

WAVERLEY BOROUGH COUNCIL
LICENSING & REGULATORY COMMITTEE

27 FEBRUARY 2023

Title:

LICENSING BUDGET 2023/24

Portfolio Holders: Cllr Mark Merryweather
Portfolio Holder for Finance, Assets & Commercial Services

Head of Service: Peter Vickers
Executive Head of Finance (S151)

Key decision: No
Access: Public

1 Purpose and Summary:

- 1.1 The purpose of this report is to seek the Committee's agreement to its draft Revenue Estimates and Fees and Charges for 2023/24 as part of the Budget process. This report updates the Committee on the latest position regarding the draft General Fund Budget for 2023/24.
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2 Introduction

- 2.1 The report puts forward proposals for the Licensing Service Revenue Estimates and Fees & Charges for 2023/24.

3 General Fund Background

- 3.1 Over the past few years Waverley has faced significant financial pressures and a further pressure is anticipated on top of the substantial reductions already made, resulting in significant savings required over the next four years in addition to those already achieved.

4 2023/2024 Draft Licensing Estimates

- 4.1 The Licensing Service 2023/24 Estimates are attached at Annexe 1.
- 4.2 Annexe 2 provides an analysis of Licensing costs and income for 2023/24, showing the estimated recovery rates. This annexe also demonstrates that the enforcement costs (around 10% of costs) are not recovered through fees.

5 Fees & Charges

5.1 Fees and charges are reviewed annually as part of the budget process. Some fees and charges are statutory, but for those determined by Waverley, an exercise has been undertaken to analyse the fees and ensure that they equate to the costs of the service provided. For 2023/24, the proposed fees and charges for the Licensing Service are at Annexe 3.

5.2 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, any proposed increase to certain fees must be advertised and this relates to hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences. Any representations received in response to the advertisement will be brought back to the Licensing and Regulatory Committee in due course.

6 Conclusion

6.1 The licensing fees presented in the budget are subject to the confirmation of the Licensing Committee following the statutory consultation period.

7 Recommendation

7.1 It is recommended that the Licensing and Regulatory Committee:

- a) Notes the draft Revenue Estimates for 2023/23 as shown at Annexe 1; and
- b) notes the proposed level of fees and charges for 2023/24 in accordance with the schedule at Annexe 3, noting that various fees will be subject to advertisement and consultation prior to implementation.

8 Reason for the recommendation(s)

8.1 The Budget is a major decision for the Council and setting a balanced budget is a statutory requirement. Scrutiny of the financial plan and budget proposals demonstrate transparency and good governance

9 Relationship to the Corporate Strategy and Service Plan(s)

9.1 Having a robust, sustainable budget is essential to deliver all aspects of the Corporate Plan

10 Implications of decision(s)

10.1 Resource (Finance, procurement, staffing, IT)

All decisions made with regard to the budget will impact on Waverley's resources.

Provision is made in the Council's budget for the licensing service which is run on a cost recovery basis.

10.2 **Risk management**

There are no risks directly arising from the recommendation above.

10.3 **Legal**

It is the annual responsibility of the Full Council to approve the Budget and set the Council Tax (Constitution Part 3:B6-7. P.40)

Waverley is responsible for licensing Hackney Carriage, Private hire and dual drivers, proprietors and operators within the area, primarily through the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as well as other legislation.

Reg 18(4) Provision of Services Regulations 2009 provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme. The fees can include the administrative costs involved, the costs of vetting the applicants (in the case of applications) and the cost of investigating compliance with licence terms (in the case of renewals). A fee cannot include costs of enforcement. The proposals comply with these requirements.

The relevant caselaw is R (on the application of Abdul Rehman, on behalf of the Wakefield District hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166 – known as 'the Wakefield case' and the mechanism for this is under section 53(2) of the local Government (Miscellaneous Provisions) Act 1976.

10.4 **Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

10.5 **Climate emergency declaration**

There are no direct implications arising from this report but reference is made to the need for the main budget proposals to address the resource requirement for the emerging climate change action plan.

11 **Consultation and engagement**

11.1 The recommended changes to license fees set out above will be subject to consultation with the Taxi and Private Hire trade and the public before being finalised.

12 Other options considered

12.1 No other options considered due to the statutory requirement to cost recover.

13 Governance journey

13.1 The final budget proposals will be presented to Council on 21 February 2023 based on the recommendations made by the Executive. The licensing fees presented in the budget are subject to the confirmation of the Licensing Committee following the statutory consultation period.

Annexes:

Annexe 1 - Licensing Service 2023/24 Estimates

Annexe 2 - Licensing costs and income for 2023/24

Annexe 3 - Proposed fees and charges for the Licensing Service 2023/24

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services:

Head of Finance:

Strategic Director:

Portfolio Holder:
