for Members on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants between March 2021 and June 2021.
- 7.2 Councillor Moonan sought clarification regarding the current situation in respect of the bollards to be installed next to Budgens adjacent to Brighton Station. It was confirmed that these were now in place.
- 7.3 Councillor Knight sought information regarding the process when a licence plate was revoked. It was explained that a plate was not taken away until a full appeals process had been exhausted as it could not be reinstated retrospectively. When a plate was revoked a new plate was released to a driver on the waiting list.
- 7.4 Councillor Simson referred to the comments which had been made in respect of vehicles licensed by other authorities plying for trade in the city. Councillor Simson asked whether such vehicles were included in the unmet demand survey. The Regulatory Services Manager, Jim Whitelegg explained that he would ensure that such data would be included in the data collected in order to ensure that this could be monitored.

- 7.5 Councillor Moonan was pleased to note the joint working which had taken place work that had been with neighbouring authorities and the broader enforcement issues which were being addressed on an on-going basis. It was explained that issues raised via the Taxi Forum and by those in the taxi trade directly were investigated. It was often difficult to take action as information provided was anecdotal, it was not illegal for vehicles licensed elsewhere to work in the city and actionable offences had be evidenced in order for action to be taken.
- 7.6 **RESOLVED** – That Members note the contents of the report and that officers should continue to act as appropriate.

8 ITEMS REFERRED FOR COUNCIL

- 8.1 There were none.

The meeting concluded at 3.40pm

Signed

Chairman

Dated this

day of

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 15

Brighton & Hove City Council

Subject:	Hackney Carriage Unmet Demand Survey and Consultation on Wheelchair Accessible Vehicle Provision.		
Date of Meeting:	14 October 2021		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 01273 29-6659
	E-mail:	martin.seymour@brighton-hove.gcsx.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

SUMMARY AND POLICY CONTEXT:

- 1.1 That the Committee be aware that a Hackney Carriage “Unmet Demand Survey” will be undertaken during 2022 to determine any unmet demand for Hackney Carriages.
- 1.2 That the survey will look at current policies and provision of hackney carriage vehicles in the context of other similar authorities in England and in particular Wheelchair Accessible Vehicle Provision and the % of Wheelchair Accessible Vehicles in the fleet.
2. RECOMMENDATIONS:
 - 2.1 Members approve the commission of an unmet demand survey to be undertaken during 2022.
 - 2.2 For the purposes of 2.1 above members confirm their support for the current restricted numbers policy for hackney carriage vehicles with managed growth of five additional plates issued annually to wheelchair accessible vehicles or vehicles which are fully electric or plug in hybrid (PHEV). This policy will be reviewed following the outcome of the unmet demand survey
3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:
 - 3.1 The council licences hackney carriage vehicles and private hire vehicles. Hackney Carriages (taxis) can ply for hire in the streets, at taxi ranks and accept prior bookings whereas Private Hire vehicles can only accept work where a prior booking has been made through a private hire operator. There is no limit on the number of private hire vehicle licences.

- 3.2 The Transport Act, 1985 s16 allows the council to limit the number providing it is satisfied that there is no significant demand for hackney carriages, which is unmet. The only acceptable method of determining demand is by an independent survey. It is estimated that the cost of the report will be in the region of £20K.
- 3.3 A local licensing authority in the event of a challenge to a decision to refuse a licence would have to establish to the courts that it had, reasonably, been satisfied that there was no significant unmet demand. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
- 3.4 Most local licensing authorities do not impose quantity restrictions and the Department for Transport regards that as best practice. Where restrictions are imposed, the Department for Transport urges that the matter should be regularly reconsidered and further urges that the issue to be addressed first is whether the restrictions should continue at all.
- 3.5 In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.
- 3.6 An unmet demand survey was carried out in 2018 following which committee agreed to continue with a policy of managed growth, currently 5 new licences a year issued in May. To comply with the Transport Act a new survey was due to be carried out in 2021 but was postponed due to Covid-19 as many drivers were not working and lockdowns were preventing normal passenger demand.
- 3.7 Currently in Brighton & Hove there are 590 Hackney Carriage vehicles licensed of which 284 are wheelchair accessible and 399 Private Hire Vehicles of which 96 are wheelchair accessible. There are 1021 Hackney Carriage & Private Hire Dual Licensed Drivers and 217 Private Hire Licensed Drivers.
- 3.8 The report would include, where possible, comparing Brighton and Hove provision and policy to other similar authorities to obtain the following information:
- Number of PH and HC in fleet
 - Number of wheelchair accessible PH and HC in fleet.
 - Entry control policy
 - Provision in terms of population per HC
 - Provision population per vehicle (HC and PH)
 - Census data on social make up: to include age profiles, proportion registered disabled etc.
 - This would help show if there are any notable differences in provision to either support current policy or provide a case for some change in particular with regard to wheelchair accessible vehicles.
 - Advise on the % of Wheelchair Accessible Vehicles there should be in the fleet
- 3.9 The consultation would include mystery shopper assessment to determine differences in waiting times for wheelchair accessible vehicles and to establish if the situation has

changed since the last survey and if the differentials in waiting times have reduced or increased as new vehicles have been introduced. It would also include face to face consultation with stakeholders.

- 3.10 The Department for Transport has published guidelines for best practice with regard to quantity restrictions and the conduct of surveys. The Current advice from The Department of Transport can be found at:
[Dft Best Practice Guidance](#)

3.11 The Competition and Markets Authority (CMA) also believes that quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares.

The CMA takes the view that concerns around congestion, air pollution and enforcement costs can generally be addressed through measures less harmful to passengers' interests than quantity restrictions.

If the removal of quantity restrictions leads to increased waiting times for taxi drivers between journeys, this indicates that price competition which would benefit passengers is not occurring. Licensing authorities should monitor waiting times and consider adjusting the regulated fare cap to address mismatches between supply and demand. Addressing such mismatches is likely to benefit passengers.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Not undertaking a hackney carriage unmet demand survey would preclude the council maintaining a restricted numbers policy for hackney carriages.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

This matter has been discussed at the council's hackney carriage and private hire consultation forum where all members of that forum are free to express their opinions. Forum members are supportive of an unmet demand survey.

6. CONCLUSION

6.1 That members confirm their support for a restricted numbers policy for hackney carriage vehicles with managed growth of five additional plates issued annually to wheelchair accessible vehicles or vehicles which are fully electric, or plug in hybrid (PHEV) and that any report should compare current policies and provision with other similar authorities in England.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

The fee rates for Hackney Carriages are set at a level that it is reasonably assumed will meet the costs of providing the service. Therefore, this will include the cost of the Unmet Demand

Survey. If the number of Hackney Carriages is allowed to increase this will not necessarily result in an increase in overall income, as it may be offset by a reduction in private hire vehicles. If the decision is taken to continue with a limitation policy, then there is the possibility of a legal challenge to the decision in court. Any costs associated with this would need to be met from within existing budgets, funded by fee income.

Finance Officer Consulted: Michael Bentley

Date: 08/09/21

7.2 Legal Implications:

Before a local authority can refuse an application for a hackney carriage vehicle licence in order to limit the number of licensed taxis, it must be satisfied that there is no significant demand for the services of taxis within its area which is unmet. If the local authority is so satisfied, a discretion to refuse the licence arises. Any applicant whose application for a licence is refused has a right of appeal to the Crown Court. Section 70 (1) (c) of the Local Government (Miscellaneous) Provisions Act 1976 provides that a licensing authority may charge such fees for the grant of vehicle licences as may be sufficient in the aggregate to cover in whole or in part any reasonable administrative or other costs in connection with the control and supervision of hackney carriages. The costs of the survey may therefore properly be recovered through hackney carriage vehicle licence fees.

Lawyer Consulted: Name Rebecca Sidell

Date: 30/09/21

7.3 Equalities Implications:

The survey will provide information from various categories of society in Brighton & Hove, which the council will use to ensure that taxis in the city are licensed to best serve the needs of all. The results will assist the Council in planning for the future ensuring that no group of persons will be disadvantaged through using taxis.

7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

7.5 Any Other Significant Implications:

None

SUPPORTING DOCUMENTATION

None

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 16

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	14 October 2021		
Report of:	Interim Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Alex Evans	Tel: 296659
	E-mail:	alex.evans@brighton-hove.gov.uk	
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report was requested by Members to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between June 2021 and October 2021.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to act as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Legislation in relation to the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 which applies to both hackney carriages and private hire vehicles is enforced by the local authority. Non-criminal enforcement can also be affected by means of action taken against the licence held by the person who has transgressed such as warnings, suspensions, or revocations.
- 3.2 Any driver must be a fit and proper person. It is not possible to give a precise definition of what this is, but at its heart is keeping passengers safe and free from risk. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.
- 3.3 The council can suspend, revoke, or refuse a hackney carriage or private hire vehicles and/or driver licences. However, a driver licence cannot be suspended and then revoked at a later date such as at the conclusion of a prosecution. Other actions are available to officers such as verbal or written warnings which can be applied in line with the Councils [Licensing Enforcement Policy](#).

- 3.4 All cases are looked at on their own individual merit and if necessary, such as in CSE cases multi agency meetings may be held to review available evidence. When acting against a licence, decisions are investigated by officers and a recommendation is made to a manager who makes the decision in consultation with a lawyer. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was serious and required immediate suspension, then officers would come to members as soon as possible after they had acted.
- 3.7 In addition to day-to-day enforcement work, officers normally carry out weekly out-of-hours enforcement work, normally at weekends and weekday evenings. This includes monitoring of hot spot areas for over and illegal ranking and plying for hire, vehicle inspections and occasional test purchase operations. General enforcement is essentially checking the vehicle is safe to be on the road and that the driver's details are correct. The officers are trained in vehicle inspection and checks could include several things illustrated on the check list in Appendix A. Primarily, it involves checking the tyres, lights, steering, suspension, as well as the general condition of the vehicle, livery and that the meter is working correctly.
- 3.8 A multi-agency exercise involving Sussex Police, Driver and Vehicle Standards Agency (DVSA) and Enforcement Officers took place on the 26th June 2021. A total of 38 vehicles were stopped with 13 vehicles licensed by other authorities and 2 PSV vehicles (Limos). Licensed Vehicles from other areas were: Adur 2, Chichester 3, Crawley 1, Havant 1, Lewes 5, Southampton 1. 1 Fixed Penalty Notice was issued, 1 Suspension issued and 1 Vehicle seized for no valid insurance.
- 3.9 Since 2019 all licenced drivers have been offered a safeguarding course tailored for Brighton and Hove Licenced drivers, the course was initially funded by the Council. The safeguarding training is now a mandatory requirement for all drivers with a refresher every 3 years. Since the training the council has received a number of intelligence reports which details licence drivers being involved in the transportation of passengers concerned in the supply of class A drugs in the city.
- 3.10 Some of the intel is of a serious concern as it identifies persons under the age of 16 and investigations have resulted in the revocation of licences. The council will continue to work with licenced drivers, the Public, the Police and other enforcement agencies in order to safeguard residents and visitors of the city.
- 3.11 For actions taken against drivers / applicants between June 2021 and October 2021 See Appendix B.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. None.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley

Date: 08/09/21

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 30/09/2021

Equalities Implications:

5.3 Licensing authorities must ensure that a safe hackney carriage and private hire service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. For information only.

Appendices

A. Vehicle Inspection Sheet

B. Actions taken against Drivers



BTEC Vehicle Inspection Programme

Vehicle Reg No _____

Mileage _____

Examining Officer _____

Private Hire

Hackney Carriage

Vehicle No

Badge No

Time Stopped

Date Stopped

Location

Exterior Lights Front	Serviceable	Unserviceable
Side Lights		
Headlights / Dip / Main		
Fog Lights Front		
Indicators N/S O/S + Hazards		
Exterior Front	Serviceable	Unserviceable
Condition Of bodywork + Number Plate		
Underbonnet Condition		
Oil / Brake / Steering Fluid		
Fluid Leakage		
N/S Front Tyre Depth Pressure		
N/S Wheel + Nuts		
N/S Suspension Leaking / Bounce		
N/S Wing Mirror		
O/S Front Tyre Depth Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
O/S Wing Mirror		
Steering Systems	Serviceable	Unserviceable
Amount of Free Play		
Condition of Gaitors		

Driver Interior / Exterior	Serviceable	Unserviceable
Condition of Steering Wheel		
View to Front and Side / Tints		
Seatbelts / Driver + Passenger		
Footbrake Operation + Slip Device		
Carpets / Wires / Obstructions		
Radio + PDA + Sta Navs		
ABS Warning + Other Warning Lights		
Handbrake Operation + Warning Light		
Seat Security		
Door + Window Operation (All)		
Signs / Fare Tables / Badges Etc		
Taximeter + Calibration		
O/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger + Centre Belt		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		

Rear Of Vehicle	Serviceable	Unserviceable
Side Lights		
Brake Lights + High Level / Central Lights		
Indicators N/S O/S + Hazards		
Rear Fog Lights		
Reversing Lights		
Number Plate Condition + Light		
Tailgate / Boot Operation		
Spare Wheel or Inflator Kit		
N/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
Additions	Serviceable	Unserviceable
Fire Extinguisher		
First Aid Kit		
Wipers / Washers / Horn		

Brief Report

Defects likely to warrant suspension Yes No

General Condition of Vehicle

Good

Average

Poor

Very Poor

Other Defects Noted _____

Categorisation of Defects Section Page I.M No

Note _____

Enforcement Actions Since Licensing Committee June 2021

	Licence Type	Date	Brief Description of Case	Aggravating Factors:	Mitigating Factors:	Enforcement Action Taken:
1.	Private Hire Driver Licence	26.06.2021	Arrested on suspicion of Possession and distribution of Drugs			Licensed Revoked
2.	Private Hire Vehicle Licence	26.06.2021	Vehicle suspected as being used for the distribution of Drugs			Licensed Revoked
3.	Hackney Carriage Dual Licence	13.07.2021	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended and Renewal Refused
4.	Hackney Carriage Dual Licence	16.07.2021	Multiple Complaints – Inappropriate Language, Offensive Behaviour			Licensed Revoked
5.	Hackney Carriage Dual Licence	16.07.2021	Arrested on suspicion of the distribution of Drugs			Licensed Revoked
6.	Hackney Vehicle Licence	16.07.2021	Vehicle suspected as being used for the distribution of Drugs			Licensed Revoked
7.	Hackney Carriage Dual Licence	24.08.2021	Driver does not meet DVLA Group 2 Medical Standard			Licensed Suspended
8	Hackney Carrige Dual Licence	17.09.2021	Vulnerable person having been propositioned for sex by taxi driver. Police investigating a theft and assault on female.	Female extremely vulnerable, was picked up from vulnerable location and being taken		Licence Revoked

				for a hospital appointment.		
9	Hackney Carriage Vehicle Licence	20.09.2021	Vehicle renewal was not submitted by main plate holder, second plate holder contacted who then submitted a renewal application 12 days after licence expired. Vehicle not presented for inspection	Previous licence fee on vehicle remain unpaid.		Licence Refused

LICENSING COMMITTEE (NON-LICENSING ACT 2003 FUNCTIONS)

Agenda Item 17

Brighton & Hove City Council

Subject:	Licence fees 2022/2023		
Date of Meeting:	14 October 2021		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Jim Whitelegg, Regulatory Services Manager	Tel: 29-2438
	Email:	Jim.whitelegg@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out the proposed licence fees and charges for 2022/23 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, Taxi Licensing and Animal Activity Licences.

2. RECOMMENDATIONS:

- 2.1 That the committee approves the following licence fees will increase by an average of 2%:
- Taxi Licence fees - as set out in Appendix 1.
 - Sex Entertainment Venues and Sex Establishments fees – as set out in Appendix 2.
 - Street Trading fees – as set out in Appendix 2.
 - All Gambling Act 2005 fees – as set out in Appendix 2.
 - All Animal Activity Licences fees - as set out in Appendix 5.

A list of agreed fees for 2021-22 and proposed fees for 2022-23 is included in Appendices 1-2 & 5.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In order to ensure that council tax payers are not subsidising work concerning licensing administration, income is raised by licence fees with the aim of covering the cost of administration of each regime within the constraints of regulation. Licence fees should not be used to raise surplus revenues. The regulation of setting fees is detailed and changes as a result of legislation and cases; outlined below. It is proposed to raise all fees by the corporate rate of inflation (2%) for 2022/23 and as a minimum each year thereafter. Given that our fees have been benchmarked and can demonstrate they are set fairly, it is felt that this approach helps provide more certainty for the trade and ensures that our costs are fully recovered each year (taking account of inflationary uplifts). If there were any

significant variations to the costs, then these would be communicated to the trade and clearly be taken into account when setting the relevant fee/s.

Licence Fee Setting – general principles

- 3.2 There must be a proper determination of the authorisation fee (see Hemming 2015, 2017] UKSC.
- 3.3 A clear understanding of the policy and objects of the regime in question is required. It follows that the relevant considerations for vetting an applicant for a street trading licence will be different to those required for a sex establishment (see *R v Manchester City Council ex parte King* (1991) 89 LGR 696; also *R (on the application of Davis & Atkin) v Crawley Borough Council* [2001] EWHC 854 (Admin)). Particular attention needs to be had to those statutory provisions where a power is given to the local authority for the determination of an authorisation fee and other administrative fees.
- 3.4 Applicability of the European Services Directive (see Hemming [2015, 2017] UKSC: The Directive applies to street trading and sex licensing; not gambling or taxis. *The UK left the EU on 31 January 2020, and the transition period (during which EU rules continued to apply in the UK) ended on 31 December 2020. The Services Directive therefore no longer applies to the UK, or to EEA businesses or individuals providing services in the UK. However, the European Union (Withdrawal) Act 20183 preserved the Provision of Services Regulations 2009 (as amended in 2014) for UK nationals and businesses established in the UK and formed under UK law. Regulation 18(4) applies to fees in the same way as the former Directive.*
- 3.5 Different fee levels for different types of application. A licensing authority is entitled to set either the same or different fee levels for different types of applications: i.e. grant, renewal, variation, alteration or transfer. *R v Greater London Council, ex parte Rank Organisation* [1982] LS Gaz R 643.
- 3.6 Recovery of deficit. 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 so as to recoup the cost of the shortfall (Hutton at p 518). This longstanding principle was confirmed in Hemming [2012].
- 3.7 Accounting for surplus. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591 the court determined surpluses as well as deficits are to be carried forward. The licensing authority is not entitled to make a profit. (*R v Manchester ex parte King* 1991 89 LGR 696.
- 3.8 Rough and ready calculations. In Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591, the court did not require pin-point precision year on year. The council does not have to adjust the licence fee every year to reflect any previous deficit or surplus, so long as it 'all comes out in the wash' eventually. And the adjustment does not have to be precise: a rough and ready calculation which is broadly correct will do.
- 3.9 Anticipated costs. Cases demonstrate that the fee level may be fixed by reference to anticipated costs of administering the authorisation scheme.

- 3.10 Over-estimation. If the fee levied in the event exceeds the cost of operating the scheme, the original decision will remain valid provided it can be said that the district council reasonably considered such fees would be required to meet the total cost of operating the scheme. R v M ex parte King.

Hackney Carriage & Private Hire

- 3.11 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. This requires that such fees have to be reasonable to recover the cost of issue and administration of licences. They cannot be used to raise revenue or fund activities such as taxis marshals. This has been confirmed in a recent court case Cummings and Others v Cardiff City Council which also confirmed that fees set must have regard to any surplus or deficit in previous years for each regime (hackney carriage or private hire).

The recent Court of Appeal case: R. (on the application of Rehman) v Wakefield City Council, December 2019, established that costs of administration under S53(2) of the above act could include the costs of enforcement against drivers of hackney carriages and private hire vehicles.

The Act allows the following costs to be recovered in the fees:

- 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.
- 3.12 A trading position has been established, taking into account all expenditure that the Council has incurred in administering the service, including both direct and indirect costs. (Indirect costs for example would include an element of management time to oversee the activity, a legitimate expense in administering the licensing function). The results are set out in the table below.

Taxi Licensing	
Financial Year	£'000 (- Surplus)/ Deficit
2020/21 Actual	1
2021/22 Forecast	1
2022/23 Budget	-1
Total	1

- 3.13 The fee structure has been reviewed and simplified to help improve the application process and allow payments to be made on-line. The current and proposed fees are set out in Appendix 1.

Detailed Trading Accounts are attached in Appendix 3.

Sex Establishments and Street Trading

- 3.14 Sex Establishments:-The administration of Sex Establishments and Sex

Entertainment venues (SEV)s is broken down as follows:

There are 5 Sex Establishments in total, for which renewal applications are processed annually, including officers carrying out annual inspections to ensure compliance with their licence. It is unlikely that a further sex establishment licence would be granted as this would be contra policy.

SEVS: There are 3 SEVs in total. SEV fees are based on licence renewals. It is unlikely that a further SEV licence would be granted as this would be contra policy. Annual inspections are carried out to ensure compliance with their licence.

- 3.15 A trading position has been established, taking into account all expenditure that the Council has incurred in administering the service, including both direct and indirect costs. The results are set out in the table below.

Sex Establishments and Sex Entertainment Venues	
Financial Year	£'000 (-Surplus)/ Deficit
2020/21 Actual	-2
2021/22 Forecast	1
2022/23 Budget	1
Total	0

The proposed fees are set to rise in line with the corporate rate of inflation at 2%. Detailed Trading Accounts are attached in Appendix 4.

- 3.16 Following the same principles as stated previously, a trading position has been established for Street Trading. During 2021/22, the majority of inspections carried out by officers were recoverable. The administration of street trading is wholly recoverable, broken down as follows:

Zone A:-

4 traders at 50 sq ft – all pay quarterly
1 traders at 42 sq ft - both vacant

Zone B:-

38 traders – 27 paid/11 unpaid)

Upper Gardner Street Saturday Market:-

Total 43 pitches (total 74 available) – 32 paid/5 unpaid

- 3.17 Taking into account all the council expenditure incurred in administering the service including an element of management time to oversee the activity, the results are set out in the table below.

Street Trading	
Financial Year	£'000 (-Surplus)/ Deficit
2020/21 Actual	0
2021/22 Forecast	0
2022/23 Budget	-1
Total	-1

The proposed fees are set to rise in line with the corporate rate of inflation at 2%. Detailed Trading Accounts are attached in Appendix 4.

Gambling Act 2005

- 3.18 The proposed fees are set to increase by an average of 2% in most cases, Where fees charged are already at the maximum level (set nationally) they are unchanged. Trading accounts can be found at Appendix 4.

Gambling Act	
Financial Year	£'000 (-Surplus)/ Deficit
2020/21 Actual	0
2021/22 Forecast	1
2022/23 Budget	1
Total	2

Animal Activity Licensing

- 3.19 It is proposed to raise all fees in line with the corporate rate of inflation (2%) as set out in Appendix 5.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Fees must be set.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 Council's finance officer and legal services.

6. CONCLUSION

Fees must be set.

7. FINANCIAL & OTHER IMPLICATIONS:

- 7.1 Financial Implications:

Licence fees are set annually at a level that it is reasonably believed will cover the costs of providing the service, and in accordance with the legal principles involved. This is necessary in order to ensure that council tax payers are not subsidising work concerning licensing administration.

Finance Officer Consulted: Michael Bentley

Date: 14th Sept 2021

7.2 Legal Implications:

Legal constraints on setting fees are as follows:

- Fees must be charged in accordance with the requirements of the legislation under which they are charged. Thus for instance the Licensing Act 2003 gives the Council no discretion as they are set centrally by the relevant government department. Other legislation such as the Local Government (Miscellaneous Provisions) Act 1982 which covers a whole raft of activities and includes street trading and sex establishments simply states that we may charge such fees as we consider reasonable.

The term 'Reasonable' however does not imply wide discretion but incorporates important legal principles and constraints. These were highlighted in the case of *R v Manchester City Council ex parte King* concerning street trading. This case held that the fees charged must be related to the costs incurred in providing the street trading service. They must not be used to raise revenue generally. Fees must be proportionate. This principle is key and applies to other licensing regimes such as sex establishments.

- This principle has been reinforced by the introduction of the European Services Directive which took effect from the end of 2009. The European Union (Withdrawal) Act 2018 preserved the Provision of Services Regulations 2009 (as amended in 2014) for UK nationals and businesses established in the UK and formed under UK law. Regulation 18(4) applies to fees in the same way as the former Directive.
-
- The processes must be non-discriminatory, justified, proportionate, clear, objective, made in advance, transparent and accessible. Any fee charged for establishing a service can only be based on cost recovery and cannot be set at an artificial high level to deter service sectors from an area. The applicability of the Directive has been discussed in the recent case of *Hemming (and others) v Westminster City Council* (2015) (2017) UKSC. It is permissible for enforcement costs to be included in a licence fee but this element of the fee must be levied once the application has been granted. The Council should schedule regular fee reviews.
- Therefore the trading accounts must be carefully looked at in accordance with these principles. There is a risk of challenge by way of Judicial Review in cases where fees are set at an unreasonable or unlawful level.

Lawyer Consulted: Rebecca Sidell

Date: 30/09/21

7.3 Equalities Implications:

There are no direct equalities implications.

7.4 Sustainability Implications:

here are no direct sustainability implications. Any Other

Significant Implications:

SUPPORTING DOCUMENTATION

Appendices:

- 1-2 List of fees and charges.
- 3-4. List of Trading accounts.
5. Current and Proposed Fees for Animal Activity Licensing

Documents in Members' Rooms

1. None.
2. None.

Background Documents

None

Appendix 1 - Proposed Taxi Licence Fees 2022-23

TAXI LICENCE FEES			
	2021-22	2022-23	
	Agreed Fee	Proposed Fee	Change
	£	£	%
Hackney Carriage Drivers Licence (3 Year)	£320.00	£324.00	1.3%
Private Hire Drivers Licence (3 Year)	£250.00	£255.00	2.0%
Hackney Carriage Vehicle Licence (Full Year)	£190.00	£194.00	2.1%
Private Hire Vehicle Licence (Full Year)	£70.00	£71.00	1.4%
Private Hire Operator Licence (1 or 2 Cars) - 5 year	£155.00	£158.00	1.9%
Private Hire Operator Licence (3 or more Cars) - 5 year	£550.00	£561.00	2.0%
Knowledge Test Fee	£25.00	£26.00	4.0%
Route Test Fee	£36.00	£37.00	2.8%
Vehicle Transfer Fee	£48.00	£49.00	2.1%

Appendix 2 - Proposed Licensing Fees 2022-23

LICENSING FEES			
	2021-22	2022-23	
	Agreed Fee	Proposed Fee	Change
	£	£	%
Sex Establishments and Venues			
Sex Entertainment Venue	£3,450.00	£3,520.00	2.0%
Sex Establishments - Grants	£3,770.00	£3,850.00	2.1%
Sex Establishments - Renewal	£3,450.00	£3,520.00	2.0%
Sex Establishments - Occasional	£2,040.00	£2,080.00	2.0%
Street Trading			
Upper Gardner Street	£520.00	£530.00	1.9%
Zone B	£620.00	£630.00	1.6%
Zone A 50 sq ft.	£4,270.00	£4,360.00	2.1%
Zone A 42 sq. ft.	£3,510.00	£3,580.00	2.0%
Street Artists	£30.00	£30.00	0.0%
Misc. Short Term	£30.00	£30.00	0.0%
Farmers Maker (per stall)	£225.00	£225.00	0.0%
Small Street Marker (per occasion)	£300.00	£310.00	3.3%
Gambling Act			
Existing Casino - Reg 6 and Reg 8 First Annual and Annual Fees	£2,080.00	£2,120.00	1.9%
Existing Casino - Reg 10 Change of circumstance	£15.00	£15.00	0.0%
Existing Casino - Reg 11 Variation	£1,460.00	£1,490.00	2.1%
Existing Casino - Reg 12 Transfer	£1,350.00	£1,350.00	0.0%
Existing Casino - Reg 13 Copy of Licence	£15.00	£15.00	0.0%
Existing Casino - Reg 14 Reinstatement	£1,350.00	£1,350.00	0.0%
Bingo Premises - Reg 5 (2) (a) Non Conversion - Provisional Statement Premises	£760.00	£780.00	2.6%
Bingo Premises - Reg 5 (2) (b) Non Conversion - Other Premises	£1,460.00	£1,490.00	2.1%
Bingo Premises - Reg 6 and Reg 8	£730.00	£740.00	1.4%
Bingo Premises - Reg 10	£15.00	£15.00	0.0%
Bingo Premises - Reg 11	£1,460.00	£1,490.00	2.1%
Bingo Premises - Reg 12	£1,200.00	£1,200.00	0.0%
Bingo Premises - Reg 13	£15.00	£15.00	0.0%
Bingo Premises - Reg 14	£1,200.00	£1,200.00	0.0%
Bingo Premises - Reg 15 Provisional Statement	£1,460.00	£1,490.00	2.1%
Adult Gaming Centre - Reg 5 (2) (a)	£760.00	£780.00	2.6%
Adult Gaming Centre - Reg 5 (2) (b)	£1,460.00	£1,490.00	2.1%
Adult Gaming Centre - Reg 6 and Reg 8	£730.00	£740.00	1.4%
Adult Gaming Centre - Reg 10	£15.00	£15.00	0.0%
Adult Gaming Centre - Reg 11	£1,000.00	£1,000.00	0.0%
Adult Gaming Centre - Reg 12	£1,200.00	£1,200.00	0.0%
Adult Gaming Centre - Reg 13	£15.00	£15.00	0.0%
Adult Gaming Centre - Reg 14	£1,200.00	£1,200.00	0.0%
Adult Gaming Centre - Reg 15	£1,460.00	£1,490.00	2.1%
Betting Tracks - Reg 5 (2) (a)	£760.00	£780.00	2.6%
Betting Tracks - Reg 5 (2) (b)	£1,460.00	£1,490.00	2.1%
Betting Tracks - Reg 6 and Reg 8	£730.00	£740.00	1.4%
Betting Tracks - Reg 10	£15.00	£15.00	0.0%
Betting Tracks - Reg 11	£1,250.00	£1,250.00	0.0%
Betting Tracks - Reg 12	£950.00	£950.00	0.0%
Betting Tracks - Reg 13	£15.00	£15.00	0.0%
Betting Tracks - Reg 14	£950.00	£950.00	0.0%
Betting Tracks - Reg 15	£1,460.00	£1,490.00	2.1%
Family Entertainment Centre - Reg 5 (2) (a)	£760.00	£780.00	2.6%
Family Entertainment Centre - Reg 5 (2) (b)	£1,460.00	£1,490.00	2.1%
Family Entertainment Centre - Reg 6 and Reg 8	£560.00	£570.00	1.8%
Family Entertainment Centre - Reg 10	£15.00	£15.00	0.0%
Family Entertainment Centre - Reg 11	£1,000.00	£1,000.00	0.0%
Family Entertainment Centre - Reg 12	£950.00	£950.00	0.0%
Family Entertainment Centre - Reg 13	£15.00	£15.00	0.0%
Family Entertainment Centre - Reg 14	£950.00	£950.00	0.0%
Family Entertainment Centre - Reg 15	£1,410.00	£1,440.00	2.1%
Betting Other - Reg 5 (2) (a)	£760.00	£780.00	2.6%
Betting Other - Reg 5 (2) (b)	£1,460.00	£1,490.00	2.1%
Betting Other - Reg 6 and Reg 8	£460.00	£470.00	2.2%

Appendix 2 - Proposed Licensing Fees 2022-23

LICENSING FEES			
	2021-22	2022-23	
	Agreed Fee	Proposed Fee	Change
	£	£	%
Betting Other - Reg 10	£15.00	£15.00	0.0%
Betting Other - Reg 11	£1,460.00	£1,490.00	2.1%
Betting Other - Reg 12	£1,200.00	£1,200.00	0.0%
Betting Other - Reg 13	£15.00	£15.00	0.0%
Betting Other - Reg 14	£1,200.00	£1,200.00	0.0%
Betting Other - Reg 15	£1,460.00	£1,490.00	2.1%
Lotteries New - Reg 12	£40.00	£40.00	0.0%
Lotteries New - Reg 14	£40.00	£40.00	0.0%
Renewal - Reg 12	£20.00	£20.00	0.0%
Renewal - Reg 14	£40.00	£40.00	0.0%

Appendix 3 - Taxi Licensing Fee Trading Accounts 2020-2023

Taxi Licensing - Three Year Accounts				
2020-21 Financial Year Actual				
CIPFA Standard Subjective	Hackney Carriages - Vehicles	Hackney Carriages - Drivers	Private Hire - Vehicles	Private Hire - Drivers
	£	£	£	£
Direct Employees	61,415	63,089	20,344	18,249
Indirect Employees	290	314	107	11%
Transport Related	444	482	164	11%
Unmet Demand Survey	6,000	0	0	0%
Driver Assessments/Checks	0	6,200	0	23%
Supplies and Services	6,065	6,577	2,242	11%
Support Services	14,030	15,214	5,185	11%
Management Overhead	18,845	20,435	6,964	11%
Total Expenditure	107,091	112,310	35,006	32,505
Total Income	-114,091	-113,514	-33,176	-24,857
Total (Surplus) / Deficit	-7,000	-1,204	1,830	7,648
2021-22 Financial Year Forecast				
CIPFA Standard Subjective	Hackney Carriages - Vehicles	Hackney Carriages - Drivers	Private Hire - Vehicles	Private Hire - Drivers
	£	£	£	£
Direct Employees	62,644	64,351	20,751	18,613
Indirect Employees	289	313	107	91
Transport Related	361	391	133	113
Unmet Demand Survey	6,000	0	0	0
Driver Assessments/Checks	0	6,507	0	1,893
Supplies and Services	6,137	6,655	2,268	1,926
Support Services	14,014	15,196	5,179	4,398
Management Overhead	19,162	20,777	7,081	6,014
Total Expenditure	108,606	114,190	35,519	33,049
Total Income	-108,490	-114,237	-33,938	-33,339
Total (Surplus) / Deficit	116	-46	1,581	-290
2022-23 Financial Year Budget				
CIPFA Standard Subjective	Hackney Carriages - Vehicles	Hackney Carriages - Drivers	Private Hire - Vehicles	Private Hire - Drivers
	£	£	£	£
Direct Employees	63,896	65,638	21,166	18,986
Indirect Employees	289	313	107	91
Transport Related	368	399	136	116
Unmet Demand Survey	6,000	0	0	0
Driver Assessments/Checks	0	6,639	0	1,931
Supplies and Services	6,260	6,788	2,313	1,965
Support Services	14,278	15,482	5,276	4,481
Management Overhead	19,527	21,174	7,216	6,129
Total Expenditure	110,618	116,433	36,215	33,698
Total Income	-110,774	-115,727	-35,168	-36,179
Total (Surplus) / Deficit	-156	706	1,047	-2,481
Total Three-Year (Surplus) / Deficit	-7,040	-545	4,457	4,877

Appendix 4 - Licence Fee Trading Accounts 2020-2023

Licence Fee - Three Year Accounts			
2020-21 Financial Year Actual			
CIPFA Standard Subjective	Sex Establishments	Street Trading (Legal)	Gambling Act
	£	£	£
Direct Employees	9,353	24,942	15,589
Indirect Employees	95	253	158
Transport	15	35	24
Supplies and Services	117	279	195
Support Services	6,481	15,483	10,802
Management Overheads	2,686	6,417	4,477
Total Expenditure	18,747	47,409	31,245
Total Income	-20,280	-46,972	-31,513
Total (Surplus) / Deficit	-1,533	437	-268
2021-22 Financial Year Forecast			
CIPFA Standard Subjective	Sex Establishments	Street Trading (Legal)	Gambling Act
	£	£	£
Direct Employees	11,383	30,355	18,972
Indirect Employees	54	144	90
Transport	18	43	30
Supplies and Services	112	267	186
Support Services	8,619	20,591	14,366
Management Overheads	2,740	6,546	4,567
Total Expenditure	22,926	57,946	38,211
Total Income	-22,350	-58,400	-36,750
Total (Surplus) / Deficit	576	-454	1,461
2022-23 Financial Year Budget			
CIPFA Standard Subjective	Sex Establishments	Street Trading (Legal)	Gambling Act
	£	£	£
Direct Employees	11,611	30,963	19,352
Indirect Employees	55	147	92
Transport	18	44	31
Supplies and Services	114	272	190
Support Services	8,619	20,591	14,366
Management Overheads	2,795	6,677	4,658
Total Expenditure	23,212	58,693	38,687
Total Income	-22,560	-59,430	-37,530
Total (Surplus) / Deficit	652	-737	1,157
Total Three-Year (Surplus) / Deficit	-304	-755	2,350

Appendix 5 Current and Proposed Animal Activity Licensing Application Fees 2022/23

Current 2021/22 Fees

Licence Type	Current - New Applicants			Current - Renewals		
	Part A	Part B	Total	Part A	Part B	Total
Dog breeding (Dom)	£204.00	£133.00	£337.00	£184.00	£122.00	£306.00
Dog Breeding (Comm)	£235.00	£153.00	£388.00	£204.00	£133.00	£337.00
Dog Boarding (Dom)	£194.00	£128.00	£322.00	£163.00	£112.00	£275.00
Dog Boarding (Comm)	£235.00	£153.00	£388.00	£204.00	£133.00	£337.00
Cat Boarding	£214.00	£143.00	£357.00	£184.00	£122.00	£306.00
Dog Day Care	£214.00	£143.00	£357.00	£184.00	£122.00	£306.00
Exhibition of animals	£235.00	£153.00	£388.00	£204.00	£133.00	£337.00
Hiring horses	£255.00	£173.00	£428.00	£235.00	£153.00	£388.00
Pet vending	£204.00	£133.00	£337.00	£184.00	£122.00	£306.00

Proposed 2022/232 Fees

New Applicants					Renewals				
Part A	Part B	Proposed Total Fees	Increase	%	Part A	Part B	Proposed Total Fees	Increase	%
£208.00	£136.00	£344.00	£7.00	2.08%	£188.00	£124.00	£312.00	£6.00	1.96%
£240.00	£156.00	£396.00	£8.00	2.06%	£208.00	£136.00	£344.00	£7.00	2.08%
£198.00	£131.00	£329.00	£7.00	2.17%	£166.00	£114.00	£280.00	£5.00	1.82%
£240.00	£156.00	£396.00	£8.00	2.06%	£208.00	£136.00	£344.00	£7.00	2.08%
£218.00	£146.00	£364.00	£7.00	1.96%	£188.00	£124.00	£312.00	£6.00	1.96%
£218.00	£146.00	£364.00	£7.00	1.96%	£188.00	£124.00	£312.00	£6.00	1.96%
£240.00	£156.00	£396.00	£8.00	2.06%	£208.00	£136.00	£344.00	£7.00	2.08%
£260.00	£176.00	£436.00	£8.00	1.87%	£240.00	£156.00	£396.00	£8.00	2.06%
£208.00	£136.00	£344.00	£7.00	2.08%	£188.00	£124.00	£312.00	£6.00	1.96%

Vets Fees *

A recharge to the licensee of the cost to the Authority

* where applicable

Variation / Transfer of Licence	£120.00
Appeals / site visit	Price on application

£122.00	£2.00	1.67%
---------	-------	-------

