

Licence Fees and Charges 2023/2024

Timetable	
Meeting	Date
Licensing Committee	10 th November 2022
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 Community 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 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, 2.14** and **2.15** of the report for implementation on 1 April 2023.

This report makes the following recommendations to the Committee

1. That the fee levels as set out at **2.7, 2.9, 2.11, 2.13, 2.14** and **2.15** of the report for implementation on 1 April 2023, be approved; and
2. That the fee level as set out at **2.6** of the report for implementation on 1 April 2023 be approved, with any consultation responses received to be presented to the committee for consideration before that fees implementation

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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 <p>The report recommendations do not materially impact on the achievement of the cross-cutting objectives</p>	Senior Licensing Officer
Risk Management	Refer to paragraph 5.1 and 5.2 of the report'	Senior Licensing Officer
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. • 	Senior Licensing Officer
Staffing	<ul style="list-style-type: none"> • We will deliver the recommendations with our current staffing. • 	Senior Licensing Officer
Legal	<ul style="list-style-type: none"> • Should parts of industry believe the Authority's fees are at a level which is 	Legal Team

	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.	
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. 	Senior Licensing Officer
Equalities	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"> We recognise that the recommendations will not negatively impact on population health or that of individuals. 	Senior Licensing Officer
Crime and Disorder	There is no impact on crime and disorder in accepting the recommendations of the report	Senior Licensing Officer
Procurement	Not applicable	Senior Licensing Officer
Biodiversity and Climate Change	<ul style="list-style-type: none"> The implications of this report on biodiversity and climate change have been considered and are incentives for electric vehicles should be considered as part of the fees structure to encourage EV usage by the taxi trade. 	Biodiversity and Climate Change Manager

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. The figures for the last 3 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 was deemed an exceptional year and we were not obliged to recover the loss and an income deficit of £4600 for 2021 -2022 which is acceptable.

For the current financial for the period April 2022 – September 2022 there is currently a slight surplus of £600, it was anticipated that there would be an increase in income once the trade began to recover and new drivers started to enter the industry.

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 recovered its costs and did not make a surplus, it appears that the service is on course to recover it's cost for 2022 -2023. Usually it is recommended that we apply the 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 2023 is higher at 3.1%). However the partnership costs for 2023/24 for Maidstone are set to increase by 5% and that is reflected in the majority of the fees, however some fees such as driver testing, unmet demand survey, taxi monitor maintenance and street trading do not have any partnership input so have been increased by 2% (all fees may have been rounded up or down).

- 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 2023 are:

	Current Fees	Proposed Fees
Knowledge test	£35 per test	£36
EQUO online test	£66	£67
<u>Hackney Carriage Driver and Dual (Hackney & Private Hire) Driver Licence</u>		
<u>On initial application</u>	£ 337.50 for three years (this includes £24 towards the Demand Survey & £8.50 for maintenance of TV monitor) £140.50 for one year	£ 353 for three years (this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor) £145 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)	£377.50 for three years £180.50 for one year	£390 for three years £183 for one year
<u>On renewal</u>	£329 for three years (this includes £24 towards the Demand Survey & £8.50 for maintenance of TV monitor) £122 for one year (due to age or medical)	£344 for three years (this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor) £127 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)	£367 for three years £160 for one year	£382 for three years £165 for one year
<u>Private Hire Driver Licence</u>		
On initial application	£258 for three years £155 for one year	£271 for three years £163 for one year
Disclosure Barring Service search fee	£38 every one or three years depending on	£38 every one or three years depending on licence

	Current Fees	Proposed Fees
	licence (or £13 per year if they sign up to the online service)	(or £13 per year if they sign up to the online service)
Total (including DBS fee)	£296 for three years £193 for one year	£309 for three years £201 for one year
On renewal	£253 for three years £136 for one year (due to age or medical)	£266 for three years £143 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)	£291 for three years £174 for one year	£304 for three years £181 for one year
<u>Hackney Carriage Vehicle Licence</u>		
New & Renewal	£312.50 for one year (this includes £24.00 towards the Demand Survey & £8.50 for maintenance of TV monitor)	£327 for one year (this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor)
<u>Private Hire Vehicle Licence</u>		
New & Renewal	£288 for one year	£302 for one year
<u>Private Hire Operator Licence</u>		
5 year licence – Initial application	£526 for five years	£552 for five years
5 year licence - Renewal	£440 for five years	£462 for five years
3 year licence – Initial application	£368 for three years	£386 for three years
3 year licence - Renewal	£298 for three years	£313 for three years
1 year licence – Initial application	£212 for one year	£223 for one year
1 year licence - Renewal	£140 for one year	£147 for one year
<u>Other Costs</u>		
Change of ownership of licensed vehicle	£75.50	£79

	Current Fees	Proposed Fees
Replace external vehicle plate	£25	£26
Replace driver badge	£11.50	£12
Replace internal plate holder	£1.75	£2
Copy of existing paper licence	£12.50	£13
Change of address details for a replacement licence	£12.50	£13
Change of name for a vehicle or operator licence	£12.50	£13
Change of name and address for a driver badge	£23	£24
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.	£49	£51

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	3258	(3500)	3103	924	(1000)	880
Betting Premises (excluding Tracks)	3000	(3000)	3000	600	(600)	600
Tracks	1997	(2500)	1902	924	(1000)	880

Family Entertainment Centres	1997	(2000)	1902	746	(750)	711	
Adult Gaming Centre	1997	(2000)	1902	750	(750)	750	
Temporary Use Notice	262	(500)	250	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) 4000	1797 (1800) 1761	1797 (1800) 1761	8000 (8000) 8000	3000 (3000) 2967	13 (25) 13	30 (50) 29
New Large Casino *	4677 (5000) 4585	2150 (2150) 2150	2150 (2150) 2150	9842 (10000) 9649	4499 (5000) 4411	13 (25) 13	30 (50) 29
Bingo Club	1750 (1750) 1750	1200 (1200) 1200	473 (1200) 451	2596 (3500) 2473	1200 (1200) 1200	14 (25) 13.5	32 (50) 30.5
Betting Premises (excluding tracks)	1500 (1500) 1500	1200 (1200) 1200	450 (1200) 429	2031 (3000) 1935	1200 (1200) 1200	14 (25) 13.5	32 (50) 30.5
Tracks	1250 (1250) 1250	950 (950) 950	450 (1200) 429	2222 (2500) 2116.5	950 (950) 950	14 (25) 13.5	32 (50) 30.5
Family Entertainment Centres	1000 (1000) 1000	950 (950) 950	456 (950) 434.5	2026 (2000) 1930	950 (950) 950	14 (25) 13.5	32 (50) 30.5
Adult Gaming Centre	1000 (1000) 1000	1200 (1200) 1200	456 (950) 434.5	2026 (2000) 1930	1200 (1200) 1200	14 (25) 13.5	32 (50) 30.5
Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	14 (25) 13.5	32 (50) 30.5

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 5% inflation increase.

2.9

	Current Fee	Proposed Fee
Maidstone Borough Council		
Site licence – grant	£500	£525
Site licence – renewal	£424	£445
Collector’s licence – grant or renewal	£305	£320
Minor administrative change to licence	£33	£35
Variation - change of site manager	£178.50	£187
Variation from collector to site licence	217	228
Variation from site to collector licence	£142	£149

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	£4655.50	£4888
Renewal Licence Application	£4655.50	£4888
Transfer of Licence	£2273.50	£2387

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)	£137	£144
Row Boats (New & Renewal)	£28	£29
Boatmen (New & Renewal)	£16.50	£17

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

	Current Fee	Proposed Fee
Maidstone Borough Council		
Consultation application fee (applies to full year applications only)	£153	£156
Up to 12 trading days New only (on grant)	£33	£34
Full year consent (New & Renewal) (on grant)	£260	£265
Additional assistants (checks and badges)	£51	£52
Additional change (additional products)	£51	£52
Copy/replacement Licence	£12.50	£13
Copy/replacement Badge	£12.50	£13

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

	Current 2022/2023	Proposed 2023/2024
Small Application - Up to one hour of advice regarding small licence applications, Excludes events – see below	£68	£71
Medium Application - Up to 2 hours advice for medium size applications including a site visit	£144	£151

Excludes event – see below		
Large Application- Up to 4 hours advice for large applications including multiple (if necessary) site visits Excludes events – see below	£268	£281
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	£368	£386
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	£518	£544
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	£718	£754
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	£1068	£1121

3. AVAILABLE OPTIONS

- 3.1 Option 1 - Members approve the inflationary increase fees as set at 2.6, 2.7, 2.9, 2.11, 2.13, 2.14 and 2.15.

In accordance with legislative requirements the fees at 2.6 will be published in a local newspaper and displayed on the Councils website. If any representations are received, these will be reported to the Committee at the next available meeting for further consideration.

- 3.2 Option 2 - 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.
- 3.3 Option 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 Option 1 as contained within point 3.1 above, to approve the proposed inflationary fee increases as set out at **2.6, 2.7, 2.9, 2.11, 2.13, 2.14** and **2.15** of the report to ensure that the fee income reflects the cost of providing the service.
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5. RISK

- 5.1 The risk is reduced by accepting preferred option 1
- 5.2 If the fees are set to high then there is a risk that we could be challenged as an Authority.
- 5.3 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 As outlined above in point 3.1 of the report, if agreed, 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, 2.14** and **2.15** 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 2023 and published on our website.
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8. REPORT APPENDICES

N/A

9. BACKGROUND PAPERS

N/A