

## Decision under Delegated Powers

### Officer Requesting Decision

Licensing Manager

### Officer Making the Decision

Head of Regulatory Services

### Recommendations

1. That the statutory fees that Charnwood Borough Council is required to charge in respect of the specified licences under the Licensing Act 2003 as listed in **Appendix A** and the Gambling Act 2005 as listed in **Appendix B** to this report be noted and implemented from **1st May 2019**
2. That the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees as listed in **Appendix C (Taxis)**, be approved for publication, in line with the relevant legislation, confirming the intention to charge these fees from **1st June 2019**. There was no increase to the Taxi Fees last year (2018/2019).
3. That the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees as listed in **Appendices D & E (Sex shop and Scrap Metal)** to this report be approved and implemented from **1st May 2019**. There was no increase to the Sex Shop and Scrap Metal fees last year (2018/2019).

### Reasons

1. To note the current statutory fees charged for certain licences.
2. To approve the proposed discretionary fees for Taxis for publication prior to implementation.
3. To approve the proposed discretionary fees for Sex Establishment and Scrap Metal Dealers.

### Authority for the Decision

The power to set fees for licensed drivers is set out in Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, whilst the power to set fees for licensed vehicles and operators is Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

Under the provisions of, the Licensing Act 2003, Gambling Act 2005 and the Local Government (Miscellaneous Provisions) Act 1982, and Scrap Metal Dealers Act 2013, the Council has the power to set fees and charges to cover the costs of the relevant licensing provisions.

The findings of the Hemmings v Westminster City Council case determined that a Council may charge for the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. The steps may include administrative costs, the costs of vetting the applicant applying for the licence and the costs of investigating the compliance within the terms of the licence. The case also established the importance that surpluses as well as deficits within the Licensing Regime should also be carried forward.

Consideration has been taken into account of Charnwood Borough Councils Income and Charging Policy.

A benchmarking exercise has also been undertaken with the other Leicestershire Licensing Authorities to ensure that the Councils are in line and remain competitive.

Under the Council's Constitution the Licensing Committee are responsible for all the Council's licensing functions which are not the responsibility of the Executive. The Head of Regulatory Services has delegated power to undertake the periodic review of fees and charges raised within his service area and falling within the scope of the Council's Income and Charging Policy Framework (Constitution, section 8.2) but if there are objections can refer these matters to the appropriate committee to make a final decision.

## **Decision and Date**

## **Background**

On the 10<sup>th</sup> February 2015, the Licensing Committee approved that the fee approval process for hackney carriage and private hire licensing would be that the Head of Regulatory Services publish a notice in a local newspaper with the proposed fee increases. Prior to doing so the Head of Regulatory Services is to formally consult with the Council's Finance Section, the Chair of the Licensing Committee and the relevant Cabinet Lead Member. The discretionary fees and charges will be confirmed by a delegated decision by the Head of Regulatory Services.

If any objections are received and not withdrawn the fees will be referred to the Licensing Committee for the fees to be determined. If objections are withdrawn prior to the Licensing Committee meeting then the fees will become

lawful at the time of the final objection withdrawal. If no objections are received, the newly amended fees would take immediate effect on the date of the expiration specified in the advertised notice.

There was no increase in the licence fees in 2018/2019. VIP who provides the Plating Consumables (the items required to make the licence plates and badges for taxis) review their prices annually. In the year 2018/2019 VIP's prices increased by 4% in line with RPI (Retail Price Index) with a couple of products increasing above inflation (the front and rear plates) due to recycling costs. For the year 2019/2020 VIP annual price review saw an increase of 2.5% in line with RPI (Retail Price Index). There has been 2% pay award for Council Staff for those on or above the S01 Scale with a greater than 2% pay award on lower bands for 2019/2020. These increases have been incorporated into the costs. Whilst there has been an increase in the cost of the Licence fees, they remain below the outlined costs in Appendices Cadman E and are being proposed to be set at this level to remain competitive alongside neighbouring licensing authorities.

The cost of the hackney carriage and private hire driver's licence previously included a £5.00 charge within it for the drivers DVLA licence to be checked on application. The cost of the licence is with the view to recovering the costs of issue and administration. Pre application checks such as those completed by the DVLA, Disclosure and Barring Service and medicals should be charged as separate items and not included within the fee. Therefore the DVLA £5.00 charge within this licence fee has been separated for 2019/2020.

#### Implementation Timetable

The agreed fees and Charges 2019/2020, subject to consideration of appropriate significant objections, shall come into effect on the 1st June 2019 for Private Hire and Hackney Carriage Licences, due to the need to advertise. All other fees will come into effect on the 1<sup>st</sup> May 2019.

#### Proposed Fees

The Chair of the Licensing Committee and the Lead Member of Regulatory Services have been consulted on the proposed fees, which are detailed in Appendices C, D, & E of the report and have approved them for implementation.

A breakdown of the estimated costs for the administration, determination and compliance checks for each licence is outlined within Appendices C to E.

It is open to the Council to charge a reasonable fee, but this must not be more than the actual costs outlined in Appendices C to E.

It is not proposed to revise the Sex Establishment fees at this time as the licensing section is currently operating within the same cost level.

The Scrap Metal Dealers Fees were introduced in 2013 and it is proposed to increase the Scrap Metal Fees to reflect the actual costs of the service in 2019/2020

## Comments from HR

HR comments are not applicable to the content of this report and have, therefore, not been obtained.

## Financial Implications

The following outlines the income received from Licences issued by the Council:

- ) 164 hackney vehicles and 127 private hire vehicles at renewal fee of £155.00 which represents an annual vehicle income of £45,105
- ) 14 Scrap Metal Dealer's Sites at £285.00 for renewal of a three yearly licence (14 x £285.00 = £ 3,990.00 would be a yearly income of £1,330.00. 4 Scrap Metal Collectors at £225.00 for renewal of a three yearly licence (4 x £225. = £900.00) would be a yearly income of £300.00.
- ) One of the Sex Establishments has surrendered their licence in 2019. 1 Sex Establishment's at £1,250.00 per year. This fee will remain the same.

An increase in the vehicle renewal fees to £170 per year in 2019/2020 will equate to an increase in income of £4,365.00.

An increase in the Scrap Metal Dealers licence for three years renewal will equate to an increase of income of £140.00 for Site Licences and an increase of £13.33 per year in respect of collectors licences. The vehicle disc has increased from £3.64 each vehicle to £3.88.

All income received will be monitored throughout the year and any significant variations will be reported.

## Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Challenge that the Council fees are not reasonable	Possible	Moderate	The fees have been set with consideration to guidance issued for the settings of fees and charges to ensure that the cost of administering each licence provision is covered. Calculation of fees will be undertaken in consultation with the finance section of the Council. In respect of the Taxis consideration has been taken into account that they do not result in trade numbers falling and therefore impacts on the service provision to the public of

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
			Charnwood.
The new fees not being set by the 1 <sup>st</sup> April or May 2019.	Unlikely	Moderate	Once approved the fees will be advertised and any objections discussed with the view of the objection being withdrawn, preventing need for further hearing.

Key Decision: No

Background Papers: None

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## Appendix A

### Licensing Act 2003 Fees

Premises Licence/Club Premises Licence

#### Grant/Variation

Band	Non-domestic rateable value	Application Fee	Annual Charge
A	£0-£4300	£100	£70
B	£4301-£33000	£190	£180
C	£33001-£87000	£315	£295
D	£87001-£125000	£450	£320
E	£125001 and over	£635	£350

A multiplier is applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol;

Band	Application fee	Annual charge
D (x2)	£900	£640
E (x3)	£1905	£1050

#### Exemptions:

There are exemptions to the payment of fees. These are:

- ) No fee is to be payable by the proprietor of a school or college if the application is for the provision of regulated entertainment only and the entertainment is carried on by the school or college for or on behalf of the purposes of the school or college
- ) No fee is payable in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building if the application is for the provision of regulated entertainment only.

#### Miscellaneous/Other licences

Occasion on which fee may be payable	Fee
Application for minor variation of premises licence/club certificate	£89
Temporary Event Notice	£21
Personal Licence	£37
Application of copy of licence/notice on theft, loss etc.	£10.50
Application for a provisional statement where premises being built	£315
Notification of change of the name or address (Personal Licence)	£10.50
Application to vary licence to specify individual as DPS	£23
Application to disapply DPS on premises licence	£23
Application for transfer of premises licence	£23
Interim authority notice	£23
Notification of change of name or alteration of club rules	£10.50
Change of relevant registered address of club	£10.50
Application of copy of licence/notice on theft, loss etc. of Temporary Event Notice.	£10.50
Notice of interest in any premises	£21

## Appendix B

### Gambling Act 2005

#### Fees Charged under the Gambling Act 2005

Premises Type	Transitional Fast-Track Application £	Transitional Non-Fast Track Application £	New Application £	Annual Fee £
Existing Casinos	300	2000	n/a	3000
New Small Casino	n/a	n/a	8000	5000
New Large Casino	n/a	n/a	10000	10000
Regional Casino	n/a	n/a	15000	15000
Bingo Club	300	1750	3500	1000
Betting Premises (excluding tracks )	300	1500	3000	600
Tracks	300	1250	2500	1000
Family Entertainment Centres	300	1000	2000	750
Adult Gaming Centre	300	1000	2000	1000

	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	2000	1350	1350	n/a	n/a	25	50
New Small Casino	4000	1800	1800	8000	3000	25	50
New Large Casino	5000	2150	2150	10000	5000	25	50
Regional casino	7500	6500	6500	15000	8000	25	50
Bingo Club	1750	1200	1200	3500	1200	25	50
Betting Premises (excluding tracks)	1500	1200	1200	3000	1200	25	50
Tracks	1250	950	950	2500	950	25	50
Family Entertainment Centres	1000	950	950	2000	950	25	50
Adult Gaming Centres	1000	1200	1200	2000	1200	25	50

**Permits** – these fees are set by the Secretary of State and the Licensing Authority has no discretion to change them. SI 2007/454 & SI 2007/455

Permit Type	Application Fee	Annual Fee	Renewal Fee
Small Society Lottery Registration	40	20	n/a
Family Entertainment Centre Gaming Machine Permit	300	n/a	300
Alcohol Licensed Premises – Notification of 2 or Less Machines	50	n/a	n/a
Alcohol Licensed Premises Gaming Machine Permit – more than 2 machines	150	50	n/a
Club Gaming Permit	200 100 (FastTrack)	50	n/a
Club Gaming Machine Permit	200 100 (FastTrack)	50	n/a

#### **Permits – Miscellaneous Fees**

	Change of Name	Copy of Permit	Variation	Transfer
Family Entertainment Centre Permits	25	15	n/a	n/a
Prize Gaming Permits	25	15	n/a	n/a
Alcohol Licensed Premises – Notification of 2 or less machines	n/a	n/a	n/a	n/a
Alcohol licensed premises Gaming Machine Permit – more than 2 machines	25	15	100	25
Club Gaming Permit	n/a	15	100	n/a
Club Gaming Machine Permit	n/a	15	100	n/a
Small society lottery	n/a	n/a	n/a	n/a

## APPENDIX C

### Proposed fees for Hackney Carriages and Private Hire Licences

Licence	Current Fee	Proposed Fee
Combined Hackney Carriage and Private Hire Driver Licence, (3 yearly)	£180.00 (currently includes £5.00 DVLA fee)	190.00
DVLA Mandate		5.00
DBS (Enhanced)		44.00
Private Hire Operators Licence (annual)	1 – 3 vehicles £780.00 (5 years) (£156.00 per year)	1 – 3 vehicles £795.00 (5 years) (£159.00 per year)
	4 – 9 vehicles £900.00 (5 years) (£180.00 per year)	4 – 9 vehicles £915.00 (5 years) (£183.00 per year)
	£1050.00 (5 years) (£210.00 per year)	£1065.00 (5 years) (£213.00 per year)
Hackney Carriage/Private Hire Vehicle	Grant of a vehicle licence = £169.00 Renewal of a vehicle licence =£155.00	Grant of a vehicle licence = £189.00 Renewal of a vehicle licence =£170.00
<b>Miscellaneous Fees</b>		
Transfer of Vehicle	£28.00	£29.00
Transfer of Status of Vehicle (hackney to private hire or private hire to hackney)	£155.00 (as would have brackets and plates etc.)	£170.00
Replacement Plate (Lost or stolen)	£12.00	£13.00
Replacement licence document	£12.00	£13.00
Duplicate Copy of Interim/Annual letter	£5.00	£5.00
Safeguarding Awareness Training	£22.00	£23.00
3 Paper Knowledge Test	£51.00	£54.00
Knowledge Test per paper	£17.00	£18.00

### Cost breakdown for Hackney Carriage and Private Hire Fees

#### 1. Hackney Carriage Vehicle New

Process	Approx. Time Allocation	Costs
Administration	3 hours 50mins	141.77
Compliance and Enforcement	1 hour 50 mins	£61.42
Old Consumables (2017 price)		£27.04
New Consumables (2019)		£49.76
	<b>Total Cost</b>	<b>£ 252.95</b>

**2019/2020 Proposed Licence fee (new) £ 189.00**

#### 2. Hackney Carriage Vehicle Renewal

Process	Approx. Time Allocation	Costs
Administration	3 hours 20mins	£127.90
Compliance and Enforcement	1 hour 50 mins	£61.42

Old Consumables (2017 price)		£11.48
New Consumables (2019)		£22.92
	<b>Total Cost</b>	<b>£212.24</b>

**2019/2020 Proposed Licence fee £ 170.00**

### **3. Hackney Carriage & Private Hire Driver New (3 year licence)**

<b>Process</b>	<b>Approx. Time Allocation</b>	<b>Costs</b>
Administration	4hrs 45 mins	£175.60
Compliance and Enforcement	4.5 hours	£151.37
Old Consumables(2017 prices)		£3.97
New Consumables (2019)		£6.87
	<b>Total Cost</b>	<b>£ 333.84</b>

**2019/2020 Proposed Licence fee £190.00**

### **4. Hackney Carriage & Private Hire Driver Renewal (3 year licence)**

<b>Process</b>	<b>Approx. Time Allocation</b>	<b>Costs</b>
Administration	2 hours 55 mins	£106.07
Compliance and Enforcement	4.5hours	£.151.37
Old Consumables(2017 prices)		£3.97
New Consumables (2019)		£6.87
	<b>Total Cost</b>	<b>£ 264.31</b>

**2019/2020 Proposed Licence fee £190.00**

### **5. Private Hire Vehicle New**

<b>Process</b>	<b>Approx. Time Allocation</b>	<b>Costs</b>
Administration	3.75	£147.42
Compliance and Enforcement	1.83rs	£61.42
Old Consumables (2017Price)		£35.04
New Consumables (2019)		£49.76
	<b>Total Cost</b>	<b>£ 258.60</b>

**2019/2020 Proposed Licence fee £ 189.00**

### **6. Private Hire Vehicle Renewal**

<b>Process</b>	<b>Approx. Time Allocation</b>	<b>Costs</b>
Administration	3 hours 30mins	£133.55
Compliance and Enforcement	1. hours 50 mins	£61.42
Old Consumables (2017 price)		£11.48
New Consumables (2019)		£22.92
	<b>Total Cost</b>	<b>£217.89</b>

**2019/2020 Proposed Licence fee £170.00**

## 7. Private Hire Operator New (5 year licence)

Process	Approx. Time Allocation	Costs
Administration	3 hours 58 mins	£125.96
Compliance and Enforcement	5 hours	£167.98
Consumables		£0.41
	<b>Total Cost (based on 1-3 vehicles)</b>	<b>£294.35</b>

**2019/2020** Proposed Licence fee **£159.00 – £213.00** dependent upon number of vehicles, (5 yearly fee £795.00 –£1065 dependent on number of vehicles)

## 8. Private Hire Operator Renewals

Process	Approx. Time Allocation	Costs
Administration	3 hours 6mins	£92.04
Compliance and Enforcement	5 hours	£167.98
consumables		£0.41
	<b>Total Cost (based on 1-3 vehicles)</b>	<b>£260.43</b>

**2019/2020** Proposed Licence fee **£159.00 –213.00** dependent upon number of vehicles, (5 yearly fee £795.00–1065 dependent on number of vehicles)

## 9. Vehicle Transfers

Process	Approx. Time Allocation	Costs
Administration	1 hours 30 mins	£50.56
	Total Cost	£29.00
Consumables(license)		£13.00
		<b>£42.00</b>

**2019/2020** Proposed Licence fee **£29 Transfer fee plus £13** Documentation

## 10. Safeguarding Awareness Training

Process	Approx. Time Allocation	Costs
Administration	2 hours 10	£22.28
	<b>Total Cost</b>	<b>£22.28</b>

**2019/2020** Proposed licence fee - **£23.00**

## 11. Knowledge Test

<b>Process</b>	<b>Approx.Time Allocation</b>	<b>Costs</b>
Administration	2 hours 45	£51.67
	<b>Total Cost</b>	<b>£51.67</b>

**2019/2020 Proposed** licence fee - **£54.00** (for all three papers) **£18.00 per paper.**

## APPENDIX D

### Sex Establishment Licence

Licence	Current	Proposed
Licence Application – New	£1250	£1250.00
Licence Application – Renewal	£1250	£1250.00

### Cost breakdown for Sex Establishment Licence

#### 1. Applications

Process	Approx. Time Allocation	Costs
Administration	12 hrs and 45	£524.18
Dealing with representations, hearings, compliance and enforcement.	24hrs and 40	£ 1072.97
	<b>Total Cost</b>	<b>£ £1597.15</b>

**Proposed fee for Grant of licence 2019/2020- £1250.00**

#### 2. Renewals

Process	Approx. Time Allocation	Costs
Administration	10hrs and 40	469.01
Dealing with representations, hearings, compliance and enforcement.	18 hours	849.47
	<b>Total Cost</b>	<b>£1318.48</b>

**Proposed Fee for Renewal of Licence 2019/2020- £1250.00**

## Appendix E – Scrap Metal Dealers

Licence	Current	Proposed
Site Licence – New	290.00	300
Site Licence – Renewal	285	295
Site Licence - Variation	70	75
Collectors Licence – New	230	240
Collectors Licence – Renewal	225	235
Collectors Licence – Variation	70	75

### Cost breakdown for Scrap Metal Dealers Licence

#### 1. Site Licence – New

Process	Approx. Time Allocation	Costs
Administration	3 hours and 55 mins	£155.93
Compliance and enforcement.	4 hours and 30 mins	£ 152.28
New Consumable	1x vehicle disc	£3.88
	<b>Total Cost</b>	<b>£312.09</b>

**2019/2020 proposed licence fee - £300.00**

#### 2. Site licence – Renewal

Process	Approx. Time Allocation	Costs
Administration	3 hours and 50 mins	£153.22
Compliance and enforcement.	4 hours and 30 mins	£152.28
New Consumable	1x vehicle disc	£3.88
	<b>Total Cost</b>	<b>£309.38</b>

**2019/2020 proposed licence fee - £ 295.00**

#### 1. Site Licence Variation

Process	Approx. Time Allocation	Costs
Administration	1 hour and 55 min	£80.49
	<b>Total Cost</b>	<b>£80.49</b>

**2019/2020 proposed licence fee - £75.00**

#### 2. Collectors Licence - New

Process	Approx. Time Allocation	Costs
Administration	3 hour and 40min	£144.98
Compliance and enforcement	3 hours	£101.52
New consumable	1 x vehicle disc	£3.88
	<b>Total Cost</b>	<b>£250.38</b>

**2019/2020 proposed fee - £240.00**

### 3. Collectors Licence - Renewal

<b>Process</b>	<b>Approx. Time Allocation</b>	<b>Costs</b>
Administration	3 hour and 30 min	£139.57
Compliance and enforcement	3 hours	£101.52
New Consumable	1 vehicle disc	£3.88
	<b>Total Cost</b>	<b>£244.97</b>

**2019/2020 proposed fee - £ 235.00**

### 4. Collectors Licence - Variation

<b>Process</b>	<b>Approx. Time Allocation</b>	<b>Costs</b>
Administration	1 hour and 55 min	£80.49
	<b>Total Cost</b>	<b>£80.49</b>

**2019/2020 proposed fee - £75.00**