

**Licence Fees and Charges 2021/2022**

<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Lorraine Neale, Senior Licensing Officer
<b>Classification</b>	Public
<b>Wards affected</b>	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 2021/22 where the Council has discretion over the level of fee as set out at **2.8, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.18** of the report for implementation on 1 April 2021

**This report makes the following recommendations to this Committee:**

1. That the Licensing Committee approve fee levels as set out at **2.8, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.18** of the report for implementation on 1 April 2021 subject to the consideration of any representations following consultation

**Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	18 March 2021

# Licence Fees and Charges 2021/2022

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	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
<b>Cross Cutting Objectives</b>	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
<b>Risk Management</b>	<i>Already covered in the risk section – See Section 5</i>	Lorraine Neale, Senior Licensing Officer
<b>Financial</b>	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	Lorraine Neale, Senior Licensing Officer
<b>Staffing</b>	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
<b>Legal</b>	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]
<b>Privacy and Data Protection</b>	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
<b>Equalities</b>	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
<b>Public Health</b>	No implications have been identified, this report is limited to reviewing and setting of	Paul Clarke

	fees to contribute towards the recovery of costs of the service	
<b>Crime and Disorder</b>	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
<b>Procurement</b>	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

## **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 into 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. Previous years demonstrate that the service recovers its costs and does not make a profit, therefore a 2% inflationary increase has been applied to all fees (in line with this Council's Medium Term Financial Strategy 2020/21 – 2025/26 which allows consideration of overall inflation assumptions (the RPI for 2021 is higher at 2.6%).
- 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. To comply with the new national standards the authority is required to introduce a further mechanism to evaluate drivers understanding of:

- Child Sexual Exploitation/Safeguarding.

- Disability Awareness; and
- Gangs & County Lines

This will be delivered via an online test undertaken at the Council offices utilising an external software product, therefore all new applicants and future renewal drivers will be required to undertake this for a one-off fee (this fee entitles the applicant to have up to 10 attempts at no additional cost). Once an applicant or driver renewal has passed the test there will be no requirement to re-take this at their next renewal date.

2.6 It will be a requirement that once a driver has received their initial DBS disclosure certificate, they will be required to sign up to the DBS online checking service as this will enable us to undertake the periodic checks required in accordance with the new National Standards for the Taxi and Private Hire vehicle sector across England and Wales.

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

2.7 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.

2.8 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2021 are:

	Current Fees	Proposed Fees
Knowledge test	£33.50 per test	£34 per test
EQUO online test	—	£66
<b>Hackney Carriage Driver and Dual (Hackney &amp; Private Hire) Driver Licence</b>		
<u>On initial application</u>	£ 325 for three years (this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor)  £136 for one year	£ 331.50 for three years (this includes £23.50 towards the Demand Survey & £8.00 for maintenance of TV monitor)  £138.50 for one year
Disclosure Barring Service search fee	*£40 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)
<b>Total (including DBS fee)</b>	<b>£365 for three years</b> <b>£176 for one year</b>	<b>£371.50 for three years</b> <b>£178.50 for one year</b>
<u>On renewal</u>	£317 for three years	£323.for three years

	Current Fees	Proposed Fees
	(this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor)  £118 for one year (due to age or medical)	(this includes £23.50 towards the Demand Survey & £8.00 for maintenance of TV monitor)  £120 for one year (due to age or medical)
Disclosure Barring Service search fee	*£40 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)
<b>Total (including DBS fee)</b>	<b>£357 for three years</b> <b>£158 for one year</b>	<b>£363 for three years</b> <b>£160 for one year</b>
<b>Private Hire Driver Licence</b>		
On initial application	£248 for three years £149 for one year	£253 for three years £152 for one year
Disclosure Barring Service search fee	*£40 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)
<b>Total (including DBS fee)</b>	<b>£288 for three years</b> <b>£189 for one year</b>	<b>£293 for three years</b> <b>£192 for one year</b>
On renewal	£243 for three years £131 for one year (due to age or medical)	£248 for three years £133.50 for one year (due to age or medical)
Disclosure Barring Service search fee	*£40 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)
<b>Total (including DBS fee)</b>	<b>£283 for three years</b> <b>£171 for one year</b>	<b>£288 for three years</b> <b>£173.50 for one year</b>
<b>Hackney Carriage Vehicle Licence</b>		
New & Renewal	<b>£301 for one year</b>  (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))	<b>£307 for one year</b>  (this includes £23.50 towards the Demand Survey & £8.00 for maintenance of TV monitor)
<b>Private Hire Vehicle Licence</b>		

	Current Fees	Proposed Fees
New & Renewal	<b>£277 for one year</b> (Vehicle testing fees have been removed from MBC fees and are now paid directly to the Garage)	<b>£282.50 for one year</b>
<b>Private Hire Operator Licence</b>		
<b>5 year licence – Initial application</b>	£506 for five years	£516 for five years
<b>5 year licence - Renewal</b>	£423 for five years	£431 for five years
<b>3 year licence – Initial application</b>	£354 for three years	£361 for three years
<b>3 year licence - Renewal</b>	£287 for three years	£292.50 for three years
<b>1 year licence – Initial application</b>	£204 for one year	£208 for one year
<b>1 year licence - Renewal</b>	£135 for one year	£137.50 for one year
<b>Other Costs</b>		
Change of ownership of licensed vehicle	£73	£74
Replace external vehicle plate	£24	£24.50
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	£22.50

	Current Fees	Proposed Fees
Vehicle exemption certificate or general administration fee which will include any additional DBS checks required for drivers not signed up to the DBS online checking service.	£47	£48
Vehicle re-test	N/A testing fees are now paid directly to the Garage	N/A

## Gambling Act 2005

2.9 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	<b>8000</b>	<i>(8,000)</i>	<b>8000</b>	<b>4759</b>	<i>(5000)</i>	<b>4666</b>
New Large Casino	<b>9857</b>	<i>(10,000)</i>	<b>9664</b>	<b>7694</b>	<i>(10000)</i>	<b>7543</b>
Bingo Club	<b>3042</b>	<i>(3500)</i>	<b>2983</b>	<b>863</b>	<i>(1000)</i>	<b>846</b>
Betting Premises (excluding Tracks)	<b>3000</b>	<i>(3000)</i>	<b>3000</b>	<b>600</b>	<i>(600)</i>	<b>600</b>
Tracks	<b>1865</b>	<i>(2500)</i>	<b>1829</b>	<b>863</b>	<i>(1000)</i>	<b>846</b>
Family Entertainment Centres	<b>1865</b>	<i>(2000)</i>	<b>1829</b>	<b>697</b>	<i>(750)</i>	<b>683</b>
Adult Gaming Centre	<b>1865</b>	<i>(2000)</i>	<b>1829</b>	<b>750</b>	<i>(750)</i>	<b>750</b>
Temporary Use Notice	<b>245</b>	<i>(500)</i>	<b>240</b>	<b>N/A</b>		

	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	<b>4000</b> <i>(4000)</i>	<b>1797</b> <i>(1800)</i>	<b>1797</b> <i>(1800)</i>	<b>8000</b> <i>(8000)</i>	<b>3000</b> <i>(3000)</i>	<b>13</b> <i>(25)</i>	<b>30</b> <i>(50)</i>

	4000	1761	1761	8000	2967	13	29
<b>New Large Casino</b>	<b>4677</b> (5000) 4585	<b>2150</b> (2150) 2150	<b>2150</b> (2150) 2150	<b>9842</b> (10000) 9649	<b>4499</b> (5000) 4411	<b>13</b> (25) 13	<b>30</b> (50) 29
<b>Bingo Club</b>	<b>1750</b> (1750) 1750	<b>1200</b> (1200) 1200	<b>442</b> (1200) 433	<b>2427</b> (3500) 2379	<b>1200</b> (1200) 1200	<b>13</b> (25) 13	<b>30</b> (50) 29
<b>Betting Premises (excluding tracks)</b>	<b>1500</b> (1500) 1500	<b>1200</b> (1200) 1200	<b>421</b> (1200) 413	<b>1897</b> (3000) 1860	<b>1200</b> (1200) 1200	<b>13</b> (25) 13	<b>30</b> (50) 29
<b>Tracks</b>	<b>1250</b> (1250) 1250	<b>950</b> (950) 950	<b>421</b> (950) 413	<b>2075</b> (2500) 2034	<b>950</b> (950) 950	<b>13</b> (25) 13	<b>30</b> (50) 29
<b>Family Entertainment Centres</b>	<b>1000</b> (1000) 1000	<b>950</b> (950) 950	<b>426</b> (950) 418	<b>1892</b> (2000) 1855	<b>950</b> (950) 950	<b>13</b> (25) 13	<b>30</b> (50) 29
<b>Adult Gaming Centre</b>	<b>1000</b> (1000) 1000	<b>1200</b> (1200) 1200	<b>426</b> (950) 418	<b>1892</b> (2000) 1855	<b>1200</b> (1200) 1200	<b>13</b> (25) 13	<b>30</b> (50) 29
<b>Temporary Use Notice</b>	n/a	n/a	n/a	n/a	n/a	<b>13</b> (25) 13	<b>30</b> (50) 29

### 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
<b>Maidstone Borough Council</b>		
Site licence – grant	£481	£491
Site licence – renewal	£408	£416
Collector’s licence – grant or renewal	£293	£299
Minor administrative change to licence	£32	£32.50



Variation - change of site manager	£172	£175
Variation from collector to site licence	£209	213
Variation from site to collector licence	£136	£139

### **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	£4475	£4564.50
Renewal Licence Application	£4475	£4564.50
Transfer of Licence	£2185	£2229

### **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	£132	£134.50

(New & Renewal)		
Row Boats (New & Renewal)	£27	£27.50
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
<b>Maidstone Borough Council</b>		
Up to 12 trading days New only	£32	£32.50
Up to 30 trading days (New & Renewal)	£68	£69
Up to 90 trading Days (New & Renewal)	£189	£193
Full year consent	£403	£411

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

#### **PRE-APPLICATION ADVICE**

This initiative was introduced this year and to date there has been limited take up, it is anticipated that it will become better utilised as we move forward into 2021

	Current 2019/2020	Proposed 2021/2022
<b>Small Application</b> - Up to one hour of advice regarding small licence applications, <b>Excludes events – see below</b>	£66	£67
<b>Medium Application</b> - Up to 2 hours advice for medium size applications including a site visit <b>Excludes event – see below</b>	£138	£141
<b>Large Application</b> - Up to 4 hours advice for large applications including multiple (if necessary) site visits <b>Excludes events – see below</b>	£258	£263

<b>Events up to 1000 capacity:</b> Category A - up to 3 hours advice for extra-large public events includes the cost of specialist officers and site visits	£354	£361
<b>Events between 1001 and up to 1999 capacity -</b> Category B – up to 7 hours advice for extra-large public events includes the cost of specialist officers and site visits	£498	£508
<b>Events between 2000 and up to 4999 capacity –</b> Category C – up to up to 14 hours advice for extra-large public events includes the cost of specialist officers and site visits	£690	£704
<b>Extra-large events - 5000 people or more -</b> Category D - up to 21 hours advice for extra-large public events includes the cost of specialist officers and site visits	£1026	£1047

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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 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 **2.8, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.18**
- 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 Members are requested to approve the proposed inflationary fee increases as set out at **2.8, 2.9, 2.11, 2.13, 2.15, 2.17, and 2.18** of the report to ensure that the fee income reflects the cost of providing the service.

## **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 2.8 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 **2.8, 2.11, 2.13, 2.15, 2.17, and 2.18** 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 2021 and published on our website.
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## **8. REPORT APPENDICES**

N/A

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## **9. BACKGROUND PAPERS**

N/A