

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 April 2016.
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** publish details of the intention to charge these fees from 1st May 2016.
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** to this report be approved and implemented from 1st April 2016.

Reasons

1. To note the current statutory fees charged for certain licences.
2. To note the current and proposed discretionary fees for Taxis.
3. To note the current and 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 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.

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 10th 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.

Implementation Timetable

The agreed fees and Charges for 2016/17, subject to consideration of appropriate significant objections, shall come into effect on the 1st May 2016 for Private Hire and Hackney Carriage Licences, due to the need to advertise. All other fees will come into effect on the 1st April 2016.

Proposed Fees

1. 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.
2. A full breakdown of the estimated costs for the administration, determination and compliance checks for each licence is outlined within **Appendices C to E**.
3. 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**.
4. The taxi licence fees have not increased since 2011, other than the hackney carriage/private hire driver's fees and private hire operator's fees which were increased in October 2015 due to the introduction of the Deregulation Act 2015. (D/D054) These fees were increased by 7.2 % , indicative of the CPI inflation from July 2011 to July 2015. If fees were increased by too much, this could have resulted in drivers and operators relocating and a resulting reduction in the level of provision for Charnwood.
5. The hackney carriage/private hire vehicle's fees were not part of the Deregulation Act 2015 and therefore were not increased in October 2015. As the operators and drivers licence fees were increased in October 2015, it is not proposed to increase them again at this time. It is therefore proposed that the remaining taxi fees, for the vehicles and miscellaneous fees are increased by 7.2% from 1st May 2016 to bring them inline with that of the operators and drivers and that a annual review based on the actual costs of operating the service along with the Consumer Price Index (CPI) should be considered annually from April 2017.
6. It is not proposed to revise the Sex Establishment fees at this time as the licensing section is currently operating within the same level.
7. 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 2016.

Comments from HR

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

Financial Implications

9. Charnwood Borough Council currently licence ;
 - 146 hackney vehicles and 212 private hire vehicles at £135.00 which represents an annual vehicle income of £48,330.

- 13 Scrap Metal Dealer's Sites at £265.00 for renewal of a three yearly licence (13 x £265.00 = £3445) would be a yearly income of £1148.33.
- 10 Scrap Metal Collectors at £205.00 for renewal of a three yearly licence (10x £205.00 = £2050) would be a yearly income of £683.33).
- 2 Sex Establishment's at £1250.00 per year. This fee will remain the same.

10 An increase in the vehicles to £145.00 per year will equate to an increase in income of £3580.00

11. An increase in the Scrap Metal Dealers licence for three years renewal will equate to an increase of income of £130.00 for Site Licences and an increase of £100.00 per year in respect of collectors licences.

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 Charnwood .
The new fees not being set by the 1 st April 2016.	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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Licensing Act 2003 Fees

Appendix A

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
Hackney Carriage and Private Hire Driver Licence , Dual Badge (3 yearly)	£180.00	£180.00
Private Hire Operators Licence (annual)	1 – 3 vehicles £780.00 (5 years) (£156.00 per year)	£780.00 (5 years) (£156.00 per year)
	4 – 9 vehicles £900.00 (5 years) (£180.00 per year)	£900.00 (5 years) (£180.00 per year)
	£1050.00 (5 years) (£210.00 per year)	£1050.00 (5 years) (£210.00 per year)
Hackney Carriage/Private Hire Vehicle	£135.00	£145.00 (7.2% in line with drivers and operators)
Miscellaneous Fees		
Transfer of Vehicle	£25.00	£27.00
Transfer of Status of Vehicle (hackney to private hire or private hire to hackney)	£135.00	£145.00
Replacement Plate (Lost or stolen)	£10.00	£11.00
Replacement licence document	£10.00	£11.00
Duplicate Copy of Interim/Annual letter	£5.00	£5.00
Transfer from a Private Hire Badge to a Hackney Badge	£10.00	£11.00
Missed Highway Code Test or Hackney Test	£10.00	£11.00
Topography Test Fees	£15.00	£16.00

Cost breakdown for Hackney Carriage and Private Hire Fees

1. Hackney Carriage Vehicle New

Process	Approx. Time Allocation	Costs
Administration	3 hours 50 mins	£131.42
Compliance and Enforcement	1 hour 50 mins	£56.28
Consumables		£15.57
	Total Cost	£203.27

2016/17 Proposed Licence fee **£145.00**

2. Hackney Carriage Vehicle Renewal

Process	Approx. Time Allocation	Costs
Administration	3 hours 30 mins	£123.61
Compliance and Enforcement	1 hour 50 mins	£56.28
Consumables		£10.89
	Total Cost	£190.78

2016/17 Proposed Licence fee **£145.00**

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

Process	Approx. Time Allocation	Costs
Administration	6hrs 20 mins	£212.09
Compliance and Enforcement	4.5 hours	£138.99
Consumables		2.13
	Total Cost	£353.21

2016/17 Proposed Licence fee **£180.00**

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

Process	Approx. Time Allocation	Costs
Administration	2 hours 40 mins	£88.99
Compliance and Enforcement	4.5hours	£138.88
Consumables		£2.13
	Total Cost	£230.00

2016/17 Proposed Licence fee **£180.00**

5. Private Hire Vehicle New

Process	Approx. Time Allocation	Costs
Administration	4	£136.73
Compliance and Enforcement	2 hours	£61.41
Consumables		£14.25
	Total Cost	£212.39

2016/17 Proposed Licence fee **£145.00**

6. Private Hire Vehicle Renewal

Process	Approx. Time Allocation	Costs
Administration	3 hours 5 mins	£108.27
Compliance and Enforcement	2 hours	£61.41
Consumables		£10.89
	Total Cost	£180.57

2016/17 Proposed Licence fee **£145.00**

7. Private Hire Operator New (5 year licence)

Process	Approx. Time Allocation	Costs
Administration	3 hours 20 mins	£107.65
Compliance and Enforcement	5 hours	£154.06
	Total Cost (based on 1-3 vehicles)	£261.71

2016/17 Proposed Licence fee **£156.00 – 210.00** dependant upon number of vehicles, (5 yearly fee £780.00 – 1050 dependent on number of vehicles)

8. Private Hire Operator Renewals

Process	Approx. Time Allocation	Costs
Administration	2 hours 25mins	£76.66
Compliance and Enforcement	5 hours	£154.06
	Total Cost (based on 1-3 vehicles)	£230.72

2016/17 Proposed Licence fee **£156.00 – 210.00** dependant upon number of vehicles, (5 yearly fee £780.00 – 1050 dependent on number of vehicles)

9. Vehicle Transfers

Process	Approx. Time Allocation	Costs
Administration	1 hours 10 mins	£36.21
	Total Cost	£25.00
Consumables(licence)		£10
		35.00

2016/17 Proposed Licence fee **£25 Transfer fee plus £10** Documentation

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	13 hours 10 mins	£472.27
Dealing with representations, hearings, compliance and enforcement.	25 hours 5mins	£919.92
	Total Cost	£1392.19

Proposed fee for 2016/2017 - £1250.00

2. Renewals

Process	Approx. Time Allocation	Costs
Administration	11hours and 25	£545.04
Dealing with representations, hearings, compliance and enforcement.	20 hours 30 mins	£763.47
	Total Cost	£1308.51

Proposed Fee for 2016/2017 - £1250.00

Appendix E – Scrap Metal Dealers

Scrap Metal Dealers Act 2013

Licence	Current	Proposed
Site Licence – New	£270	£280
Site Licence – Renewal	£265	£275
Site Licence - Variation	£60	£65
Collectors Licence – New	£210	£220
Collectors Licence – Renewal	£205	£215
Collectors Licence – Variation	£60	£65

Cost breakdown for Scrap Metal Dealers Licence

1. Site Licence – New

Process	Approx. Time Allocation	Costs
Administration	3 hours and 55 mins	£140.96
compliance and enforcement.	4 hours and 30 mins	£140.07
	Total Cost	£281.03

2016/17 proposed licence fee - £280.00

2. Site licence – Renewal

Process	Approx. Time Allocation	Costs
Administration	3 hours and 20 mins	£138.46
compliance and enforcement.	4 hours and 30 mins	£140.07
	Total Cost	£278.53

2016/2017 proposed licence fee - £275

3. Site Licence Variation

Process	Approx. Time Allocation	Costs
Administration	1 hour and 55 min	£72.38
	Total Cost	£72.38

2016/2017 proposed licence fee - £65.00

4. Collectors Licence - New

Process	Approx. Time Allocation	Costs
Administration	3 hour and 25 min	£130.97
Complaiance and enforcement	3 hours	£93.81
	Total Cost	£224.78

2016/2017 proposed fee - £220.00

5. Collectors Licence - Renewal

Process	Approx. Time Allocation	Costs
Administration	3 hour and 10 min	£125.97
Compliance and enforcement	3 hours	£93.81
	Total Cost	£219.78

2016/2017 proposed fee - £215.00

6. Collectors Licence - Variation

Process	Approx. Time Allocation	Costs
Administration	1 hour and 55 min	£72.38
	Total Cost	£72.38

2016/2017 proposed fee - £65.00