

LICENSING COMMITTEE MEETING

Date: Thursday 9 November 2023
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Springett (Chairman), Joy (Vice-Chairman), Coates, English, Fort, Garten, Hinder, Naghi, Parfitt-Reid, Mrs Robertson, J Sams, Reid and J Wilkinson

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 14 September 2023	1 - 5
9. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 6 September 2023	6 - 8
10. Question and Answer Session for Local Residents	
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12. Licence Fees and Charges 2024/2025	9 - 20

Issued on Wednesday 1 November 2023
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

Head of Schedule 12 A and Brief Description

13. Minutes (PART II) of the Licensing Act 2003 Sub-Committee Meeting held on 6 September 2023	1 – Information relating to any individual 2 – Information likely to reveal the identity of an individual 3 – Information relating to the financial and/or business affairs of an individual (including the authority holding that information)	21 - 23
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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 7 November 2023). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Tuesday 7 November 2023). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 SEPTEMBER 2023

Attendees:

Committee Members:	Councillors Springett (Chairman), Joy, Coates, English, Fort, Garten, Hinder, Parfitt-Reid, Mrs Robertson, J Sams, Reid and J Wilkinson
Visiting Members:	Councillor Kimmance

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Naghi.

It was noted that Councillor Fort would be arriving later in the meeting.

7. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

8. URGENT ITEMS

There were no urgent items.

9. VISITING MEMBERS

Councillor Kimmance was present as a Visiting Member for Item 18 - Age Policy - Vehicles and 19 - Mandate card payment machines in Hackney vehicles.

10. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

11. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

12. EXEMPT ITEMS

RESOLVED: That all items on the agenda be taken in public, with Item 22 – Minutes (PART II) of the Licensing Act 2003 Sub-Committee Meeting held on 8 June 2023 to be considered alongside Item 12 – Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 8 June 2023, unless any Committee Member wished to refer to the information contained within the former in which case the Committee would have to enter into closed session due to the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

13. MINUTES OF THE MEETING HELD ON 12 JANUARY 2023

RESOLVED: That the Minutes of the meeting held on 12 January 2023 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 23 MAY 2023

RESOLVED: That the Minutes of the meeting held on 23 May 2023 be approved as a correct record and signed.

15. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 9 FEBRUARY 2023

RESOLVED: That the Minutes of the meeting held on 9 February 2023 be approved as a correct record and signed.

16. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 2 MAY 2023

RESOLVED: That the Minutes of the meeting held on 2 May 2023 be approved as a correct record and signed.

17. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 8 JUNE 2023

RESOLVED: That the Minutes of the meeting (Parts I and II) held on 8 June 2023 be approved as a correct record and signed.

18. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 13 JULY 2023

RESOLVED: That the Minutes of the meeting held on 13 July 2023 be approved as a correct record and signed, subject to changing the following text in Minute 8, to read:

“Following the adjournment, the Chairman stated that the Sub-Committee wished to adjourn the meeting to allow for parties to consider the relevant matters and obtain further advice on whether or not planning permission was required.”

19. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 4 SEPTEMBER 2023

RESOLVED: That the Minutes of the meeting held on 4 September 2023 be approved as a correct record and signed.

20. PETITION OF PETITIONS

There were no petitions.

21. QUESTIONS AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

22. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There was one question from a Member to the Chairman.

Question from Councillor Sams to the Chairman of the Licensing Committee

We have a situation where residents in rural areas may inadvertently miss the opportunity to be consulted on street trader applications because they are outside the 100m rule. It is a possibility that an application consultation could go forward with no residents being able to take part. Maybe a numerical figure equivalent to an average that occurs in urban areas could be agreed and perhaps a circle drawn around this figure is reached. Can I ask the Chairman and officer to look at ways of addressing this? Thank you.

The Chairman responded to this question.

Councillor Sams did not wish to ask a supplementary question of the Chairman.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?v=PHBt6vxTkD4>

Note: Councillor Fort arrived at 6.42 p.m. and had no disclosures or lobbying to declare.

23. AGE POLICY - VEHICLES

The Head of Housing and Regulatory Services introduced the report and outlined the previous actions taken by the Committee in extending the permitted age of taxi vehicles. As no concerns had been raised during the initial pilot or extension, it was recommended that the vehicle age policy be amended permanently. A public consultation would be required, with the results to be presented to the Committee before a final decision was made.

In response to questions, the Head of Housing and Regulatory Services stated that any other suggested changes to the policy could be raised within an individual's consultation response and that ending the consultation on a Monday would be raised with the relevant officer.

The Committee expressed support for the proposed consultation, as the vehicle compliance checks were thorough and took into account the vehicles condition and as Covid-19 had affected car usage so older vehicles had lower mileages. The ability for individuals to make suggestions on further policy changes as part of submitting a response was emphasised.

RESOLVED: That a public consultation take place across a 6-week period, to consider permanently changing the entry level requirement for all vehicles to 4 years, 60,000 miles and exit level of 8 years for private hire vehicles as outlined in point 3.1 of the report.

24. MANDATE CARD PAYMENT MACHINES IN HACKNEY VEHICLES

The Head of Housing and Regulatory Services introduced the report, which had been produced in response to public correspondence on the inability to pay taxi

fares by card. Card payments were widely used during the Covid-19 lockdown period, and re-introducing the payment method would be beneficial in terms of safety and practicality for those who could not pay by cash. Card payments would be in addition to cash payments and would only apply to Hackney Carriage Vehicles as private hire vehicles could be pre-booked and paid for.

The Committee expressed support for consulting on the proposed policy change, as it was felt that having both cash and card payment options available would be a positive step.

RESOLVED: That:

1. The consultation on the proposals regarding potential change to the Hackney Carriage and Private Hire licensing policy to require Hackney Carriage vehicles to offer card machine payments by the 1 February 2024 as an option, be agreed; and
2. The consultation be for a six week period with direct engagement with the taxi trade.

25. THE LICENSING PARTNERSHIP - ANNUAL UPDATE

The Head of Licensing Partnership introduced the report, highlighting the performance achieved over the past year and the hard work of the Council's Licensing Officers. There was an error in the report, as point 2.6 referred to the data of the four partnership authorities whereas only the Council's data had been provided within Appendix A to the report.

In response to a question, the Head of Licensing Partnership confirmed that the monthly premises compliance target was seven actions, with the team generally meeting its targets overall.

The Committee thanked the officers for the high-quality work completed and highlighted the value of the service. The performance update was noted.

RESOLVED: That:

1. The performance of the Licensing Partnership be noted as contained within the report; and
2. The Head of the Licensing Partnership continue to provide an annual report to the Licensing Partnership.

26. LICENSING COMMITTEE MEMBER TRAINING 2023/24

The Head of Housing and Regulatory Services introduced the report, outlining the need for the Committee to agree its training programme.

In response to questions, the Lawyer (Contentious) confirmed that the training would be held across one three-hour session, with the date to be confirmed. It was usual for two sessions to be offered where possible, with these arranged to suit the availability of any Committee Members required to undertake the training.

It was noted that the report recommendation should refer to point 2.3 instead of point 2.4.

The Committee requested that the training be made available to all Members, as some Members may want to undertake the training as a refresher or to be able to sit as a Substitute Member. It was requested that Group Leaders also be made aware of the training.

RESOLVED: That:

1. The content of the training as set out in paragraph 2.3 of the report, be agreed; and
2. All new members of the Licensing Committee and those wishing to be substitutes should complete the training by 31 October 2023.

27. MINUTES (PART II) OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 8 JUNE 2023

RESOLVED: That the item be considered alongside Item 17 – Minutes of the Licensing Act 2003 Sub-Committee held on 8 June 2023.

28. DURATION OF MEETING

6.30 p.m. to 7.17 p.m.

Agenda Item 9

LSC MIMMIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 6 SEPTEMBER 2023

Attendees:

Committee Members:	Councillors English, Mrs Robertson and Springett (Chairman)
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21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hinder.

22. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor English was present as a Substitute Member for Councillor Hinder.

23. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Springett be elected as Chairman for the duration of the meeting.

24. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

25. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

26. EXEMPT ITEMS

RESOLVED: That Item 7 – Determination of an application for a private hire driver’s licence be taken in private due to the possible disclosure of exempt information, for the reasons specified having applied the public interest test.

27. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

Head of Schedule 12 A and Brief Description

Item 7 – Determination of an application for a private driver’s licence

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an

individual

Paragraph 3 – Information relating to the financial and/or business affairs of an individual (including the authority holding that information)

28. DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Springett
2. Sub-Committee Members – Councillors English and Robertson
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer (training) – Jordan Ifield
6. Principal Democratic Services Officer – Oliviya Parfitt
7. The Applicant and their representative.

All parties confirmed that they were aware of the sub-committee hearing procedure and that they had each received a copy of the hearing procedure document.

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

The Chairman explained that:

- The Sub-committee would allow all parties to put their case fully and make full submission within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report and asked the Licensing Sub Committee to determine the application, with the available options outlined.

The applicant's representative outlined the applicant's opening remarks and provided further context and information on the report.

The applicant's representative responded to questions from the panel and the legal advisor on behalf of the applicant, regarding the report and made a closing statement.

The Chairman advised that the sub-committee would retire for deliberation with the legal officer present. The meeting was adjourned between 11.00 a.m. to 11.42 a.m.

The sub-committee reconvened at 11.42 a.m. and the Chairman stated the sub-committee had decided to refuse the application after considering the information provided, government guidance and the Council's Hackney Carriage and Private Hire policy. The written decision would be circulated in due course.

RESOLVED: That the application be refused.

(See Notice of Determination)

The hearing closed at 11.45 a.m.

Licensing

11th November 2023

Licence Fees and Charges 2024/2025

Timetable	
Meeting	Date
Licensing Committee	11 th November 2023
Executive/Lead Member on the Executive for (Portfolio Name) (<i>select correct option</i>)	N/A

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Regulatory Services
Lead Officer and Report Author	Lorraine Neale
Classification	Public
Wards affected	All

Executive Summary

The authority is required to review the fees set for the administration of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Local Government (Miscellaneous Provisions) Act 1982, The Gambling Act 2005 and The Scrap Metal Dealers Act 2013. This ensures the Council complies with its statutory duty and the licensing of these regimes is self-financing, in accordance with the Council's Medium Term Financial Strategy.

Purpose of Report

To seek Member approval of the licence fees and charges for the financial year 2023/24 where the Council has discretion over the level of fee as set out at **2.5, 2.6, 2.7, 2.8, 2.9, 2.10** and **2.11** of the report for implementation on 1 April 2024.

This report makes the following recommendations to the Committee

1. That the fee levels as set out at **2.6, 2.7, 2.8, 2.9, 2.10** and **2.11** of the report for implementation on 1 April 2024, be approved; and
2. That the fee level as set out at **2.5** of the report for implementation on 1 April 2024 be approved, with any consultation responses received to be presented to the committee for consideration before that fees implementation.

Licence Fees and Charges 2024/2025

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place • We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. 	Senior Licensing Officer
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected • The report recommendations do not materially impact on the achievement of the cross-cutting objectives 	Senior Licensing Officer
Risk Management	<ul style="list-style-type: none"> • Refer to Section 5 of the report 	Senior Licensing Officer
Financial	<ul style="list-style-type: none"> • No implications identified 	Section 151 Officer & Finance Team
Staffing	<ul style="list-style-type: none"> • Not applicable 	Senior Licensing Officer
Legal	<ul style="list-style-type: none"> • Whilst certain fees are statutory, others are discretionary as set out in the report. Should parts of industry believe the Authority's discretionary fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, 	Legal Team

	the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.	
Information Governance	<ul style="list-style-type: none"> The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. 	Information Governance Team
Equalities	<ul style="list-style-type: none"> The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	Equalities & Communities Officer
Public Health	<ul style="list-style-type: none"> No implications identified 	Senior Licensing Officer
Crime and Disorder	<ul style="list-style-type: none"> There are no implications to Crime and Disorder 	Senior Licensing Officer
Procurement	<ul style="list-style-type: none"> Not applicable 	Senior Licensing Officer
Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and are;</p> <ul style="list-style-type: none"> There are no implications on biodiversity and climate change. 	Senior Licensing Officer

2. INTRODUCTION AND BACKGROUND

2.1 The Council's fees and charges are reviewed on an annual basis as part of the budget setting process. The individual licence, consents and permits fees are calculated to recover the cost of issuing the licence, consent or permit and ensuring compliance with the requirements of the relevant legislation. There are other Licences issued by the Licensing Department where the fees are set by statute and are fixed or are within parameters and these cannot be changed, these are Licensing Act 2003 fees and some Gambling fees such as Lotteries and permits.

2.2 Since the robust review in 2016 there has been no significant change in the time taken or the various tasks required to produce the majority of licenses, consents or permits. Previous years demonstrate that the service recovers its costs and does not make a profit (pandemic years being the exception), the Council's Medium Term Financial Strategy 2020/21 – 2025/26 considers the pandemic and its effect on fees and charges and assumes an adverse rate of 3% inflation, however the current CPI for 2023 is higher at 6.7% and so an increase of 6% has been applied to licence fees. This increase has not been applied to the sundry costs for taxis as there is no officer involvement and only the licensing hub administration costs should apply. A new fee for

temporary plates has been introduced for taxi vehicles which allows all partners to comply to the partnership procedure for temporary/insurance replacement vehicles.

(all fees may have been rounded up or down).

- 2.3 Members are asked to consider the proposals for increases to the fees and charges for which this Committee is responsible for reviewing at a local level.

Proposed Fees

Taxis and Private Hire Fees and Charges.

There is a Legal Requirement to publish a Public Notice to advertise proposed variations to Hackney Carriage and Private Hire licence fees.

- 2.4 Officers from the licensing department will email those Hackney Carriage Proprietors, Private Hire Operators and Drivers where we have their email addresses after this Licensing Committee meeting to give them the opportunity to make representation. A Notice will also be placed in a local paper and will be available on the Council's website.

- 2.5 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2024 are:

	Current Fees	Proposed Fees
Knowledge test	£36 per test	£38
EQUO online test	£67	£71
<u>Hackney Carriage Driver and Dual (Hackney & Private Hire) Driver Licence</u>		
<u>On initial application</u>	£ 353 for three years (this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor) £145 for one year	£ 374 for three years (this includes £26 towards the Demand Survey & £9 for maintenance of TV monitor) £154 for one year
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£390 for three years £183 for one year	£412 for three years £192 for one year
<u>On renewal</u>	£344 for three years	£365 for three years

	Current Fees	Proposed Fees
	(this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor) £127 for one year (due to age or medical)	(this includes £26 towards the Demand Survey & £9 for maintenance of TV monitor) £135 for one year (due to age or medical)
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£382 for three years £165 for one year	£403 for three years £173 for one year
Private Hire Driver Licence		
On initial application	£271 for three years £163 for one year	£287 for three years £173 for one year
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£309 for three years £201 for one year	£325 for three years £211 for one year
On renewal	£266 for three years £143 for one year (due to age or medical)	£282 for three years £152 for one year (due to age or medical)
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£304 for three years £181 for one year	£320 for three years £190 for one year
Hackney Carriage Vehicle Licence		
New & Renewal	£327 for one year (this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)	£347 for one year (this includes £26 towards the Demand Survey & £9 for maintenance of TV monitor)

	Current Fees	Proposed Fees
Private Hire Vehicle Licence		
New & Renewal	£302 for one year	£320 for one year
Private Hire Operator Licence		
5 year licence – Initial application	£552 for five years	£585 for five years
5 year licence - Renewal	£462 for five years	£490 for five years
3 year licence – Initial application	£386 for three years	£409 for three years
3 year licence - Renewal	£313 for three years	£332 for three years
1 year licence – Initial application	£223 for one year	£236 for one year
1 year licence - Renewal	£147 for one year	£156 for one year
Other Costs		
*DBS/general administration fee	£30	£30
*Change of ownership of licensed vehicle	£79	£26
*Replace vehicle plate	£26	£19
*Replace driver badge	£12	£13
*Duplicate paper licence	£13	£13
*Change of name for a vehicle licence	£13	£26
*Change of name or address for a operator licence	£13	£48
*Change of name and address for a driver badge (badge not included)	£24	£24
Plate bracket	-	£46
Vehicle exemption certificate	£51	£54
Temporary plate	-	£115

Gambling Act 2005

2.6 The maximum levels have been included in the table in brackets for comparison purposes. The previous year's fees are printed in italics for your information. The proposed fees are in bold and those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.

Premises Type		New Application £			Annual Fee £		
Existing Casinos		n/a			n/a		
New Small Casino		8000	(8,000)	8000	5000	(5000)	4759
New Large Casino		10,000	(10,000)	9857	8155	(10000)	7694
Bingo Club		3453	(3500)	3258	980	(1000)	924
Betting Premises (excluding Tracks)		3000	(3000)	3000	600	(600)	600
Tracks		2117	(2500)	1997	980	(1000)	924
Family Entertainment Centres		2000	(2000)	1997	750	(750)	746
Adult Gaming Centre		2000	(2000)	1997	750	(750)	750
Temporary Use Notice		277	(500)	262	N/A		
	Applicati on to Vary	Applicati on to Transfer	Applicati on for Re- Instate ment	Applicati on for Provisi onal Stateme nt	Licence Applicat ion (provisi onal Statem ent holders)	Copy Licence	Notificati on of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a)	n/a)
New Small Casino *	4000 (4000) <i>4000</i>	1800 (1800) <i>1797</i>	1800 (1800) <i>1797</i>	8000 (8000) <i>8000</i>	3000 (3000) <i>2967</i>	14 (25) <i>13</i>	32 (50) <i>30</i>
New Large Casino *	4958 (5000) <i>4677</i>	2150 (2150) <i>2150</i>	2150 (2150) <i>2150</i>	10000 (10000) <i>9842</i>	4769 (5000) <i>4499</i>	14 (25) <i>13</i>	32 (50) <i>30</i>
Bingo Club	1750 (1750) <i>1750</i>	1200 (1200) <i>1200</i>	501 (1200) <i>473</i>	2752 (3500) <i>2596</i>	1200 (1200) <i>1200</i>	15 (25) <i>14</i>	34 (50) <i>32</i>
Betting Premises (excludin g tracks)	1500 (1500) <i>1500</i>	1200 (1200) <i>1200</i>	477 (1200) <i>450</i>	2153 (3000) <i>2031</i>	1200 (1200) <i>1200</i>	15 (25) <i>14</i>	34 (50) <i>32</i>

Tracks	1250 (1250) <i>1250</i>	950 (950) <i>950</i>	477 (1200) <i>450</i>	2355 (2500) <i>2222</i>	950 (950) <i>950</i>	15 (25) <i>14</i>	34 (50) <i>32</i>
Family Entertainment Centres	1000 (1000) <i>1000</i>	950 (950) <i>950</i>	483 (950) <i>456</i>	2000 (2000) <i>2000</i>	950 (950) <i>950</i>	15 (25) <i>14</i>	34 (50) <i>32</i>
Adult Gaming Centre	1000 (1000) <i>1000</i>	1200 (1200) <i>1200</i>	483 (950) <i>456</i>	2000 (2000) <i>2000</i>	1200 (1200) <i>1200</i>	15 (25) <i>14</i>	34 (50) <i>32</i>
Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	15 (25) <i>14</i>	34 (50) <i>32</i>

Scrap Metal Dealers Act 2013

2.7 In setting a fee, the authority must have regard to any guidance issued by the Secretary of State, the proposed fees were originally calculated using that Guidance and the proposed fees raised by the 6% inflation increase

	Current Fee	Proposed Fee
Maidstone Borough Council		
Site licence – grant	£525	£556
Site licence – renewal	£445	£472
Collector’s licence – grant or renewal	£320	£339
Minor administrative change to licence	£35	£37
Variation - change of site manager	£187	£198
Variation from collector to site licence	£228	£242
Variation from site to collector licence	£149	£158

Sexual Entertainment Venue fees

2.8 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the licensing of Sexual Entertainment Venue premises is self-financing, in accordance with the Council's Medium Term Financial Plan

	Current Fee	Proposed Fee
Maidstone Borough Council		
New Licence Application	£4888	£5181
Renewal Licence Application	£4888	£5181
Transfer of Licence	£2387	£2530

Boats and Boatmen

2.9 The authority is required to review the fees set for the administration of the Public Health Acts Amendment Act 1907 and Local Government, Planning and Land Act 1980. This ensures the Council complies with its statutory duty and that the licensing of Boats and Boatmen is self-financing, in accordance with the Council's Medium Term Financial Plan

	Current Fee	Proposed Fee
Maidstone Borough Council		
Pleasure Boats (New & Renewal)	£144	£153
Row Boats (New & Renewal)	£29	£31
Boatmen (New & Renewal)	£17	£18

Street Trading

2.10 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the authorisation of Street Trading is self-financing, in accordance with the Council's Medium Term Financial Plan

	Current Fee	Proposed Fee
Maidstone Borough Council		
Consultation application fee (applies to full year applications only)	£156	£165
Up to 12 trading days New only (on grant)	£34	£36
Full year consent (New & Renewal) (on grant)	£265	£281
Additional assistants (checks and badges)	£52	£55
Additional change (additional products)	£52	£55
Copy/replacement Licence	£13	£14
Copy/replacement Badge	£13	£14

2.11 Licensing Act 2003 & Gambling Act 2005 PRE-APPLICATION ADVICE

These fees are for additional services provided by Officers and the Hub to assist applicants with their applications.

Covers applications for:		
<p>Licensing Act 2003</p> <ul style="list-style-type: none"> • new premises licences • full variations of premises licence • new club premises certificate (CPC) • variation of CPC • provisional statement <p>Gambling Act 2005</p> <ul style="list-style-type: none"> • new and variation applications 		
	Current 2023/2024	Proposed 2024/2025
Up to one hour of advice regarding licence applications, including assistance in completing form (hourly rate)	£75.00	£80.00
site visit (to give advice) – up to one hour	£100.00	£107.00
Licensing Act 2003 - Minor variations – up to 30 mins advice on applications (including assessment as to whether suitable as a minor, suggestion on wording of proposed conditions, help completing application etc)	£35.00	£38

HUB TEAM SERVICES		
In depth assistance in completing application forms and advice on correct documentation for: <ul style="list-style-type: none"> • Transfer • Variation of Designated premises supervisor • Personal licence 	£40.00 (incl. VAT)	£43.00
In depth assistance in completing Temporary event notices and advice on limits etc	£15.00 (incl. VAT)	£16.00
OTHER ADMIN CHARGES		
Upon request of licence holder, amend and re-issue invoice for statutory annual fee	£10.00	£11.00
Upon request of licence holder, amend contact details for lottery registration	£10.00	£11.00

3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not apply an inflationary increase to cover the full cost of delivering the licensing function. This would mean there would be a shortfall in income against the budget set for the function. Authorities cannot make a profit from the system and must ring-fence income from licensing fees so that any surplus or deficit is carried forward to the next year's budget, any surplus in one area cannot be used to subsidise a shortfall in another.
- 3.2 Members may approve the inflationary increase fees as set at **2.5, 2.6, 2.7, 2.8, 2.9, 2.10** and **2.11**
- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are requested to approve the proposed inflationary fee increases as set out at **2.5, 2.6, 2.7, 2.8, 2.9, 2.10** and **2.11** of the report to ensure that the fee income reflects the cost of providing the service.
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5. RISK

- 5.1 If the fees are set to high then there is a risk that we could be challenged as an Authority.
 - 5.2 If the fees are set to low there is the risk we will not cover the cost of delivering the service incurring a deficit.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The fees set out at 2.5 are subject to consultation and any responses from consultation will be brought to a future Licensing Committee for consideration before adopting these fees.
 - 6.2 The fees set out at **2.6, 2.7, 2.8, 2.9, 2.10** and **2.11** are not subject to consultation
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The fees will be charged with respect to new, existing and renewal applications from 1 April 2024 and published on our website.
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8. REPORT APPENDICES

N/A

9. BACKGROUND PAPERS

N/A

2.1

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted