

# Licensing Committee

22 November 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Licence Fees 2019/2020

<b>Final Decision-Maker</b>	Licensing Committee
<b>Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer/Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### **This report makes the following recommendations to the final decision-maker:**

1. That the Licensing Committee approve fee levels as set out at 2.7, 2.9, 2.11, 2.13, 2.15 and 2.17 of the report for implementation on 1 April 2019 subject to the consideration of any representations following consultation

### **This report relates to the following Five Year Plan Key Objectives:**

- Securing a successful economy for Maidstone Borough

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

### **Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Licensing Committee	22 November 2018

# Licence Fees 2019/2020

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 The authority is required to review and set the fees and other relevant charges for the various licences that fall within the remit of the Licensing Committee. This ensures the Council complies with its statutory duty and that licensing is self-financing, in accordance with the Council's Financial Strategy. Set out at 2.7, 2.9, 2.11, 2.13, 2.15 and 2.17 of this report are the proposed fees for 2019 - 2020 for the various licences issued by the Licensing Department. The agreed fees will take effect on 1st April 2019

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## 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 all fees have been subject to a 2.5% inflationary increase in line with this Council's Medium Term Financial Strategy 2018/19 - 2022/23 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 has been a slight decrease to the fees for Hackney Carriage Driver and Vehicle fees as the cost of the taxi monitor has been met and so has been removed from the overall fee.

**Public Notice to advertise proposed variation 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 2019 are:

	Current Fees	Proposed Fees
Knowledge test	£32 per test	£33 per test
<b><u>Hackney Carriage Driver and Dual (Hackney &amp; Private Hire) Driver Licence</u></b>		
<b><u>The monitor has been removed from the Hackney Driver and Vehicle fees has the cost has now been recovered.</u></b>		
<u>On initial application</u>	£332 for three years (this includes £22.04 towards the Demand Survey & £29.43 for TV monitor and maintenance) £152 for one year	£ 319 for three years (this includes £22.60 towards the Demand Survey & £8.00 for maintenance of TV monitor)  £134 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)	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£376 for three years</b> <b>£196 for one year</b>	<b>£363 for three years</b> <b>£178 for one year</b>
<u>On renewal</u>	£325 for three years (this includes £22.04 towards the Demand Survey & £29.43 for TV monitor and maintenance) £135 for one year (due to age or medical)	£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)
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they	£44 every one or three years depending on licence (or £13 per year if they

	Current Fees	Proposed Fees
	sign up to the online service)	sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£369 for three years £179 for one year</b>	<b>£355 for three years £160 for one year</b>
<b><u>Private Hire Driver Licence</u></b>		
On initial application	£237 for three years £142 for one year	£243 for three years £146 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)	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£281 for three years £186 for one year</b>	<b>£287 for three years £190 for one year</b>
On renewal	£232 for three years £125 for one year (due to age or medical)	£238 for three years £128 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)	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
<b>Total (including DBS fee)</b>	<b>£276 for three years £169 for one year</b>	<b>£282 for three years £172 for one year</b>
<b><u>Hackney Carriage Vehicle Licence</u></b>		
New & Renewal	£365 for one year (this includes £22.04 towards the Demand Survey & £29.43 for monitor and maintenance)	£352 for one year (this includes £22.60 towards the Demand Survey & £8.00 for maintenance of TV monitor)
<b><u>Private Hire Vehicle Licence</u></b>		
New & Renewal	<b>£315 for one year</b>	<b>£324 for one year</b>
<b><u>Private Hire Operator Licence</u></b>		
<b>5 year licence – Initial application</b>	£485 for five years	£497 for five years
<b>5 year licence - Renewal</b>	£405 for five years	£415 for five years
<b>3 year licence – Initial application</b>	£340 for three years	£348 for three years
<b>3 year licence -</b>	£275 for three years	£282 for three years

	Current Fees	Proposed Fees
Renewal		
<b>1 year licence</b> – Initial application	£195 for one year	£200 for one year
<b>1 year licence</b> - Renewal	£130 for one year	£133 for one year
<b><u>Other Costs</u></b>		
Change of ownership of licensed vehicle	£70	£72
Replace external vehicle plate	£23	£24
Replace driver badge	£10	£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	£21	£22
Vehicle exemption certificate or general administration fee	£45	£46
Vehicle re-test	£48	£49

### **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		<b>8000</b>	(8,000)	<i>8000</i>	<b>4575</b>	(5000)	4465
New Large Casino		<b>9475</b>	(10,000)	9245	<b>7395</b>	(10000)	7215
Bingo Club		<b>2925</b>	(3500)	2855	<b>830</b>	(1000)	810
Betting Premises (excluding Tracks)		<b>2945</b>	(3000)	2875	<b>600</b>	(600)	600
Tracks		<b>1793</b>	(2500)	1750	<b>830</b>	(1000)	810
Family Entertainment Centres		<b>1793</b>	(2000)	1750	<b>670</b>	(750)	655
Adult Gaming Centre		<b>1793</b>	(2000)	1750	<b>750</b>	(750)	750
Temporary Use Notice		<b>235</b>	(500)	230	<b>N/A</b>		
	Applicati on to Vary	Applicati on to Transfer	Applicati on for Re- Instate ment	Applicati on for Provisio nal 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	<b>4000</b> (4000) <i>3915</i>	<b>1727</b> (1800) <i>1685</i>	<b>1727</b> (1800) <i>1685</i>	<b>8000</b> (8000) <i>7950</i>	<b>2967</b> (3000) <i>2895</i>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>
New Large Casino	<b>4495</b> (5000) <i>4385</i>	<b>2150</b> (2150) <i>2140</i>	<b>2150</b> (2150) <i>2140</i>	<b>9460</b> (10000) <i>9230</i>	<b>4325</b> (5000) <i>4220</i>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>
Bingo Club	<b>1750</b> (1750) <i>1710</i>	<b>1200</b> (1200) <i>1200</i>	<b>425</b> (1200) <i>415</i>	<b>2332</b> (3500) <i>2275</i>	<b>1200</b> (1200) <i>1200</i>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>
Betting Premises (excluding tracks)	<b>1500</b> (1500) <i>1500</i>	<b>1200</b> (1200) <i>1200</i>	<b>405</b> (1200) <i>395</i>	<b>1824</b> (3000) <i>1780</i>	<b>1200</b> (1200) <i>1200</i>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>
Tracks	<b>1250</b> (1250) <i>1250</i>	<b>950</b> (950) <i>950</i>	<b>405</b> (950) <i>395</i>	<b>1994</b> (2500) <i>1945</i>	<b>950</b> (950) <i>950</i>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>
Family Entertain	<b>1000</b> (1000)	<b>950</b> (950)	<b>410</b> (950)	<b>1819</b> (2000)	<b>950</b> (950)	<b>13</b> (25)	<b>29</b> (50)

<b>ment Centres</b>	<i>1000</i>	<i>950</i>	<i>400</i>	<i>1775</i>	<i>950</i>	<i>12</i>	<i>28</i>
<b>Adult Gaming Centre</b>	<b>1000</b> (1000) <i>1000</i>	<b>1200</b> (1200) <i>1200</i>	<b>410</b> (950) <i>400</i>	<b>1819</b> (2000) <i>1775</i>	<b>1200</b> (1200) <i>1200</i>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>
<b>Temporary Use Notice</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>13</b> (25) <i>12</i>	<b>29</b> (50) <i>28</i>

### **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 2.5% inflation increase.

### **2.11**

	Current Fee	Proposed Fee
<b>Maidstone Borough Council</b>		
Site licence – grant	£460	£472
Site licence – renewal	£390	£400
Collector’s licence – grant or renewal	£280	£287
Minor administrative change to licence	£30	£31
Variation - change of site manager	£165	£169
Variation from collector to site licence	£200	£205
Variation from site to collector licence	£130	£133

### **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
<b>Maidstone Borough Council</b>		
New Licence Application	£4,280	£4,387
Renewal Licence Application	£4,280	£4,387
Transfer of Licence	£2,090	£2,142

### **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
<b>Maidstone Borough Council</b>		
Pleasure Boats (New & Renewal)	£126	£129
Row Boats (New & Renewal)	£25	£26
Boatmen (New & Renewal)	£15	£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
<b>Maidstone Borough Council</b>		
Up to 12 trading days New only	£30	£31
Up to 30 trading days (New & Renewal)	£65	£67
Up to 90 trading Days (New & Renewal)	£180	£185
Full year consent	£385	£395



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### **3 AVAILABLE OPTIONS**

- 3.1 Members may decide to leave the fee levels as they are and not increase the fees 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 fees as set at 2.7, 2.9, 2.11, 2.13, 2.15 and 2.17
- 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.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 To approve the fees set out at 2.7, 2.9, 2.11, 2.13, 2.15 and 2.17 to ensure that the fee income reflects the cost of providing the service.

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### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 The fees will be charged from 1<sup>st</sup> April 2019. With respect Hackney and Private hire fees they will be advertised in accordance with 2.6 of this report

### **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off (name of officer and date)</b>
<b>Impact on Corporate Priorities</b>	No implications have been identified	[Head of Service or Manager]
<b>Risk Management</b>	No implications have been identified	[Head of Service or Manager]

<b>Finance</b> and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	No implications have been identified	[Head of Service]
<b>Legal</b>	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader (Contentious)
<b>Equality Impact Needs Assessment</b>	No implications have been identified	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	No implications have been identified	[Head of Service or Manager]
<b>Community Safety</b>	No implications have been identified	[Head of Service or Manager]
<b>Human Rights Act</b>	No implications have been identified	[Head of Service or Manager]
<b>Procurement</b>	No implications have been identified	[Head of Service & Section 151 Officer]

## 7. REPORT APPENDICES

N/A

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## 8. BACKGROUND PAPERS

N/A