

Licence Fees and Charges 2022/2023

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 2022/23 where the Council has discretion over the level of fee as set out at **2.6, 2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** of the report for implementation on 1 April 2022

This report makes the following recommendations to this Committee:

1. That the fee levels as set out at **2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** of the report for implementation on 1 April 2022, be approved; and
2. That the fee level as set out at **2.6** of the report for implementation on 1 April 2022 be approved, with any consultation responses received to be presented to the committee for consideration before that fees implementation

Timetable

Meeting	Date
Licensing Committee	13 January 2022

Licence Fees and Charges 2021/2022

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
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
Risk Management	Covered in the risk section	Lorraine Neale, Senior Licensing Officer
Financial	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	Lorraine Neale, Senior Licensing Officer
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
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.	Lorraine Neale, Senior Licensing Officer
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
Equalities	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
Public Health	No implications have been identified, this report is limited to reviewing and setting of	Lorraine Neale, Senior

	fees to contribute towards the recovery of costs of the service	Licensing Officer
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
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
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	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 the majority of licenses, consents or permits since 2016 however the introduction of the new national standards for the Taxi trade will have some impact on the cost of processing those licenses. It was the intention of Officers to conduct a deep dive on the Taxi fees to ensure we were covering our costs. The figures for the last 2 financial years for Taxi Licensing show an income deficit of £6252 for 2019 – 2020 which is acceptable, an Income deficit of £57071 for 2020 – 2021 which has been deemed an exceptional year and we are not obliged to recover the loss.

For the current financial for the period April 2021 – September 2021 there is currently an income deficit of £19446, it is anticipated however that there will be an increase in income as the trade begins to recover and due to the amendment made to the knowledge test for private hire driver applicants, this in turn will lead to an increase in vehicle & operator licence income.

Based on current information especially for Taxis we know that in the years prior to the pandemic and up to the financial year 2019 – 2020 it was demonstrated that the service recovers its costs and does not make a surplus, therefore it is recommended that we again apply a 2% inflationary increase 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%).and a deep dive is not required for taxi fees at this time. This in turn will assist the Taxi trade by not applying any undue financial hardship on them as they also try to recover from the effects of the pandemic.

- 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

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

- 2.5 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.
- 2.6 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2022 are:

	Current Fees	Proposed Fees
Knowledge test	£34 per test	£35 per test
EQUO online test	£66	£66
<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>	£ 331.50 for three years (this includes £23.50 towards the Demand Survey & £8.00 for maintenance of TV monitor)	£ 337.50 for three years (this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)
	£138.50 for one year	£140.50 for one year

	Current Fees	Proposed Fees
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)
Total (including DBS fee)	£371.50 for three years £178.50 for one year	£377.50 for three years £180.50 for one year
<u>On renewal</u>	£323 for three years (this includes £23.00 towards the Demand Survey & £8.00 for maintenance of TV monitor) £120 for one year (due to age or medical)	£329 for three years (this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor) £122 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)
Total (including DBS fee)	£363 for three years £160 for one year	£369 for three years £162 for one year
Private Hire Driver Licence		
On initial application	£253 for three years £152 for one year	£258 for three years £155 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)
Total (including DBS fee)	£293 for three years £192 for one year	£298 for three years £195 for one year
On renewal	£248 for three years £133.50 for one year (due to age or medical)	£253 for three years £136.00 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)
Total (including DBS fee)	£288 for three years £173.50 for one year	£293 for three years £176.00 for one year
Hackney Carriage Vehicle Licence		
New & Renewal	£307 for one year	£312.50 for one year

	Current Fees	Proposed Fees
	(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))	(this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)
Private Hire Vehicle Licence		
New & Renewal	£282.50 for one year	£288.00 for one year
Private Hire Operator Licence		
5 year licence – Initial application	£516 for five years	£526 for five years
5 year licence - Renewal	£431 for five years	£440 for five years
3 year licence – Initial application	£361 for three years	£368 for three years
3 year licence - Renewal	£292.50 for three years	£298.00 for three years
1 year licence – Initial application	£208 for one year	£212 for one year
1 year licence - Renewal	£137.50 for one year	£140.00 for one year
Other Costs		
Change of ownership of licensed vehicle	£74	£75.50
Replace external vehicle plate	£24.50	£25.00
Replace driver badge	£11	£11.50
Replace internal plate holder	£1.75	£1.75
Copy of existing paper licence	£12	£12.50
Change of address details for a replacement licence	£12	£12.50

	Current Fees	Proposed Fees
Change of name for a vehicle or operator licence	£12	£12.50
Change of name and address for a driver badge	£22.50	£23.00
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.	£48	£49

Gambling Act 2005

2.7 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.

* Fees not adjusted as they are no Casinos in Maidstone so not applicable

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	8000	(8,000)	8000	*4759	(5000)	4759
New Large Casino	*9857	(10,000)	9857	*7694	(10000)	7694
Bingo Club	3103	(3500)	3042	880	(1000)	863
Betting Premises (excluding Tracks)	3000	(3000)	3000	600	(600)	600
Tracks	1902	(2500)	1865	880	(1000)	863
Family Entertainment Centres	1902	(2000)	1865	711	(750)	697
Adult Gaming Centre	1902	(2000)	1865	750	(750)	750
Temporary Use Notice	250	(500)	245	N/A		

	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 *	4000 (4000) <i>4000</i>	1797 (1800) <i>1761</i>	1797 (1800) <i>1761</i>	8000 (8000) <i>8000</i>	3000 (3000) <i>2967</i>	13 (25) <i>13</i>	30 (50) <i>29</i>
New Large Casino *	4677 (5000) <i>4585</i>	2150 (2150) <i>2150</i>	2150 (2150) <i>2150</i>	9842 (10000) <i>9649</i>	4499 (5000) <i>4411</i>	13 (25) <i>13</i>	30 (50) <i>29</i>
Bingo Club	1750 (1750) <i>1750</i>	1200 (1200) <i>1200</i>	451 (1200) <i>442</i>	2473 (3500) <i>2427</i>	1200 (1200) <i>1200</i>	13.50 (25) <i>13</i>	30.50 (50) <i>30</i>

Betting Premises (excluding tracks)	1500 (1500) <i>1500</i>	1200 (1200) <i>1200</i>	429 (1200) <i>421</i>	1935 (3000) <i>1897</i>	1200 (1200) <i>1200</i>	13.50 (25) <i>13</i>	30.50 (50) <i>30</i>
Tracks	1250 (1250) <i>1250</i>	950 (950) <i>950</i>	429 (1200) <i>421</i>	2116.5 (2500) <i>2075</i>	950 (950) <i>950</i>	13.50 (25) <i>13</i>	30.50 (50) <i>30</i>
Family Entertainment Centres	1000 (1000) <i>1000</i>	950 (950) <i>950</i>	434.5 (950) <i>426</i>	1930 (2000) 1892	950 (950) <i>950</i>	13.50 (25) <i>13</i>	30.50 (50) <i>30</i>
Adult Gaming Centre	1000 (1000) <i>1000</i>	1200 (1200) <i>1200</i>	434.5 (950) <i>426</i>	1930 (2000) <i>1892</i>	1200 (1200) <i>1200</i>	13.50 (25) <i>13</i>	30.50 (50) <i>30</i>
Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	13.50 (25) <i>13</i>	30.50 (50) <i>30</i>

Scrap Metal Dealers Act 2013

2.8 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.

2.9

	Current Fee	Proposed Fee
Maidstone Borough Council		
Site licence – grant	£491	£500
Site licence – renewal	£416	£424
Collector’s licence – grant or renewal	£299	£305
Minor administrative change to licence	£32.50	£33
Variation - change of site manager	£175	£178.50
Variation from collector to site licence	£213	217
Variation from site to collector licence	£139	£142

Sexual Entertainment Venue fees

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 licensing of Sexual Entertainment Venue premises is self-financing, in accordance with the Council's Medium Term Financial Plan

2.11

	Current Fee	Proposed Fee
Maidstone Borough Council		
New Licence Application	£4564.50	£4655.50
Renewal Licence Application	£4564.50	£4655.50
Transfer of Licence	£2229	£2273.50

Boats and Boatmen

2.12 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

2.13

	Current Fee	Proposed Fee
Maidstone Borough Council		
Pleasure Boats (New & Renewal)	£134.50	£137.00
Row Boats (New & Renewal)	£27.50	£28.00
Boatmen (New & Renewal)	£16	£16.50

Street Trading

2.14 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

2.15 Applicable from 2nd November once the amended Street Trading Policy is agreed at Communities, Housing and Environment Committee on 2nd November 2021.

	Current Fee 2020 -21	Proposed Fee
Maidstone Borough Council		
Consultation application fee (applies to full year applications only)	£150.00	£153.00
Up to 12 trading days New only (on grant)	£32.00	£33.00
Full year consent (New & Renewal) (on grant)	£255.00	£260
Additional assistants (checks and badges)	£50.00	£51
Additional change (additional products)	£50.00	£51
Copy/replacement Licence	£12.00	£12.50
Copy/replacement Badge	£12.00	£12.50

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

	Current 2021/202	Proposed 2022/2023
Small Application - Up to one hour of advice regarding small licence applications, Excludes events – see below	£67	£68.00
Medium Application - Up to 2 hours advice for medium size applications including a site visit Excludes event – see below	£141	£144.00
Large Application - Up to 4 hours advice for large applications including multiple (if necessary) site visits Excludes events – see below	£263	£268.00
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	£361	£368

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	£508	£518
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	£704	£718
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	£1047	£1068

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 **2.6, 2.7, 2.9, 2.11, 2.13, 2.15** and **2.16**
- 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 **2.6, 2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** 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 2.6 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 **2.7, 2.9, 2.11, 2.13, 2.15** and **2.16** 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 2022 and published on our website.
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8. REPORT APPENDICES

N/A

9. BACKGROUND PAPERS

N/A