

LICENSING COMMITTEE MEETING

Date: Thursday 29 March 2018
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cuming, Garten, Mrs Grigg, Harvey, Mrs Hinder (Vice-Chairman), Joy (Chairman), McLoughlin, Naghi, Newton, Mrs Robertson, J Sams and Springett

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

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7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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Issued on Wednesday 21 March 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 4 DECEMBER 2017

Present: Councillor Joy (Chairman), and
Councillors Mrs Blackmore, Garten, McLoughlin,
Naghi, Perry, J Sams, Springett and Mrs Wilson

1. APOLOGIES FOR ABSENCE

It was noted that apologies had been received from Councillors Cuming, Mrs Grigg, Mrs Hinder, B Mortimer, Newton and Mrs Robertson.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Mrs Wilson for Councillor Mrs Robertson
Councillor Perry for Councillor Mrs Hinder
Councillor Blackmore for Councillor Cuming

3. URGENT ITEMS

There were no urgent items.

4. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

5. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

6. DISCLOSURES OF LOBBYING

It was noted that Councillors Mrs Joy, Garten, McLoughlin, Naghi and Mrs Springett had been lobbied on Agenda Item 13 – Hackney Carriage and Private Hire Licensing: Licence Fees and Charges Fees 2017/2018.

7. EXEMPT ITEMS

RESOLVED: That all items on the agenda be taken in public.

8. MINUTES OF THE MEETING HELD ON 30 MARCH 2017

RESOLVED: That the minutes of the meeting held on 30 March 2017 be approved as a correct record and signed.

9. MINUTES OF THE MEETING HELD ON 23 MAY 2017

RESOLVED: That the minutes of the meeting held on 23 May 2017 be approved as a correct record and signed.

10. PRESENTATION OF PETITIONS

There were no petitions.

11. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

12. ORAL UPDATE - MEMBER TRAINING

The Head of Housing and Community Services advised the Committee that the Council's Constitution required Members and Substitutes of Licensing Committee to attain a certain level of training agreed by Members.

However, the Officer advised that due to the fact that this had been the first meeting of the year for Licensing Committee, it would be more prudent to wait until after the Borough Elections next May to conduct detailed training.

Members were advised that there would be a training session organised by an external barrister on 30th January 2018 for both Officers and Members.

RESOLVED: That the oral update be noted.

13. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES AND CHARGES FEES 2017/2018

The Committee considered the report of the Head of Housing and Community Services which related to Fees and Charges 2017/18 -Taxis and Private Hire.

In response to questions from Members, the Officer advised that:-

- Hackney Carriage numbers were currently limited to 48 in the Maidstone Borough area. The unmet demand survey conducted in 2015 recommended that consideration be given to removing the cap on a number of hackney vehicles in Maidstone and guidance suggested that there should not be limits unless there was specific justification. A consultation with the trade would be carried out shortly on this.
- The knowledge test fee had been separated out from the driver's licence figures.

- The fees and charges are calculated according to the outlay of the Council and they are the best that can be offered.
- There was no room for manoeuvre as the figures had been based on the efficiencies of the services gained already.
- There had been higher charges on operators with larger numbers of vehicles as suggested by the representation but it had not been very helpful as in relation to enforcement larger operators tended to take less time than operators who were owner/drivers as they often failed to keep their own accurate operator records.
- In terms of drivers working outside the Borough, there are implications but it was nothing that the Council could do about it.
- In terms of the age and mileage restrictions on licensed vehicles in the policy, this would be reviewed separately, particularly in terms of alternative fuels and would be linked with the Low Emissions Strategy. A report could be brought to the March meeting.
- Some of the fees had reduced and this had been as a result of efficiencies, such as some activities being carried out on-line.

RESOLVED:

- 1) That the proposed fees and charges and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators, as set out in paragraph 2.14 of the report of the Head of Housing and Community Services, be approved after consideration being given to the written objection received on 19 September 2017 in response to the 28 day consultation and to be effective from 5 December 2017.
- 2) That a report be produced by Officers to come to the March meeting reviewing the Taxi Policy which would cover the age and mileage restrictions and types of vehicles and alternative fuels used and would link into the Low Emissions Strategy.

Voting: For: unanimous

14. DURATION OF MEETING

6.30 p.m. to 7 p.m.

Agenda Item 11

Licensing Committee

29 March 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Emission standards for Maidstone Hackney Carriage and Private Hire Vehicles

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the Licensing Committee give delegated authority to the Head of Housing & Community Services to draft a consultation document for the Hackney and Private Hire Trade, in accordance with paragraph 3.2 of this report; and to report back to the Licensing Committee in the new municipal year with the result of the consultation together with recommendations for the next steps.

This report relates to the following Five Year Plan Key Objectives:

- Keeping Maidstone Borough an attractive place for all

Timetable

Meeting	Date
Licensing Committee	29 March 2018

Emission standards for Maidstone Hackney Carriage and Private Hire Vehicles

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Maidstone Borough Council is committed to ensuring the taxi and private hire sector remains integrated in our sustainable transport network and for them to continue to move passengers to destinations safely, whilst contributing to the economy with minimal environmental impact.

The aim is to provide an achievable action plan for taxi and private hire vehicle emissions in Maidstone for the next 6 years and beyond. By considering an emissions standard for vehicles encouraging a shift towards low and ultra low emissions vehicles. The present taxi policy sets a vehicle age standard and a proposed standard based on vehicle emissions and encouragement of use of hybrid, electric and hydrogen vehicles would appear to represent a significant improvement.

2. INTRODUCTION AND BACKGROUND

- 2.1 At the Licensing Committee on 4 December 2017 Officers were asked to produce a report reviewing the Taxi Policy which would cover the age and mileage restrictions and types of vehicles and alternative fuels used that would also link into the Low Emissions Strategy.

- 2.2 The Department for Transport's best practice guidance on Taxi and Private Hire Licensing (2010), states that all modes of transport including taxi and private hire services have a valuable part to play in overall transport provision, and so local licensing authorities have input into delivering the local transport plan (LTPs). The key policy themes for such services include availability and accessibility. LTPs can cover:

- Quantity controls (via number of licences issued) and plans for the review of licensing conditions, with a view to safety but also to good supply of taxi and private hire services.
- Fares (Hackneys only)
- On-street availability, especially through provision of taxi ranks.
- Vehicle accessibility for people with disabilities.
- Encouragement of flexible services, which MBC don't have in place currently.

The main legal provisions under which flexible services can be operated are:

- Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985): licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- Shared taxis – immediate hirings (section 10, Transport Act 1985): such a scheme is at the initiative of the local licensing authority, which can set up

schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.

- Taxibuses (section 12, Transport Act 1985): owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

2.3 There are currently 48 hackney carriage vehicles licensed in Maidstone which consist of 39 TX's, 2 Mercedes Vito taxi's and 7 Peugeot E7's all of which are diesel vehicles. There are approximately 220 private hire vehicle licensed.

2.4 There are 9 fairly large private hire companies (operators) licensed within Maidstone and they currently control 72% of all the private hire licensed vehicles. The largest operator controls 44% of those vehicles.

2.5 The current age and mileage requirements for licensed vehicles in Maidstone are:

When licensing a vehicle for the first time whether it is hackney carriage or private hire, the vehicle should not have more than 30,000 miles on the clock or be older than 3 years.

When renewing a vehicle licence, hackney carriage vehicles can be licensed until they are fifteen years old as long as they remain roadworthy and have 6 monthly compliance tests after 10 years of age. Private hire vehicles are licensed up to six years old.

2.6 The average age, from date of first vehicle registration, of a Private Hire Vehicle in Maidstone is 4 years compared to 7 years for Hackneys (demonstrating an age differential of +3 years). On average, Hackney Carriage vehicles are almost twice as old as Private Hire Vehicles. The two oldest Hackney Carriages still licensed are both 14 years old and are a London Taxi International TX2 and a TX4 and will have to be replaced in 2019 with newer vehicles which comply with the hackney carriage and private hire licensing policy.

2.7 At the Strategic Planning, Sustainability and Transportation Committee on 5 December 2017 the Maidstone Low Emission Strategy (LES) was approved and includes a strategy to improve the emissions for the private hire and taxi vehicles. The LES is attached as Appendix A, the actions for Licensing are found within Appendix 1 of that document at Transport 5, 6 and 8.

2.8 Where the Council has declared an Air Quality Management Area in any part of the Borough and air quality standards are being breached as a result of vehicle emissions, then local vehicle emission controls may be brought in as part of a plan to improve air

quality standards. Air pollution is recognised as a significant health issue with Air Quality Management Areas (AQMAs) being declared in Maidstone in 2008 on the grounds that annual mean nitrogen dioxide levels exceeded permissible limits in heavily trafficked parts of the town. A new AQMA was approved by members at the same time as they approved the Low Emission Strategy. The existing AQMA will be revoked in the next few days, but to all intents and purposes the new AQMA at Appendix B is already in effect. One of the areas of concern in both the old and new AQMAs is the High Street, which is only open to buses and taxis, and which gives us special reason for focusing on taxis.

- 2.9 The standards set for Clean Air Zones (CAZ) expressed according to DEFRA's European vehicle emission standards. Buses, coaches and heavy goods vehicles must all be compliant with Euro 6. Diesel powered vans, hackney carriages and private hire vehicles will also have to meet the Euro 6 standard. Vans, hackney carriages and private hire vehicles powered by petrol will have to meet the lower Euro 4 standard because petrol is less polluting than diesel.
- 2.10 Taxis and private hire can be part of the solution, by show-casing the potential for low-emission vehicles and "normalising" their use to the thousands of passengers they carry each year. The LES sets out a need to encourage and support taxi and private hire operators to switch to low emission alternatives and consider what policy incentives will support taxi and private hire operators to make the change in order to improve air quality.
- 2.11 It is important that, any policy that is adopted now should have a long term aim, in order to avoid frequent changes that may impact upon the proprietor's financial investment into particular vehicles. However whilst it is proposed that there is a gradual implementation towards an improved fleet to allow the time for financial adjustments, the policy also aims to reflect an almost immediate improvement by preventing the new registration of higher polluting vehicles coming into Maidstone.
- 2.12 It is recognised that many proprietors buy vehicles as a long term investment, particularly hackney vehicles, the investment might be over 15 years and therefore this policy aims to strike a balance between improving the emission standards, whilst still allowing time for drivers to make financial adjustments and decisions about vehicles that they may be purchasing in the near future.
- 2.13 In order to achieve a balance the proposed policy is aimed at different timescales for those vehicles being licensed for the first time in Maidstone and those vehicles already licensed by this authority. It is also important to set standards that are common to all within the taxi and private hire fleet, to ensure consistency and a level playing field for all licence holders.
- 2.14 In the first phase of the policy it is proposed that from the 1st January 2019 only vehicles licensed for the first time with this authority must meet one of the emission standards as shown in the proposed policy at Appendix C.
- 2.16 In the second phase, it is proposed that from 1st January 2021, renewal and transfer applications will be subject to the same standard.
- 2.17 In the third phase it is proposed that from the 1 January 2025 all newly licenced vehicles upon first application must be electric or electric hybrid, hydrogen or have emissions of an equivalent or better standard.
- 2.18 The third phase will also apply to existing vehicle licence holders upon the

renewal application, in order that from the 1 January 2025 all vehicles on the fleet will be an electric/hybrid and hydrogen vehicles.

2.19 The approach taken in the proposed policy is aimed at working with the trade to encourage the take up of low emission vehicles, rather than at this present time applying the 1st Phase criteria immediately to all currently licensed vehicles. Details of how the authority intend to promote the uptake of low emission vehicles is detailed later in this report.

2.20 Proprietors of new vehicles from 1 January 2019 will still be able to consider purchasing poor emission vehicles, providing that the vehicle is adapted to meet the new proposed standards. Adaptions to these vehicles may include:

- Having the vehicle adapted / modified to meet the standard

2.21 It is also recommended that officers are given discretion to licence vehicles outside of any agreed vehicle emissions policy, in order to allow for exceptional circumstances that may arise.

2.22 Many other local authorities and Transport for London have and will adopt maximum age limits and emissions standard policies for their taxi and private hire trade, this could result in vehicles being removed from fleets in surrounding areas and introduced into Maidstone if we do not adopt a similar or better emission standard policy sooner rather than later.

2.23 If Maidstone adopts a Clean Air Emission Standard for Taxis and Private Hire Vehicles that is comparable to other authorities, it will deal with the risk that their redundant poor emission vehicles are moved to be licensed by this local authority.

2.24 The table below shows a snapshot of other local authorities that have already adopted emission policies and shows that other authorities are also aiming to licence only electric or hybrid electric etc. for all vehicles from 2025. Currently it appears there are no Local Taxi Emissions policies in place to include in the table.

2.25

Local Authority	Emission Policy Private Hire	Emission Policy Hackney Carriage	Electric/Hybrid/Hydrogen Vehicles Only	Comments
York	Euro 5 Diesel	Euro 6 Diesel, or ultra low emission		From 1/11/2016
Transport for London	Euro 4 Petrol or Euro 6 diesel by 1 st Jan 2018 for new registrations 1 st jan 2020 New registrations must be zero emission capable 1st Jan 2023 all vehicles licensed for first time must be zero emission capable	1 st Jan 2018 no diesel taxis will be licensed 1 st Jan 2018 all first registrations must be zero emission capable mid 2017 – 2020 diesel taxi decommissioning scheme		

Leicester			All new registrations from 2025 to be ULEV 8 year age limit to be introduced 2017	
Rotherham	Euro 5	Euro 5		Euro 6 from April 2020 – Vehicles allowed with adaptations
Birmingham	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner		Mandated Clean Air Zone
Leeds	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner		Mandated Clean Air Zone
Southampton	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner		Fixed penalty notices for idling (HC's) Mandated Clean Air Zone
Nottingham	All taxis to be HC's 100% be Euro 6 diesel or Euro 4 petrol by 2020 or sooner	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner		100%electric from 2020, 25% of PHV's by 2020 Mandated Clean Air Zone
Derby	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner	All taxis to be Euro 6 diesel or Euro 4 petrol by 2020 or sooner		Mandated Clean Air Zone

2.26 As with other commercial operations we have a limited influence over the types of car which taxi and private hire operators buy. However, the local authority can implement an emission policy and there may be opportunities to apply for funding from the Government's Office for Low Emission Vehicles and investigate offer financial incentives. Areas which could include the following;

- Work with HC and private hire companies to apply for Government funding (for example the £20m ULEV Taxi Grant Scheme announced in 2015) to support ULEV taxis and private hire vehicles.

- Using our taxi licensing function to promote incentives to encourage the uptake of ultra-low emission taxis and private hire vehicles, for example by designating ULEV taxi ranks in high demand areas and by providing dedicated charging points with the cost of electricity for charging being subsidised.

- Demonstrating the potential fuel savings and financial benefits from operating ULEV taxis and private hire vehicles.

- Working with taxi and private hire operators to develop rapid or fast electric charge point network in suitable locations.

2.27 At the moment the majority of any incentives that are introduced will be more beneficial to the private hire trade as they will bring on electric vehicles a lot sooner than the Hackney trade due to the age limits applied to vehicles, it is anticipated that more cost efficient Hackney Carriage vehicles will be available to the Hackney trade in the near future.

2.28 Consideration has been given to applying different licence fee levels for different types of vehicles, to offer incentives to purchase newer and more eco-friendly vehicles, similar to how the road tax duties are calculated on emissions. However, it is not clear at this present time if it will be practical to set the licence fee level based on the emissions of the vehicle as any fee set needs to cover the cost of the service. The process of issuing a licence for a low emissions vehicle would be no different to issuing a licence for any other vehicle and so it follows that a deficit would occur if we were to reduce the licence fee.

2.29 It has also been suggested that the taxi policy be amended to include conditions/ penalty points that could be applied to the drivers of vehicle's who allow the idling of engines. This is more usually done by hackney drivers. Unfortunately, the Hackney Byelaws do not include this and conditions are not applicable to Hackneys at this time. Any approach to tackle the issue would need to focus on the education of the trade and/or the issue of penalty notices.

3. AVAILABLE OPTIONS

3.1 Decide not to progress with a consultation about reducing emissions at this time. However, to do so would not be in keeping with the Council's adopted Low Emission Strategy and miss the opportunity to contribute to reducing poor air quality.

3.2 Agree that a consultation document is produced to include the proposed low emission standards set out at Appendix C together with the proposed implementation dates, and alternative proposals for low emission standards as set in paragraphs 2.26 to 2.29 (inclusively) above.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The option set out at paragraph 3.2. is preferred in order for the Council to address the issue of air quality and to deliver the relevant actions in the Low Emission Strategy.

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	Should the emissions standards be agreed for hackney carriage and private hire vehicles then this would promote improvements to a clean and safe environment	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service. Proposals within the consultation documents around fee incentives for zero-emission vehicles and the budget implications will be considered in the follow up report.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	<p>The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set conditions for the granting of taxi and private hire vehicle licences.</p> <p>There is a legal requirement to improve and maintain air quality standards. Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded.</p>	Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	There are no equality issues identified as this policy would apply equally to any proprietor of a Hackney or Private Hire vehicle in similar circumstances.	[Policy & Information Manager]
Environmental/Sustainable Development	Reference is made to the Low Emission Strategy adopted by MBC in 2017.	Head of Housing & Community Services
Community Safety	No implications have been identified	[Head of Service or

		Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Appendix A – Low Emissions Strategy

Appendix B – AQMA 2017

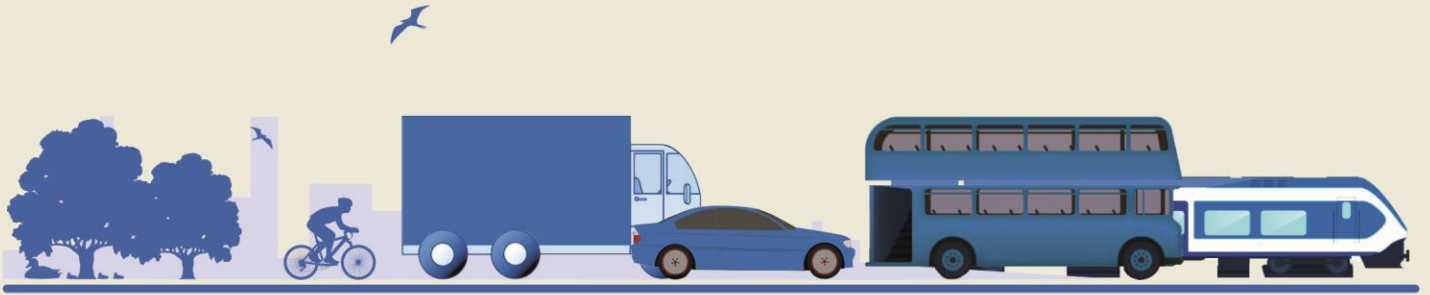
Appendix C - Taxi Low Emissions Policy

7. BACKGROUND PAPERS

None

LOW EMISSION STRATEGY

December 2017



Maidstone Borough Council

Low Emission Strategy



1 INTRODUCTION

In common with most other Local Authorities, Maidstone Borough has areas of poor air quality.

In 2008, the Council designated an Air Quality Management Area (AQMA) covering the whole urban area due to elevated concentrations of Nitrogen Dioxide (NO₂) at residential receptors in six areas of the Borough. NO₂ levels at some

key locations near to major roads and junctions remain above the EU Limit Value with no discernible downward trend. The UK is now in breach of the EU Air Quality Directive and infringement proceedings have commenced. The level of fines could reach 400 million Euros and under the reserve powers of Part 2 of the Localism Act 2011, these fines can be passed on to any public authority whose act or omission has contributed to these breaches. Whenever an Air Quality Management Area is declared, the Council must produce an Air Quality Action Plan describing the measures by which Air Quality will be improved so that the Air Quality Objectives can be met. MBC has taken the innovative approach, with the agreement of DEFRA, of producing a Low Emission Strategy which will also fulfil the requirements of the Air Quality Action Plan.

The predominant source of the elevated levels of air pollution is the emissions of oxides of nitrogen (NO_x) from road transport vehicles. Road transport vehicles are also a significant source of fine particulate concentrations in Maidstone and, although levels fall below the EU threshold, it is known that long term exposure to high levels of air pollution can potentially have serious health impacts. It is now thought that there is no safe level for fine particles (less than 2.5 microns in size). In 2013, the World Health Organisation (WHO) classified diesel exhaust emissions as carcinogenic to humans.

The Maidstone Carbon Management Plan ended in 2015 and has not been renewed. The LES and action plan (appendix 1) will replace the Carbon Management Plan.

2 AIMS

The aims of the Low Emission Strategy are as follows:-

- 1.** To achieve a higher standard of air quality across Maidstone
- 2.** To assist Maidstone Borough Council in complying with relevant air quality legislation.
- 3.** To embed an innovative approach to vehicle emission reduction through integrated policy development and implementation in Maidstone and across the region
- 4.** To improve the emissions of the vehicle fleet in Maidstone beyond the 'business as usual' projection, through the promotion and uptake of low and ultra low emission vehicles
- 5.** To reduce emissions through an integrated approach covering all appropriate municipal policy areas. Under each area, the specific actions aimed at reducing emissions will be developed.

3 ACTIONS

This strategy is divided into a number of themes. We will develop and carry out actions under each of these themes. The themes are shown below together with discussion and examples of the actions under consideration. These examples are indicative of the extensive actions proposed within the strategy and which are detailed fully within the action plan (appendix 1).

THEME 1 - TRANSPORT

Since transport is the main cause of the pollution affecting Maidstone Borough, the Transport section of the Low Emission Strategy will be the most important. This section will complement other Council Policies and strategies such as the Local Plan, Local Transport Plan, Integrated Transport Strategy and the Infrastructure Delivery Plan. In the past, Air Quality Action Plans have tended to try to deal with the problem by reducing congestion, i.e. by improving the road network and flow of traffic and encouraging modal shift, i.e. reducing the use of private cars by encouraging increased use of public transport, walking and cycling.

The council does and will continue to work with partners both in improving the road network and in encouraging modal shift. The council has a stand alone cycling and walking strategy and the Low Emission Strategy has actions which will compliment this such as encouraging the use of car parks further from the town centre. These elements are vitally important in the overall improvement of air quality. There are a wide number of strategies and schemes currently aimed

at these factors and it would not be the most effective use of resources to duplicate this work. While this strategy will link with and support that work, the emphasis of the Low Emission Strategy is therefore on improving the vehicle emissions themselves.

The latest UK road-traffic emission factors show that buses are significantly higher emitters of NO_x than cars, LGVs and even HGVs. The level of emissions is mainly dependent upon the emission technology (Euro classes). The bus fleet in Maidstone comprises predominantly Euro III vehicles, and although there are a significant number of Euro V vehicles. MBC should investigate ways to improve the composition of the bus fleet in the Borough.



Increasingly, Local Authorities are introducing Emissions Standards for the bus fleets within their Boroughs. One consequence of this is that, as bus fleet operators use their newer, cleaner buses in areas where emissions standards have been introduced, they shift their older more polluting buses to the

areas where no standards apply.

Therefore, an emissions standard for buses operating in the District, could achieve a significant improvement in air quality. This will be a medium to long term action, and is intended apply to the High Street initially, which is only open to buses and taxis but still has an exceedance of the Air Quality Objectives for NO₂. We will work with bus operators to decide what a reasonable standard is, and over what period of time this could be achieved.

Similarly, MBC will consider an emissions standard for taxis. Taxis are far less significant polluters than buses, however MBC will be forward thinking and encourage the shift towards low and ultra-low emission vehicles. The present Taxi Licensing Policy sets a vehicle age standard, however, a standard based on vehicle emissions, coupled with measures to encourage the use of hybrid and electric vehicles as taxis would represent a significant improvement. This will be considered during the next review of taxi policy.

The council will be looking at ways to improve the emissions of the HGV and LGV fleets using the Borough's road network. For example, it might be possible to ease restrictions on late night deliveries, so that some lorries can be taken away from busy areas at peak times. However, this will need to be balanced with protecting residents from unreasonable noise disturbance.

MBC's own vehicle fleet currently uses some 130,000 litres of fuel annually, any savings can bring about financial as well as environmental benefits.

The Council will also be looking for ways to help promote the uptake of electric vehicles, for example, by encouraging developers to build in EV charging points to new developments, using parking policy to provide incentives for using low emission vehicles, and ensuring that all its own EV points are maintained and available for the public.

The Council will cooperate with One Maidstone to explore the opportunities such as their Business Improvement District Bid to promote clean air in the Borough.

THEME 2 PLANNING

Effective planning policies will play a vital role in helping to sustain air quality improvements by both discouraging the use of high emission vehicles and supporting the uptake of low emission vehicles, including the provision of low emission vehicle refuelling facilities, such as EV charging points.

Recently published National Planning Practice Guidance (NPPG) states that mitigation may include the contribution of "funding to measures, including those identified in **air quality action plans** and **low emission strategies**, designed to offset the impact on air quality arising from new development". While air quality is only one of many considerations that are relevant to planning, the NPPG states that where sustained compliance with EU Limit Values is prevented, a local authority is to "consider whether planning permission should be refused".



It is increasingly recognised that developers should be required to use mitigation measures to offset the environmental damage caused by their new developments.

A number of Local Authorities have developed planning guidance which includes the integration of mitigation measures into scheme design as standard and uses a damage cost approach to inform the scale of mitigation required for major schemes. This approach should work very well in Maidstone Borough.

Maidstone Borough Council is proposing to implement the planning guidance developed the Kent and Medway Air Quality Partnership in the short term, and in the longer term intends to develop its own Development Plan Document, linked directly to the adopted Local Plan. This element will be one of the actions that has the most potential impact as it will mitigate the effects of necessary new development on air quality in a holistic nature and secure the improvement of the EV charging network in the borough.

This important link between planning and air quality is therefore fully recognised in the strategy

THEME 3 PROCUREMENT

The purchasing power of the public sector is significant in Maidstone and Kent. Recent legislation and guidance encourages the public sector to support the uptake and deployment of low emission vehicles through sustainable procurement decisions. The Maidstone LES development provides an opportunity to review sustainable procurement practices in both the Borough and County and identify specific principles and measures that could benefit both air quality and carbon reduction targets. The review provides an opportunity to look at 3 areas of procurement that could help reduce vehicle emissions:

Contracts relating to goods and services provided to the Council

Public sector organisations are required to look at best value, rather than lowest cost, when making procurement decisions. The **Public Services (Social Value) Act 2012** came into force on the 31st January 2013. The Act, for the first time, places a duty on public bodies to consider social value, including environmental considerations, ahead of a procurement exercise.

Local sourcing is practised widely by local authorities, whereby local suppliers are encouraged to bid for council contracts. Such initiatives have the potential to support the local economy while helping reduce overall mileage. Local sourcing offers the potential for lighter goods/low emission vehicles to be used in delivery. Helping local suppliers develop emission strategies can provide competitive advantage in procurement decisions.

Procurement of vehicles by the Council

The **Cleaner Road Transport Vehicles Regulations 2011** brings into force the requirements of the **EU Clean Vehicles Directive 2009** and require public sector organisations to consider the energy use and environmental impact of vehicles they buy or lease. A key concept of the Regulations is the consideration of whole life costs whereby the operational costs over a vehicle life, including pollution damage costs, are taken into account rather than just the purchase price. This helps to redress the issue of low emission vehicles costing more than conventional vehicles, while potentially having lower operating costs that outweigh the purchase increment.

MBC only has two pool cars, one diesel and one petrol. Changing them to electric or hybrid would be expensive, but would also improve the profile of MBC's vehicle fleet and show the Council leading by example.

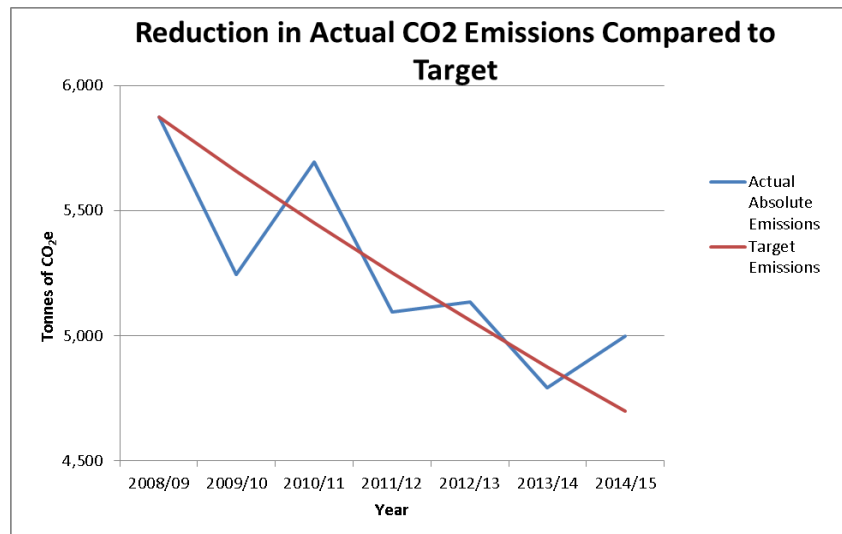
Partnerships

The Council should examine the increased potential for purchase cost savings when buying low emission vehicles and deploying low emission vehicle infrastructure through innovative partnerships with both public sector organisations and the private sector.

Maidstone's Commissioning and Procurement Strategy should reflect all of the above legislation and guidance, and will be reviewed as part of the Low Emission Strategy.

THEME 4 - CARBON MANAGEMENT

MBC produced a Carbon Management Plan, with the aim of reducing CO₂ emissions from its activities by 20% from the 2008-09 baseline by 2015. This equates to 5,295 tonnes CO₂ with a cumulative value of £1.6 million. The baseline emissions for transport (fleet and business travel) is 2,024 tonnes.



The Carbon Management Plan comprised some 44 actions and projects, some straightforward, and some aspirational, by which the target should be met.

The Plan is now complete, and the graph shows the actual annual CO₂ reductions which the plan achieved.

In future years, carbon management will form part of the Low Emission Strategy, rather than being a stand alone document. MBC will ensure that its buildings and those operated by contractors on its behalf, are performing as efficiently as possible, for example by the use of LED lighting in and additional PV panels in Council buildings. Such projects will be assessed on a case by case basis.

THEME 5 - PUBLIC HEALTH

Public Health is one of the key drivers behind the Low Emission Strategy. Air pollution is known to exacerbate asthma and allergies, and disproportionately affects the young, the elderly and those with pre-existing respiratory conditions such as bronchitis and Chronic Obstructive Pulmonary Disease (COPD). It also causes increased rates of hospital admission and premature deaths. Diesel fumes are now known to be carcinogenic.

In supporting the work of the Healthy Living team the Low Emissions Strategy will compliment but not duplicate work being undertaken to promote active travel initiatives and public transport use. This includes the councils Walking and Cycling Strategy.

The strategy also recognises that air quality issues often affect those in more deprived communities and vulnerable people who have pre-existing health conditions. This contributes to the level of health inequality which is experienced across the borough. The strategy will support but not duplicate the work of organisations such as the West Kent Clinical Commissioning Group and the Maidstone Health Inequalities Action Plan.

Consideration will be given to the introduction of a wide ranging scheme for recognising and rewarding behaviours which further the aims of the Low Emission Strategy. For example, business or vehicle fleet operators who have taken steps to reduce their emissions could be given a certificate, or sticker to display on their vehicles or premises, along the lines of the National Food Hygiene Rating Scheme.

Monitoring and Review

Progress on the action plan will be reported to DEFRA on an annual basis since the Low Emissions Strategy will form the Air Quality Action Plan. This update will also be reported to the committee with oversight of the strategy. The strategy as a whole will be reviewed in 2021 in line with the Local Plan.

Areas for future action

There are other sources of both particulate and nitrogen emissions that contribute to the global emissions to air of these pollutants. Most notable of these are agriculture and biomass energy generation. While these areas are important the council will, at this stage focus its resources on the areas where the impact on public health is most significant. It is also anticipated that specific guidance will be issued by DEFRA in relation to emissions from agriculture and biomass. When this is released this can be incorporated in the strategy and action plan.

Glossary of Terms

Glossary Term	Definition
µg/m ³	Micrograms per cubic metre
AADT	Annual Average Daily Traffic
AIR-PT	An independent analytical proficiency-testing (PT) scheme, operated by LGC Standards and supported by the Health and Safety Laboratory (HSL)
Annualisation	The process of estimating annual means from the extrapolation of short-term monitoring results
APR	Annual Progress Report
AQAP	Air Quality Action Plan. A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the LA intends to achieve air quality limit values
AQMA	Air Quality Management Area. An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives
ASR	Annual Status Report
AURN	Automatic Urban and Rural Network
BAM	Beta Attenuation Monitors
Bias Correction	For NO ₂ diffusion tubes, bias represents the overall tendency of the tubes to under or over-read relative to the reference chemiluminescence analyser. This should not be confused with precision, which is an indication of how similar the results of duplicate or triplicate tubes are to each other. It is necessary to calculate a bias factor and adjust monitored results accordingly
C ₄ H ₆	1,3-Butadiene
C ₆ H ₆	Benzene
CAZ	Clean Air Zone. Where certain types of vehicles cannot enter without meeting set emission

	standards or facing a penalty charge
Chemiluminescence	The emission of a photon of light during a chemical reaction which does not produce significant quantities of heat
CHM	Department of Environment (DoE) Chimney Height Memorandum (CHM) 3rd Edition
CO	Carbon monoxide
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
Detailed Assessment	Use of a detailed dispersion model to determine if a particular emissions source is likely to create an exceedance of a given Air Quality Strategy objective
Dispersion Modelling	The mathematical computation of the dispersal of emissions as they travel through the ambient atmosphere
DMRB	Design Manual for Roads and Bridges. An air quality screening tool produced by Highways England
DOAS	Differential Optical Absorption Spectrometer
EA	Environment Agency (England)
EF	Emission factor
Effective Stack Height	The height of an emissions release relative to the influence of adjacent buildings
EFT	Emissions Factors Toolkit
ELV	Emission Limit Values
E-PRTR	European Pollutant Release and Transfer Register
Exceedance	Where ambient concentrations for a given pollutant and averaging period are above that which is given as the objective limit in the Air Quality Strategy at a location representative of public exposure
FDMS	Filter Dynamics Measurement System
f-NO ₂	The fraction of overall nitrogen oxides that are emitted directly as nitrogen dioxide

Fugitive Emissions	Emissions brought about by unintended or irregular releases that do not pass through the intended emissions point, mostly from industrial activities
g/GJ	grams per gigajoule
GIS	Geographical Information System
GLA	Greater London Authority
GSS	Environment Agency (EA) Guidance on Stationary Sources (GSS)
HDV	Heavy Duty Vehicle
HGV	Heavy Goods Vehicle
Hot-spot	A localised area where emissions and/or concentrations of a given pollutant are notably higher than is generally the case across the wider Local Authority area
IPPC	Integrated Pollution Prevention and Control
Kerb	In the context of LAQM, the kerb is defined as the edge of the carriageway with free-flowing traffic. In most instances, this will be the physical kerb with the pavement, although in some cases, where for example stationary vehicles are regularly parked alongside a road, the 'nominal' kerb may be classed as being within the road itself, away from the 'physical' kerb
KPH	Kilometres per hour
LAPPC	Local Air Pollution Prevention and Control
LAQM	Local Air Quality Management
LAQM.PG16	Local Air Quality Management Policy Guidance 2016
LAQM.TG16	Local Air Quality Management Technical Guidance 2016
LDV	Light Duty Vehicle
LEP	Low Emission Partnership
LEZ	Low Emissions Zone. Where certain types of vehicles cannot enter without meeting set emission

	standards or facing a penalty charge
LGV	Light Goods Vehicle
Local Background	<p>In a broader sense, the "local background" can be said to be equal to the "total background" concentration at any given point, with the term "local" used to clarify that this must be relevant to the geographical point in question.</p> <p>However, in some contexts (particularly source apportionment), "local background" is a component of the "total background". It then relates to sources that contribute to the "total background" that lie within a Local Authority area, which they should thus have some influence over. In this case, the "total background" would be equal to the "local background" + the "regional background"</p>
LTP	Local Transport Plan
MCERTS	Monitoring Certification Scheme, providing the framework for businesses to meet monitoring quality requirements
Model Verification	A comparison of the modelled results versus monitoring results at relevant locations to enable the adjustment of model outputs, minimising the inherent uncertainties associated with dispersion modelling
MPH	Miles per hour
NAEI	National Atmospheric Emissions Inventory
NIEA	Northern Ireland Environment Agency
NO ₂	Nitrogen dioxide
NO _x	Oxides of nitrogen
NRMM	Non-Road Mobile Machinery
NRW	Natural Resources Wales
NTM	National Traffic Model
NWP	Numerical Weather Prediction
O ₃	Ozone

OBS	Meteorological Observations data
PAH	Polycyclic Aromatic Hydrocarbons
Pb	Lead
Plant	Industrial, manufacturing or construction mechanical equipment or vehicle
PM10	Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less
PM2.5	Airborne particulate matter with an aerodynamic diameter of 2.5µm or less
ppbV	parts per billion by volume
Primary Source	A source of emissions that directly contributes to the concentrations of a given pollutant
QA/QC	Quality Assurance and Quality Control
Recirculation Zone	Area of air flow composed of one or more vortex created by an obstructive object, which has the effect of increasing concentrations of a pollutant by limiting their dispersal
Regional Background	The component of the “total background” that does not come from local sources, thus is outside of direct local authority control. This is represented by the "rural" column in the national background maps
Relevant Receptor	A location representative of human (or ecological) exposure to a pollutant, over a time period relevant to the objective that is being assessed against, where the Air Quality Strategy objectives are considered to apply
RMSE	Root Mean Square Error
RSW	Report Submission Website
Screening Assessment	Use of a screening tool to determine if a particular emissions source is likely to create an exceedance of a given Air Quality Strategy objective
Secondary Source	A source of emissions that in-directly contributes to the concentrations of a given pollutant, primarily via chemical reaction with other components of the

	atmosphere
SEPA	Scottish Environment Protection Agency
SO2	Sulphur dioxide
Source Apportionment	The process of attributing the relative contribution of individual emissions sources to the overall ambient concentration of a given pollutant
Street Canyon	Generally defined as narrow streets where the height of buildings on both sides of the road is greater than the road width, leading to the formation of vortices and recirculation of air flow that can trap pollutants and restrict dispersion
Target Emission Rate	The calculated emissions rate at which it is considered unlikely that the given objective for a pollutant and averaging period will be exceeded, to be obtained through the LAQM screening tools
TEA	Triethanolamine
TEMPro	Transport Trip End Model Presentation Programme
TEOM	Tapered Element Oscillating Microbalance
TEOM-FDMS	Tapered Element Oscillating Microbalance Filter Dynamics Measurement System
TfL	Transport for London
Total Background	The "total background" is equal to the "local background" + the "regional background"
UKAS	United Kingdom Accreditation Service
USA	Updating and Screening Assessment
USEPA	United States Environmental Protection Agency
VCM	Volatile Correction Model
WASP	Workplace Analysis Scheme for Proficiency

Appendix 1. Low Emission Strategy Action Plan

Short term 1-3 years, medium term 3-5 years long term 5+ years

Theme	Action	Key Stakeholders	Brief outline	Timescale	Potential impact and potential risks
Transport 1	Investigate Low Emission Standard for Buses. Either a graduated scheme of improvement "Low Emissions Zone" or a Euro 6 "Clean Air Zone"	Environmental Protection (Lead) Business Improvement team Economic Development MBC	The starting point is to get up to date information about the composition of the bus fleet operating in Maidstone. It will then be important to work with the operators to decide what a reasonable Euro Standard or equivalent would be, how long we would allow for operators to comply, how the scheme would be enforced and what the penalties for non compliance would be. In the event that the "Clean Air Zone" approach is adopted this would be an immediate Euro 6 standard. Estimate 60-70 buses that would need to be retrofitted to comply with Low Emissions Zone. This will be achieved through inclusion in the proposed "We care about air" scheme with additional recognition for low emission vehicles. Acknowledged that some factors are outside of our control and that this particular action is a multi	1-3 years for feasibility study 5+ Years for CAZ	A detailed proposal would need to be separately agreed by committee in its own right. The proposal itself is also likely to require a public consultation. Costs are not known at this stage a ball estimate that £50,000 would be required to evaluate and establish feasibility and detailed costings if this element is undertaken by an external contractor. This will only be possible if external funding can be secured for the project. If funding cannot be secured the project could be progressed by officers but this would take longer. Potential impact is high, would make a meaningful difference in the high street and beyond as most buses also traverse the other hot spot areas to reach the high street. There is also potential to broaden it to the whole AQMA and to include other vehicle types in the future. Difficulty and risk level is high due to perceived impact on bus companies. It will be important to work closely
	Starting in the High Street	Public Transport KCC Arriva NuVenture			

			<p>faceted and very significant undertaking.</p> <p>This action needs to relate or refer to the infrastructure delivery plan.</p>		<p>with them in developing and implementing the project.</p> <p>Risks are financial, political and reputational for this project and will need to be fully evaluated in the investigation phase before a final decision can be made.</p> <p>There is an impact on their business models which would need to be taken into account as part of any evaluation. This scheme will be technically difficult and potentially expensive in terms of consultation, legal work and infrastructure such as signage and enforcement monitoring.</p> <p>MBC can apply for the necessary traffic regulation orders but it would be reliant on that being granted and the project as a whole being fully supported by KCC with buy in from the bus operators.</p>
Transport 2	Securing Grant funding for buses	<p>Environmental Protection (Lead)</p> <p>Arriva</p> <p>KCC Public Transport</p> <p>NuVenture</p> <p>MBC Park and</p>	MBC are currently the lead authority for a project where up to 10 buses to be fitted with emission abatement technology.	1-3 years	<p>This has potential to make a real measurable difference. As the retrofitted buses will immediately have reduced emissions.</p> <p>The difficulty is in securing bus operator co-operation. 4 buses have already secured however gaining agreement from bus operators for further buses is proving to be more difficult. If a low emission zone were declared this may become easier as it</p>

		Ride	Further bids will be considered and applied for as grant funding becomes available.		<p>would give operators the opportunity to reduce their costs.</p> <p>The potential impact of securing further grants is high as increased funding will enable projects to progress more quickly and some may determine whether they progress at all.</p> <p>The difficulty is low, however the majority of funding has recently been awarded to Cities and councils where a Clean Air Zone has been imposed by DEFRA. The declaration of a Low Emissions Zone may provide an additional hook to provide successful bids.</p> <p>This does not carry a direct risk to MBC as the only money spent is grant funded. There is a risk in not being able to secure buses to retrofit.</p>
Transport 3	Provide input into and influence the review of bus station, time tabling and peripheral routes	Planning MBC (Lead) Arriva Nu Venture Economic Development KCC Public Transport	Report to commence a review of the bus interchange facilities, park and ride and parking in and around Maidstone Town Centre is being undertaken by MBC in partnership with multiple stakeholders. Environmental Protection will provide input to ensure that improvement of Air Quality is a core principle of this review.	5+ years	<p>Potential impact on high street is high if the result is that buses are relocated from the area.</p> <p>However there is a risk in that relocation may create an air quality problem elsewhere.</p> <p>As the buses will continue to operate this project in itself will not greatly impact wider area.</p> <p>It is important to ensure that</p>

		Director of Regeneration and Place			Environmental Protection is included in the project as it progresses and good links have been made with the main project officers.
Transport 4	Use of MBC Parking Policy to improve Air Quality.	<p>Planning (Lead)</p> <p>Parking</p> <p>Property Services</p> <p>KCC</p> <p>Planning (lead)</p> <p>Parking MBC (Lead)</p>	<p>Report to commence a review of the bus interchange facilities, park and ride and parking in and around Maidstone Town Centre is being undertaken by MBC in partnership with multiple stakeholders. Environmental Protection will provide input to ensure that improvement of Air Quality is a core principle of this review</p> <p>Investigate measures to reduce on street parking in pinch points where this causes congestion. This will involve locating the key areas and identifying measures to improve traffic flow. This can link in with the SMART report.</p> <p>Provision of cheaper or free parking for low emissions vehicles.</p> <p>Investigate the potential for applying variable parking fees increasing in the town centre and decreasing further out.</p>	5+ years	<p>The potential impact medium. The difficulty and risk is low as consideration of AQ issues should be part of any such review.</p> <p>The potential impact is high if sufficient traffic flow improvement can be delivered. The difficulty lies in the reliance on KCC to support and implement this project as it is not in MBC control. This removal of on street parking carries a risk in terms of negative reaction and publicity by those affected by not being able to park in those areas.</p> <p>The potential impact is high encouraging the uptake of electric vehicles</p> <p>This could be the use of dedicated EV parking bays or reduced tariff not linked to a specific bay. The scheme could also then apply to residents parking permits etc.</p> <p>The technical difficulty low but this project carries a cost of up to £2000 per space per annum if applied to a free dedicated bay.</p>

Transport 5	Prevent bus and taxi drivers from leaving their engines idling	Environmental Protection MBC (Lead) Public Comms MBC Licensing MBC Arriva Nu Venture	<p>This will be achieved through inclusion in the proposed "We care about air" scheme with additional recognition for low emission vehicles.</p> <p>The initial approach will be one of education and promotion to encourage better practice.</p> <p>Should improvements fail to be realised enforcement options will be considered further.</p> <p>The council will explore the adoption of enforcement powers to be used should the educational approach need reinforcement.</p>	1-3 years	<p>The impact is difficult to predict but potentially high over time if a genuine behavioural shift can be achieved.</p> <p>The difficulty level is technically low but will involve significant officer time in promotion and administration of the scheme.</p> <p>It will also require a budget allocation. See action detailed in public health section.</p>
Transport 6	Emissions Standard for Taxis to euro 6 standard	Licensing Manager (Lead)	<p>This will be achieved through the taxi licensing policy by reducing the age of vehicles permitted to be used. The timing would coincide with the next programmed review of the taxi policy.</p> <p>This can only apply to vehicles registered in MBC.</p>	5+ years	<p>The potential impact is not as high as for buses. But would contribute to lowering of emissions.</p> <p>The difficulty comes from the fact that we have no control over taxis from over the rest of the county. Could apply only to our own fleet.</p> <p>There is a risk that this project could make MBC taxi services less competitive than other Kent authorities.</p>
Transport 7	Work with schools to reduce impact of school	Environmental Protection (Lead)	Continuation of MBC sponsorship of the Walk on Wednesday Scheme.	1-3 years	The impact of the scheme as a whole is measurable in terms of car journeys reduced. Sponsorship of the project also provides good publicity

	traffic	KCC Economic development	Link in with other regular MBC contacts, with schools such as visits and attendance at large events.		opportunities to raise the profile of the MBC air quality agenda. Difficulty is low. Financial cost £2300 pa is within existing budget. The impact is difficult to predict and measure. Difficulty and risk are low in linking in with established outreach programs already being delivered. Time and financial resources needed to prepare successful programs. Costs could be met within existing budgets provided that the ambitions and program materials are limited.
Transport 8	Encourage use of Low and Ultra Low emission vehicles as taxis	Licensing MBC (Lead)	This will be achieved through inclusion in the proposed "We care about air" scheme with additional recognition for low emission vehicles. It will also include consideration of a reduced license fee for low and ultra low emission vehicles.	3-5 years	The impact likely to be low at the start but has the potential to grow. Difficulty is in engaging with stakeholder and convincing them of the merits of using low emission vehicles. There is risk that in offering a reduced fee MBC will lose revenue from the license fee. As uptake of applicable vehicles increases the reduction would need to be reviewed.
Transport 9	Encourage and facilitate	Environmental Protection MBC	Environmental Protection will work with colleagues in planning to provide	1-3 years	The potential impact is unknown. We do not know how many vehicles it

	reducing the impact of delivery vehicles	(Lead) Planning MBC Environmental Enforcement MBC	guidance to developers to limit restrictions on post-peak time delivery This will be balanced with protecting residents from unreasonable noise disturbance.		would relate to. This would reduce congestion and take lorries off the road at peak time. Difficulty is quite low however there is a risk that this measure may cause increased noise complaints to be received as night time deliveries could never be truly silent.
Transport 10	Ensure that all EV Points are maintained and available for the public	Property Services MBC and KCC (Lead)	There are currently EV points at Maidstone House, Moat Park KCC Allington Depot. It is important that the Local Authorities lead by example in ensuring that these and any other provided are maintained in good working order and are accessible to the public.	1-3 years	The potential impact high in that MBC is leading by example. The difficulty is low. The risk lies in not being able to demonstrate that MBC is maintaining its own facilities. This would damage the credibility of the council. It is important that KCC also maintain their services as many people will not know which facilities belong to who. In this aspect this project has some reliance on a party beyond the control of MBC.
Transport 11	Bus driver training	Arriva Nu Venture Environmental Protection to gather information (lead).	Environmental considerations can be included in driver training. Bus companies and MBC will agree a driver training checklist. Operators will then provide details of how many drivers per year have received the training.	1-3 years	Potential impact low, risk also low. This will enable operators to actively demonstrate the pro-active approach they are taking. MBC can encourage and reward good practice via the awards and recognition scheme detailed later in the action plan.

Transport 12	Promote Champion and Encourage the Use of new and novel technology	All	All stakeholders will be open to the use of new and novel technologies and ideas to contribute to solving problems, speeding up solutions or delivering them more quickly.	Aspirational	The potential impact unknown as it depends on the project identified. Difficulty and risks are again variable depending on the technology, costs and the intended uses.
Planning 1	Local Plan Development Plan Document	Planning Policy (Lead)	This will be a "mini" local plan relating just to air quality and could have several policies within it. It will deal with the issue in the round and make it a high priority for MBC corporately.	2 years Committee report within municipal year	The costs of this project could be significant. As such this action will be subject to individual approval by committee. Based upon experience provided by the recent local plan review a very ball park cost of this project is £65,000. The council will bid for grant money to offset costs of this project but will complete it even if not successful Potential impact is high as will provide long term and robust inclusion of AQ in developments within MBC. Difficulty is high in that it will involve several consultation periods and scrutiny by planning inspector. Estimated time for delivery 2 years. There is a risk that the DPD will not be adopted but this is mitigated by the short term use of the Kent and Medway Guidance in the interim.

Planning 2	Adopt Kent and Medway Air Quality Planning Guidance. Having made necessary adaptations to suite MBC circumstances	EP Planning Policy (Lead)	This will adopted as technical guidance in the short term pending the longer term The main components of the guidance are to require mitigation of air quality impacts to be designed into major developments and to require EV charging infrastructure in new large developments	1-3 years Achieved early Add in name. Live Jan 18,	The potential impact high and long term. Difficulty level is low. As technical guidance no formal consultation would be required for adoption and use. There is a risk that developers could appeal against conditions added following the guidance but there will still be some weight attributable to the document. The replacement of the guidance with a more robustly defensible document is part of another action.
Planning 3	Development Management influence on developments to mitigate impact on AQ.	Development Management (Lead) Environmental protection (Lead)	Ensure that design of new developments does not create new AQ problems e.g. buffer zones are incorporated to set back developments from heavily used roads. Establish if possible the impact of nox from boilers	Ongoing 1-3 years	The potential impact is high in prevention of new street canyons. Which cause air quality problems to be made worse. Difficulty and risk are low and this work is already ongoing. The potential impact is low on the AQMA specifically but this project could be important in reducing overall emissions in the borough. It will play an important part of the holistic emissions mitigation of developments. Difficulty and risks with project are low.

Procurement 1	Review of Commissioning and Procurement Strategy	Procurement (Lead)	<p>This will be reviewed and reported to the relevant committee for decision to be made on what weighting should be attached to local procurement. This would apply to direct and contracted procurement. The assessment and weighting should have consideration of global emissions of the service procured.</p> <p>Examples of the type of action which could be considered, are an emission standard for vehicles delivering to the Council, or restrictions on distances which supplies can be sent</p>	3-5 years	<p>It is likely that a new strategy will need to be approved individually by committee. This will enable the costs and benefits to be explored thoroughly and for a decision to be made taking those factors into consideration.</p> <p>The potential impact of the project is high particularly in showing the council is leading by example.</p> <p>There may difficulty in ensuring buy in from all managers which should to be championed at a senior management level.</p> <p>There is a risk that by adopting measures to reduce emissions through procurement that the lowest price option may not be the best scoring bid. This will depend</p>

					on what weighting is attached to this element or if is a mandatory requirement.
Property/ carbon managem ent 1	Review park and ride scheme to create lower emissions.	Parking (Lead)	<p>Current contract has been extended to summer 2018. When renewed will be able to specify emissions standards of buses but this will ultimately be a Cllr decision.</p> <p>Inclusion of the potential for Park and Stride will also be considered for people wishing to park and walk into town.</p>	3-5 years	<p>It is likely that this measure will need to be approved individually by committee. This will enable the costs and benefits to be explored thoroughly and for a decision to be made taking those factors into consideration.</p> <p>The potential impact is high reducing emissions from buses which traverse the High Street and other air quality hot spots. This also shows MBC leading by example in actively doing something that it is asking other bus operators to do. The action ties in with the potential low emissions zone and the bus retrofitting project.</p> <p>Difficulty technically low.</p> <p>There is a risk that this may carry an increased cost of contract and therefore higher costs to use the service.</p>
Property/ carbon managem ent 2	Increase electric vehicle infrastructure	Parking (Lead)	<p>A reserved bay for electric vehicle parking point may result in £2000pa in lost income.</p> <p>In addition to examining the increase in infrastructure it is</p>	3-5 years	<p>The potential impact is high in encouraging the uptake of electric vehicles.</p> <p>Difficulty levels are technically low.</p>

	EV Charging point long term strategy	Parking MBC KCC Sustainable Transport	<p>important to ensure that those already in place are in full working order and accessible to the public.</p> <p>In addition to increasing the provision within the town centre consideration should be given to increasing the provision in the rural areas to increase the overall provision.</p> <p>This will involve planning to ensure that the provision of EV charging infrastructure is programmed to accommodate increased use, the way in which users need access and changes in technology.</p> <p>This should link in with the work of KCC in this area.</p>	3-5 years	<p>The action carries a cost of £2000 per space per year if provided free of charge. The provision of further infrastructure in rural areas should be considered as these are typically less well served.</p> <p>There is a risk that having provided the spaces they are underused. The location of the provision will need to be carefully considered to achieve the best benefit.</p> <p>The potential impact is high in ensuring that residents of Maidstone are able to make the best use of electric vehicles and charging infrastructure.</p> <p>Joined up working particularly with KCC will be essential to achieve this action.</p>
Property/ carbon management 3	Sustainable development principles enshrined in MBC development projects.	Director of Regeneration and Place (Lead)	<p>It is more cost effective to build in suitable measures than to retrofit. This could include energy efficiency, and sustainable materials etc. This should include projects in Mote Park, Union Street and Maidstone East, Brunswick Street.</p> <p>It could include community heating schemes.</p>	1-3 years	<p>The potential impact is high in showing MBC leading by example.</p> <p>Difficulty levels are low if led by senior management.</p> <p>There is a risk that in adopting these principles development costs may increase slightly. However that is largely countered by the risk of being identified as not following those principles at the same time as the council is encouraging the approach in</p>

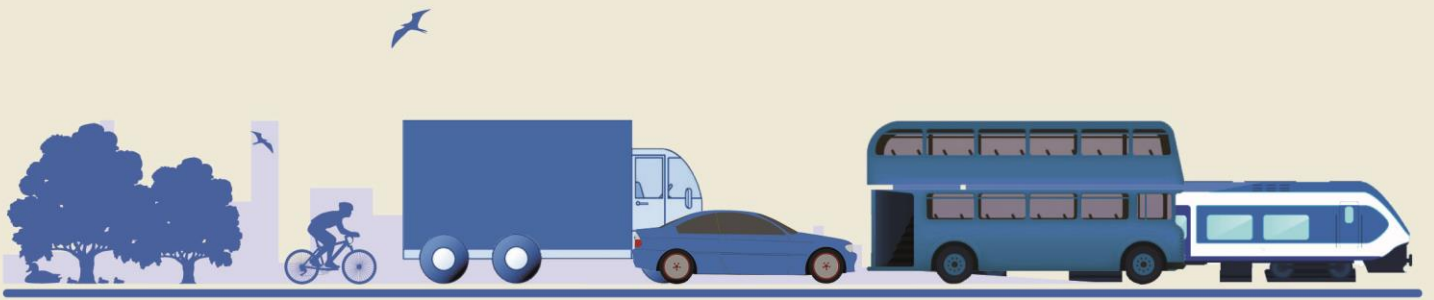
					private developers.
Property/ carbon managem ent 4	Scheduling of refuse vehicles to minimise AQ impact. put cleaner vehicles in poor AQ areas	Waste and Street Scene (Lead)	This involves putting cleaner vehicles in poor AQ areas This is not as simple as it sounds as vehicles do get swapped around between rounds.	1-3 years	The potential impact is high in reducing emissions from diesel vehicles particularly at busy times of the day. This project will demonstrate that MBC is leading by example. There is difficulty in scheduling vehicles consistently, no added risk.
Property/ carbon managem ent 5	Ensure that any buildings owned by MBC and managed by contractor are performing as efficiently as possible to reduce emissions.	Property Services (Lead)	This would include use of low energy lighting heating etc.	1-3 years	The potential impact depends on when the contract for each building is renewed. It also depends on how efficient the current operation of each building is by the operators. Difficulty is low. There may be a risk that the cost of contracts could increase to cover the costs of installing low emission measures. This could be mitigated by the wording of any contract.
Property/ carbon managem ent 6	Minimising emissions from MBC Fleet	Waste and Street Scene (Lead)	This will involve further trials of in suitable areas such as for town centre focussed units and supervisor vans. Other vehicles need greater range. These will be replaced with more efficient less polluting vehicles as they are replaced.	5+years	The potential impact is high depending on the numbers of vehicles that can be changed and how suitable to the alternative vehicles are. Difficulty level is technically low. The action is likely to carry some added costs and need it will be

			The golf course has petrol buggies which could be replaced.		important to ensure only suitable vehicles are used which do not affect service delivery. Increased initial costs of purchase should be regained in lower fuel costs.
Property/ carbon management 7	Review heat recovery opportunities in MBC property e.g. Crematorium	Waste and Street Scene (Lead) Property Services	This will involve capturing the waste heat and using it on site.	3-5 years	<p>The potential impact is high and shows MBC to be leading by example in reducing waste emissions.</p> <p>The difficulty may be high technically in terms of installing the appropriate infrastructure and securing a customer for the heat. There are also potential difficulties in overcoming and anticipated negative public reaction.</p> <p>Costs of installing the infrastructure are likely to be high however a long term profit should be the aim of the project for it to be considered viable.</p>
Property/ carbon management 8	Review MBC pool car provision	Procurement (Lead)	<p>MBC currently has one petrol and one diesel car. Both less used than have been.</p> <p>It may be possible and beneficial to replace the pool car provision with staff access to a "car club" or "zip car scheme".</p>	1-3 years	The potential impact is low as MBC operates only two cars. However it does show MBC leading by example.

Property/ carbon managem ent 9	Improved bicycle parking facilities	Parking (Lead)	<p>There is currently good provision in town centre, at West station and top of Gabriel’s Hill. These are not covered facilities</p> <p>It would be possible to dedicate parking spaces to provide secure covered facilities. This would cost £2000pa per space.</p> <p>It may however be possible to to charge for the use of covered secure facilities.</p>	1-3 years	<p>The potential impact is low with provision of facilities reported as good. It is unlikely to encourage much greater cycling. However the provision of secure facilities which can be used at a chargeable rate may encourage those with expensive bikes to use them and offset costs of installation.</p> <p>Difficulty is level low. There would be an installation cost for secure facilities and a loss of revenue of £2000 per space per year if located in existing parking spaces.</p> <p>There is a risk that having set up the facilities they are not used.</p>
Public Health 1	Raise public awareness of AQ issues and promotion of good practices by important stakeholders	Environmental Protection (Lead) KCC Licensing MBC Comms Health Team CCG	<p>A recognition scheme will be devised and promoted to promote awareness of AQ issues and best practices among key stakeholders. These will include taxi and bus operators with “awards” given for those performing to a high level.</p> <p>It could also include businesses and business groups working to reduce their overall emissions, or who encourage flexible working initiative to reduce staff travel etc.</p>	1-3 years	<p>There is a risk that this scheme could try to cover too many areas in scope and be too expensive and time consuming to launch and administer. The scope and administration of the scheme will need to be carefully determined before it is implemented.</p> <p>We will seek private sector funding for the scheme in order to deliver it.</p> <p>The potential impact is high across the transport and property emissions areas provided that sufficient participation in the scheme can be achieved.</p>

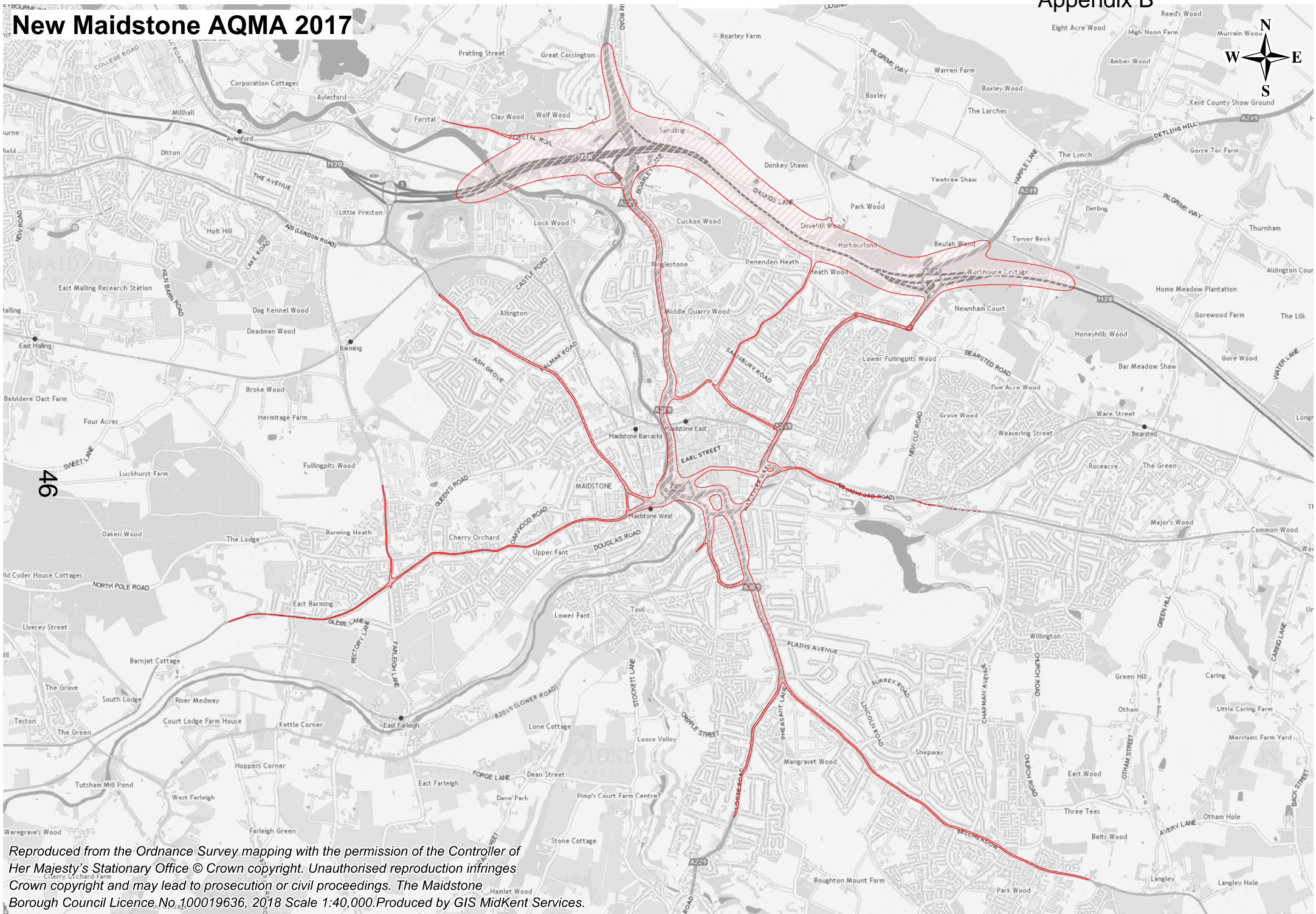
					<p>Difficulty level is high, it will take time and a budget provision that is not currently available to develop and implement the scheme.</p> <p>The scheme will also need to be allowed time secure membership and grow. There will be an ongoing time commitment required to administrate the scheme unless it can be handed over once running to be run by members of the scheme themselves.</p>
Public Health 2	Raising Awareness of Air Quality and health issues	Environmental Protection (Lead) Health Team NHS KCC	<p>The council will work with partners to highlight the issues of health and air quality and promote this on the wider public health agenda.</p> <p>This will involve promoting the e-mail alert scheme available to warn people when air pollution is likely to be high. This will particularly target vulnerable groups.</p>	1-3 years	<p>The impact of this action is difficult to measure as awareness is intangible. It is possible to measure the number of people signed up to the alert scheme but only over the Kent Area.</p> <p>The difficulty is technically low but will require officer time and buy in from partners to be effective.</p>
Public Health 3	Review of air monitoring provision in Maidstone Area	Environmental Protection	The council will review its network of monitoring locations and methods across the area to ensure that they are proportionate, relevant and cost effective.	1-3 years	This is good practice and will ensure that the council is monitoring in a way that ensures our data is accurate and relevant.
Public Health 4	Ensure that the protection and improvement of public health is a core principle of AQ work.	Environmental Protection (Lead)	<p>All of the actions above will have a direct or indirect impact on public health. Where an existing scheme is in operation we will signpost to it.</p> <p>See above re engagement with school groups and larger events.</p>	1-3 years	<p>The impact of this action is difficult to measure as the initiatives being flagged are operated by others.</p> <p>Difficulty level is technically low as the intention is to flag public health initiatives already in progress rather than to repeat them.</p>

			The Environmental Protection Team Leader will represent this issue as a Public Health Champion within MBC.		
Review and update of strategy and action plan 5	Progress report to committee at same time as the DEFRA annual report	Environmental Protection	The council reports progress on its action plan annually. This report will be submitted to the committee when completed. This will be the point at which actions can be revised, noted as completed and new actions added as agreed.	Annually	This will demonstrate the level of progress in individual actions and will enable the action plan to be updated regularly.



New Maidstone AQMA 2017

Appendix B



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Appendix C

1st Phase

New Private Hire & Taxi Vehicles Licence Applications

Euro 4 Petrol (Jan 2006) & Euro 6 Diesel (Sept 2015) or higher standard

Applies to all applications from

1st January 2019

2nd Phase

Renewal Private Hire & Taxi Vehicles Licence Applications

Euro 4 Petrol (Jan 2006) & Euro 6 Diesel (Sept 2015) or higher standard

Applies to all applications from

1st January 2021

3rd Phase

New & Renewal Taxi/Private Hire Vehicle Applications

Full Electric, Range Extended Electric, Hybrid Electric, Plug-in Hybrid & Hydrogen

Applies to all applications from

1st January 2025

Delegated Powers

Officers discretion to depart from this policy in exceptional circumstances

Agenda Item 12

Licensing Committee

29 March 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Gambling Act 2005: Licence Fees 2018/2019

Final Decision-Maker	Licensing Committee
Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Licensing Committee approve fee levels as set out in Appendix A of the report for implementation on 1 April 2018.

This report relates to the following Five Year Plan Key Objectives:

- Securing a successful economy for Maidstone Borough

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

Meeting	Date
Licensing Committee	29 March 2018

Gambling Act 2005: Licence Fees 2018/2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Gambling Act 2005. This ensures the Council complies with its statutory duty and that the licensing of Gambling premises is self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to determine the proposed fees for 2018/2019.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Gambling Act 2005, Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe, which includes a maximum fee level.
- 2.2 The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licence but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
- 2.3 The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous year's fees are printed in italics for your information. Those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.
- 2.4 There is an initial fee to cover the cost of application and an annual fee due every year.
- 2.5 Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.
- 2.6 Fees must be set for all types of premises licences and Temporary Use Notices (TUN's).

Premises type

- Casinos
- Bingo

- Betting (off-course)
- Tracks (on-course betting)
- Adult Gaming Centres
- Family Entertainment Centres

2.7 Fees must be set by each Licensing Authority for the following:

- Application for a (new) premises licence
- Application to vary a premises licence
- Application to transfer the licence
- Application for re-instatement of the premises licence
- Application for a provisional statement
- Application for a premises licence for a premises which already has a provisional statement
- Fee to accompany a request for a copy of the premises licence
- Fee to accompany a notification of change of circumstances (only relevant change is that of address)
- Fee to accompany a temporary use notice

2.8 The Borough currently has eighteen gambling premises that will be affected by the proposed fee increases. The premises are:

1	Jenningsbet 15/00839/GAPRE	6 Senacre Square, Maidstone	Betting Premises
2	Paddy Power 12/01198/GAPRE	9 Gabriels Hill, Maidstone	Betting Premises
3	William Hill WK/200908732	70 - 72 Week Street, Maidstone	Betting Premises
4	Coral Racing Ltd. 10/01329/GAPRE	97 High Street, Maidstone	Betting Premises
5	Betfred	2 - 4 Middle Row, Maidstone	Betting Premises

	WK/200908867		
6	Betfred WK/200908865	Flat 3, Mid Kent Shopping Centre, Castle Road, Maidstone	Betting Premises
7	Ladbrokes WK/200908729	Subway Unit 3 Hermitage Walk, Hermitage Lane, Maidstone	Betting Premises
8	Jenningsbet 10/03092/GAPRE	78 Week Street, Maidstone	Betting Premises
9	William Hill WK/200908731	429 Willington Street, Maidstone	Betting Premises
10	Coral WK/200905740	Granada House, Gabriels Hill, Maidstone	Betting Premises
11	Coral WK/200905739	1 The Parade, Staplehurst	Betting Premises
12	Coral WK/200905737	1 Church Road, Tovil	Betting Premises
13	Coral WK/200905735	Valence House, Sutton Road, Maidstone	Betting Premises
14	Cashino 11/01123/GAPRE	74 Week Street, Maidstone	Adult Gaming Centre
15	Cashino 11/01122/GAPRE	74 Week Street, Maidstone	Adult Gaming Centre
16	Road Chef 10/01379/GAPRE	Maidstone Motorway Service Area, M20 J8 Slip Coastbound Off	Adult Gaming Centre

17	Palace Amusements 15/03244/GAPRE	59 Week Street, Maidstone, Kent ME14 1QU	Adult Gaming Centre
18	Gala Club 11/01980/GAPRE	Lower Stone Street, Maidstone, Kent ME15 6JX	Bingo Club

2.9 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spreadsheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.

2.10 The type of tasks involved in Gambling premises application include: assistance to applicant, checking of an application upon receipt, processing the application, assessing representations for relevance, undertaking informal mediation, undertaking site visits where necessary. Once processed, types of task include: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation, holding an appeal hearing and visits to ensure compliance.

2.11 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring, which has been entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of the Licensing Partnership.

Proposed Fees

2.12 The result of the calculations is set out in Appendix A of the report. There are three figures for each licence type/fee. The figure in bold font is the new proposed fee, the figure in brackets is the maximum fee set by the legislation and the figure in italics is the existing fee. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

3. AVAILABLE OPTIONS

3.1 Members may decide to leave the fee levels as they are and not increase the fees to cover the full cost of delivering this function. This would mean there would be a shortfall in income against the budget set for the function. The shortfall would have to be covered from other areas of income within the Licensing Team.

3.2 Members may approve the fees as set at in Appendix A.

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 To approve the fees set out in Appendix A to ensure that the fee income reflects the cost of providing the service.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 The fees will be charged from 1st April 2018 with respect to new applications, and existing premises will be sent invoices prior to the date the annual fee for the premises is due. They will be published on our website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader (Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information]

		Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Maidstone Borough Council's Gambling Act 2005 – Fees
1 April 2018 – 31 March 2019

8. BACKGROUND PAPERS

<http://www.culture.gov.uk>

<http://www.gamblingcommission.gov.uk>

**MAIDSTONE BOROUGH COUNCIL'S
GAMBLING ACT 2005 - FEES
1 April 2018 – 31 March 2019**

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	8000	(8,000)	7855	4465	(5000)	4360
New Large Casino	9245	(10,000)	9020	7215	(10000)	7040
Bingo Club	2855	(3500)	2785	810	(1000)	790
Betting Premises (excluding Tracks)	2875	(3000)	2805	600	(600)	595
Tracks	1750	(2500)	1710	810	(1000)	790
Family Entertainment Centres	1750	(2000)	1710	655	(750)	640
Adult Gaming Centre	1750	(2000)	1710	810	(1000)	790
Temporary Use Notice	230	(500)	225	N/A		

	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	3915 (4000) 3820	1685 (1800) 1645	1685 (1800) 1645	7950 (8000) 7875	2895 (3000) 2825	12 (25) 12	28 (50) 28
New Large Casino	4385 (5000) 4275	2140 (2150) 2090	2140 (2150) 2090	9230 (10000) 9005	4220 (5000) 4125	12 (25) 12	28 (50) 28
Bingo Club	1710 (1750) 1670	1200 (1200) 1200	415 (1200) 405	2275 (3500) 2220	1200 (1200) 1200	12 (25) 12	28 (50) 28
Betting Premises (excluding tracks)	1500 (1500) 1500	1200 (1200) 1200	395 (1200) 385	1780 (3000) 1740	1200 (1200) 1200	12 (25) 12	28 (50) 28
Tracks	1250 (1250) 1250	950 (950) 950	395 (950) 385	1945 (2500) 1900	950 (950) 950	12 (25) 12	28 (50) 28
Family Entertainment Centres	1000 (1000) 1000	950 (950) 950	400 (950) 390	1775 (2000) 1735	950 (950) 950	12 (25) 12	28 (50) 28
Adult Gaming Centre	1000 (1000) 1000	1200 (1200) 1200	400 (950) 390	1775 (2000) 1735	1200 (1200) 1200	12 (25) 12	28 (50) 28

**MAIDSTONE BOROUGH COUNCIL'S
GAMBLING ACT 2005 - FEES
1 April 2018 – 31 March 2019**

Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	12 <i>(25)</i> <i>12</i>	28 <i>(50)</i> <i>28</i>
---------------------------------	------------	------------	------------	------------	------------	---------------------------------------	---------------------------------------

The proposed fees as shown in **bold type** in the table above.

For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets and the previous year's fees are in *italics*.

Licensing Committee

29 March 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Hackney Carriage and Private Hire Licensing: Licence Fees and Charges Fees 2018/2019

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the fees and charges agreed at Licensing Committee on 23 November 2017 continue as the fees for 2018-19

This report relates to the following Five Year Plan Key Objectives:

- Securing a successful economy for Maidstone Borough

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

<i>Meeting</i>	<i>Date</i>
Licensing Committee	29 March 2018

Taxis and Private Hire Fees and Charges 2018/19

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of Hackney Carriage and Private Hire Licensing. This ensures the Council complies with its statutory duty and that the licensing of Taxis and Private Hire vehicles, Dual, Hackney Carriage or Private Hire Drivers and Private Hire Operators continues being self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to determine the fees for 2017/2018, which are requested to continue for 2018/2019.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Taxi Licensing service is required to be self-financing and the recent increases to fees in December 2017 have not been in place long enough to determine whether self financing is maintained.
- 2.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to calculate the fees and charges for 2017/2018. The fees were calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by the national support body for local authority regulators, LACORS, to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.3 Each licence was broken down to include line by line the tasks involved in producing each licence which include: at application stage assistance to the applicant, checking of an application upon receipt, and processing the application. Once processed, types of tasks include: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation and holding an appeal hearing, as well as compliance tests of drivers, vehicles and operators. A proportion of training of Officers and Members has also been included, as well as the cost of consumables.
- 2.4 After applying the fees model to the various licences the fees were set and came into effect on 5th December 2017.

Maidstone Borough Council

Hackney Carriage and Private Hire Licencing fees and charges - effective from 5 December 2017

	Fees
Knowledge test	£32 per test
<u>Hackney Carriage Driver and Dual (Hackney & Private Hire) Driver Licence</u>	
<u>On initial application</u>	£332 for three years (this includes £22.04 towards the Demand Survey & £29.43 for TV monitor and maintenance) £152 for one year
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£376 for three years £196 for one year
<u>On renewal</u>	£325 for three years (this includes £22.04 towards the Demand Survey & £29.43 for TV monitor and maintenance) £135 for one year (due to age or medical)
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£369 for three years £179 for one year
<u>Private Hire Driver Licence</u>	
On initial application	£237 for three years £142 for one year
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£281 for three years £186 for one year
On renewal	£240 for three years £125 for one year (due to age or medical)
Disclosure Barring Service search fee	£44 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS fee)	£284 for three years £169 for one year

	Fees
<u>Hackney Carriage Vehicle Licence</u>	
New & Renewal	£365 for one year (this includes £22.04 towards the Demand Survey & £29.43 for monitor and maintenance)
<u>Private Hire Operator Licence</u>	
5 year licence – Initial application	£485 for five years
5 year licence - Renewal	£405 for five years
3 year licence – Initial application	£340 for three years
3 year licence - Renewal	£275 for three years
1 year licence – Initial application	£195 for one year
1 year licence - Renewal	£130 for one year
<u>Private Hire Vehicle Licence</u>	
New & Renewal	£315 for one year
<u>Other Costs</u>	
Change of ownership of licensed vehicle	£70
Replace external vehicle plate	£23
Replace driver badge	£10
Replace internal plate holder	£1.75
Copy of existing paper licence	£12
Change of address details for a replacement licence	£12
Change of name for a vehicle or operator licence	£12
Change of name and address for a driver badge	£21
Vehicle exemption certificate or general administration fee	£45
Vehicle re-test	£48

3. AVAILABLE OPTIONS

The fees and charges need to be reviewed to ensure that they are set at appropriate levels to recover the costs associated with providing the service. The fees have not been in position long enough to determine whether they do recover the service.

3.1 To propose no changes or reductions to the existing fees..

3.2 To propose, where possible and appropriate, fees higher than the cost of delivering the service. However, if the Council were subject to Judicial Review it would not be in a position to justify the fees that have been set.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 To propose no changes or reductions to the existing fees..

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

N/A

7. BACKGROUND PAPERS

None

Licensing Committee

29 March 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Animal Establishment Fees 2018/2019

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the Licensing Committee approve the fee levels as set out in paragraph 2.6 of the report for implementation on 1 April 2018.

This report relates to the following Five Year Plan Key Objectives:

- • Securing a successful economy for Maidstone Borough
- It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

<i>Meeting</i>	<i>Date</i>
Licensing Committee	29 March 2018

Animal Establishment Fees 2018/2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration and compliance check of the Animal Establishment Licensing. This ensures the Council complies with its statutory duty and that the licensing of Animal Establishments is self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to determine the proposed fees for 2017 onwards.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Animal Establishment Licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 2.2 Where possible careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated costs, together with expenditure, has been in accordance with the objectives laid out in the budget plan and the inflation rate.
- 2.3 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to calculate the proposed fees and charges. The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by the national support body for local authority regulators, LACORS, to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.4 The type of tasks involved in animal establishment licensing applications include: assistance to the applicant, checking of an application upon receipt, compliance checks and processing the application. Once processed, types of tasks include: preparation and issuing of the licence and updating the records/register. Training of Officers and Members has also been included, as well as the cost of consumables.
- 2.5 At the Licensing Committee meeting on 16 June 2016 Members set fees which removed the veterinary surgeon's fees from the Council's fees for riding establishments. This was done following a request from a riding establishment. The establishments are now invoiced separately by the Environmental Enforcement team for the veterinary costs..
- 2.6 Proposed Animal Establishment fees from 1 April 2018 are:

	Fees from 1 st April 2017	Fees from 1 st April 2018
Animal Boarding		
Cats only		
Up to 30	£180	£185
31 - 60	£295	£305
Dogs only		
Up to 50	£350	£360
51 - 100	£440	£450
Cats and Dogs		
Up to 50	£290	£295
51 - 90	£430	£440
91 - 125	£565	£580
126+	£615	£630
Performing Animals	£165	£170
Dangerous Wild Animals	£450	£465
Zoo	£565 (plus deposit of £2,150)	£585 (plus deposit of £2,150)
Breeding of Dogs		
Up to 5 bitches	£290	£295
6 - 10	£415	£425
11 - 15	£540 for 11+ bitches	£550 for 11+ bitches
Pet Shops		
Initial licence	£410	£420
For additional licences, charge higher fee first	£85	£85
Horse Riding Establishments		
Up to and including 10 horses	£315 (excl. Vet's fees)	£320 (excl. Vet's fees)
11 horses and above	£425 (excl. Vet's fees)	£435 (excl. Vet's fees)

3. AVAILABLE OPTIONS

- 3.1 The fees and charges need to be reviewed to ensure that they are set at appropriate levels to recover the costs associated with providing the service. Having reviewed the income and expenditure the options available are:
- 3.2 To propose no changes or reductions to the existing fees. This would mean there would be a shortfall in income against the budget set for the function.
- 3.3 To approve the fees as set at in paragraph 2.6.

- 3.4 To propose a fee regime higher than the cost of delivering the service. However, if the Council were subject to Judicial Review it would not be in a position to justify the fees that have been set.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The option set out at Paragraph 3.3 to approve the fees set out in Paragraph 2.6 to ensure that the fee income reflects the cost of providing the service.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged with respect to new, existing and renewal applications from 1 April 2018 and published on our website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

None

8. BACKGROUND PAPERS

None

Agenda Item 15

Licensing Committee

29 March 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Sexual Entertainment Venues - Licence Fees 2018/2019

Final Decision-Maker	Licensing Committee
Lead Director	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Licensing Committee approve the fee levels as set out in paragraph 2.4 of the report for implementation on 1 April 2018.

This report relates to the following Five Year Plan Key Objectives:

- Securing a successful economy for Maidstone Borough
- It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

Meeting	Date
Licensing Committee	29 March 2018

Sexual Entertainment Venues - Licence Fees 2018/2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 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.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to determine the proposed fees for 2018/2019.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spreadsheet (original produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.2 The type of tasks involved in Sexual Entertainment Venue premises application include: assistance to applicant, checking of an application upon receipt, processing the application, assessing representations for relevance, undertaking informal mediation, and undertaking site visits where necessary. Once processed, tasks then involve: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation and holding an appeal hearing.
- 2.3 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring, which has been entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of the Licensing Partnership.

Proposed Fees

- 2.4 The result of the calculations is that a fee of £4,280 is proposed to cover the cost for a new application or a renewal application. The existing fee is £4,180. The fee for an application to transfer a licence is proposed as £2,090.

3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not increase the fees to cover the full cost of delivering this function. This would mean there would be a shortfall in income against the budget set for the function. The shortfall would have to be covered from other areas of income within the Licensing Team.
- 3.2 Members may approve the fees as set at in paragraph 2.4.
- 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 asked to approve the proposed fees set out in paragraph 2.4 of the report.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged with respect to new applications and existing premises. Existing licensees will be notified at the time of renewal and the new fees will be displayed on the Council’s website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
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Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader (Contentious)
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Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

None

8. BACKGROUND PAPERS

None