

Licence Fees and Charges 2020/2021

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale, Senior Licensing Officer
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 2020/21 where the Council has discretion over the level of fee as set out at **2.7, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.19** of the report for implementation on 1 April 2020

This report makes the following recommendations to this Committee:

1. That the Licensing Committee approve fee levels as set out at **2.7, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.19** of the report for implementation on 1 April 2020 subject to the consideration of any representations following consultation

Timetable

Meeting	Date
Licensing Committee	27 November 2019

Licence Fees 2020/2021

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19
Cross Cutting Objectives	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19
Risk Management	Already covered in the risk section – see 5	[Lorraine Neale, Senior Licensing Officer 13.11.19
Financial	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19
Legal	Should parts of industry believe the Authority's 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, 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.	[Legal Team]
Privacy and Data Protection	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19
Equalities	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of	Lorraine Neale, Senior Licensing

	costs of the service	Officer 13.11.19
Public Health	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19
Crime and Disorder	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19
Procurement	No implications have been identified, This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service	Lorraine Neale, Senior Licensing Officer 13.11.19

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 The fees that the Council can set were subject to a robust review in 2016 where each licence type was examined and calculated by examining the time it takes to carry out the various tasks in processing each type of application and who in the authority was likely to carry each action out. The hourly rates of staff were fed in to a spreadsheet (originally produced by LACORS) to calculate costs for each type of activity.
- 2.3 There has been no significant change in the time taken or the various tasks required to produce each licence, consent or permit since 2016 and so a 2% inflationary increase has been applied to all fees, in line with this Council's Medium Term Financial Strategy 2020/21 – 2024/25 which allows consideration of overall inflation assumptions.
- 2.4 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

2.5 There have been changes made since the fees for Hackney Carriage Driver and Vehicle were last set. In relation to drivers the cost of a DBS has been reduced from £44 to £40. In relation to vehicles the garage testing element has been removed from the fees, drivers will now pay the garage directly for their compliance tests from 1st April 2020.

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

2.6 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.

2.7 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2020 are:

	Current Fees	Proposed Fees
Knowledge test	£33 per test	£33.50 per test
<u>Hackney Carriage Driver and Dual (Hackney & Private Hire) Driver Licence</u>		
<u>The monitor has been removed from the Hackney Driver and Vehicle fees has the cost has now been recovered.</u>		
<u>On initial application</u>	£ 319 for three years (this includes £22.60 towards the Demand Survey & £8.00 for maintenance of TV monitor) £134 for one year	£ 325 for three years (this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor) £136 for one year
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)	*£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£363 for three years £178 for one year	£365 for three years £176 for one year
<u>On renewal</u>	£311 for three years (this includes £22.60 towards the Demand Survey & £8.00 for maintenance of TV monitor) £116 for one year (due to age or medical)	£317 for three years (this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor) £118 for one year (due to age or medical)
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the	*£40 every one or three years depending on licence (or £13 per year if they sign up to the

	Current Fees	Proposed Fees
	online service)	online service)
Total (including DBS fee)	£355 for three years £160 for one year	£357 for three years £158 for one year
<u>Private Hire Driver Licence</u>		
On initial application	£243 for three years £146 for one year	£248 for three years £149 for one year
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)	*£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£287 for three years £190 for one year	£288 for three years £189 for one year
On renewal	£238 for three years £128 for one year (due to age or medical)	£243 for three years £131 for one year (due to age or medical)
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)	*£40 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£282 for three years £172 for one year	£283 for three years £171 for one year
<u>Hackney Carriage Vehicle Licence</u>		
New & Renewal	£352 for one year (this includes £22.60 towards the Demand Survey & £8.00 for maintenance of TV monitor)	£301 for one year (this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor) (Vehicle testing fees have been removed from MBC fees and are now paid directly to the Garage)
<u>Private Hire Vehicle Licence</u>		
New & Renewal	£324 for one year	£277 for one year (Vehicle testing fees have been removed from MBC fees and are now paid directly to the Garage)
<u>Private Hire Operator Licence</u>		
5 year licence – Initial application	£497 for five years	£506 for five years
5 year licence -	£415 for five years	£423 for five years

	Current Fees	Proposed Fees
Renewal		
3 year licence – Initial application	£348 for three years	£354 for three years
3 year licence - Renewal	£282 for three years	£287 for three years
1 year licence – Initial application	£200 for one year	£204 for one year
1 year licence - Renewal	£133 for one year	£135 for one year
Other Costs		
Change of ownership of licensed vehicle	£72	£73
Replace external vehicle plate	£24	£24
Replace driver badge	£11	£11
Replace internal plate holder	£1.75	£1.75
Copy of existing paper licence	£12	£12
Change of address details for a replacement licence	£12	£12
Change of name for a vehicle or operator licence	£12	£12
Change of name and address for a driver badge	£22	£22
Vehicle exemption certificate or general administration fee	£46	£47
Vehicle re-test	£49	N/A testing fees are now paid directly to the Garage

*The DBS reduced their cost for an enhanced disclosure in October 2019, bringing it down to £40 from £44.

Gambling Act 2005

2.8 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.

2.9

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	8000	(8,000)	<i>8000</i>	4666	(5000)	<i>4575</i>
New Large Casino	9664	(10,000)	<i>9475</i>	7543	(10000)	<i>7395</i>
Bingo Club	2983	(3500)	<i>2925</i>	846	(1000)	<i>830</i>
Betting Premises (excluding Tracks)	3000	(3000)	<i>2945</i>	600	(600)	<i>600</i>
Tracks	1829	(2500)	<i>1793</i>	846	(1000)	<i>830</i>
Family Entertainment Centres	1829	(2000)	<i>1793</i>	683	(750)	<i>670</i>
Adult Gaming Centre	1829	(2000)	<i>1793</i>	750	(750)	<i>750</i>
Temporary Use Notice	240	(500)	<i>235</i>	N/A		

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification 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>	1761 (1800) <i>1727</i>	1761 (1800) <i>1727</i>	8000 (8000) <i>8000</i>	3000 (3000) <i>2967</i>	13 (25) <i>13</i>	29 (50) <i>29</i>
New Large Casino	4585 (5000) <i>4495</i>	2150 (2150) <i>2150</i>	2150 (2150) <i>2150</i>	9649 (10000) <i>9460</i>	4411 (5000) <i>4325</i>	13 (25) <i>13</i>	29 (50) <i>29</i>
Bingo Club	1750 (1750) <i>1750</i>	1200 (1200) <i>1200</i>	433 (1200) <i>425</i>	2379 (3500) <i>2332</i>	1200 (1200) <i>1200</i>	13 (25) <i>13</i>	29 (50) <i>29</i>
Betting Premises (excluding tracks)	1500 (1500) <i>1500</i>	1200 (1200) <i>1200</i>	413 (1200) <i>405</i>	1860 (3000) <i>1824</i>	1200 (1200) <i>1200</i>	13 (25) <i>13</i>	29 (50) <i>29</i>
Tracks	1250 (1250) <i>1250</i>	950 (950) <i>950</i>	413 (950) <i>405</i>	2034 (2500) <i>1994</i>	950 (950) <i>950</i>	13 (25) <i>13</i>	29 (50) <i>29</i>

Family Entertainment Centres	1000 (1000) <i>1000</i>	950 (950) <i>950</i>	418 (950) <i>410</i>	1855 (2000) <i>1819</i>	950 (950) <i>950</i>	13 (25) <i>13</i>	29 (50) <i>29</i>
Adult Gaming Centre	1000 (1000) <i>1000</i>	1200 (1200) <i>1200</i>	418 (950) <i>410</i>	1855 (2000) <i>1819</i>	1200 (1200) <i>1200</i>	13 (25) <i>13</i>	29 (50) <i>29</i>
Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	13 (25) <i>13</i>	29 (50) <i>29</i>

There is also the introduction of pre- application fees to consider, please see 2.19

Scrap Metal Dealers Act 2013

2.10 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 2% inflation increase.

2.11

	Current Fee	Proposed Fee
Maidstone Borough Council		
Site licence – grant	£472	£481
Site licence – renewal	£400	£408
Collector’s licence – grant or renewal	£287	£293
Minor administrative change to licence	£31	£32
Variation - change of site manager	£169	£172
Variation from collector to site licence	£205	£209
Variation from site to collector licence	£133	£136

Sexual Entertainment Venue fees

2.12 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

2.13

	Current Fee	Proposed Fee
Maidstone Borough Council		
New Licence Application	£4,387	£4,475
Renewal Licence Application	£4,387	£4,475
Transfer of Licence	£2,142	£2,185

Boats and Boatmen

2.14 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

2.15

	Current Fee	Proposed Fee
Maidstone Borough Council		
Pleasure Boats (New & Renewal)	£129	£132
Row Boats (New & Renewal)	£26	£27
Boatmen (New & Renewal)	£16	£16

Street Trading

2.16 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

2.17

	Current Fee	Proposed Fee
Maidstone Borough Council		
Up to 12 trading days New only	£31	£32
Up to 30 trading days (New & Renewal)	£67	£68
Up to 90 trading Days (New & Renewal)	£185	£189
Full year consent	£395	£403

2.18 **Licensing Act 2003 & Gambling Act 2005**

Fees for licences issued under the Licensing Act 2003 are statutory fees fixed by central Government. The level of those fees have not changed since 2005. The Fees for Gambling Act 2005 can be set by Local Authorities up to a maximum that has been set by central government.

2.19 **PRE-APPLICATION ADVICE - PROPOSED FEES**

At a meeting of the Licensing Committee on 17th September 2019, the Committee agreed to the introduction of fees for Licensing pre-application advice **in principle** with a view to the proposed fees being included as part of the annual review of fees and charges. The proposed fees are :

The fees have been calculated using an hourly rate for a licensing officer with on-cost (and building in anticipated budgetary increases) of £40 per hour; £15 for receipt, processing and allocation of the request, and £20 per site visit to cover expenses (fuel & vehicle) plus VAT @20%

Small Application - Up to one hour of advice regarding small licence applications, Excludes events – see below	£66
Medium Application - Up to 2 hours advice for medium size applications including a site visit	£138

Excludes event – see below	
Large Application- Up to 4 hours advice for large applications including multiple (if necessary) site visits Excludes events – see below	£258
Events up to 1000 capacity: Category A - up to 3 hours advice for extra large public events includes the cost of specialist officers and site visits	£354
Events between 1001 and up to 1999 capacity - Category B – up to 7 hours advice for extra large public events includes the cost of specialist officers and site visits	£498
Events between 2000 and up to 4999 capacity – Category C – up to up to 14 hours advice for extra large public events includes the cost of specialist officers and site visits	£690
Extra large events - 5000 people or more - Category D - up to 21 hours advice for extra large public events includes the cost of specialist officers and site visits	£1026

Check and send

Licensing Act 2003 – transfer of licence <i>or</i> variation of designated premises supervisor – include assistance completing form and advising on statutory requirements and the statutory fee (<i>currently £23</i>)	£55 (each)
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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 excess of 1 year's revenue pertaining to future years is carried forward, any excess in one area cannot be used to subsidise a shortfall in another.
- 3.2 Members may approve the inflationary increase fees as set at **2.7, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.19**
- 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.
- 3.4 Members may approve the proposed fees for Licensing Pre-application advice as set out in **2.19**

- 3.5 Members may decide not to approve the proposed fees for licensing pre-application advice and, if necessary, give further direction to officers.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are requested to approve the proposed inflationary fee increases as set out at **2.7, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.19** of the report to ensure that the fee income reflects the cost of providing the service.
- 4.2 Members are requested to approve the proposed Licensing Pre-application advice fees
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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 2.7 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 **2.9, 2.11, 2.13, 2.15, 2.17, and 2.19** 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 2020 and published on our website.
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8. REPORT APPENDICES

N/A

9. BACKGROUND PAPERS

N/A