Licence Fees and Charges 2024/2025

Timetable					
Meeting	Date				
Licensing Committee	11 th November 2023				
Executive/Lead Member on the Executive for (Portfolio Name) (select correct option)	N/A				

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Regulatory Services
Lead Officer and Report Author	Lorraine Neale
Classification	Public
Wards affected	All

Executive Summary

The authority is required to review the fees set for the administration of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Local Government (Miscellaneous Provisions) Act 1982, The Gambling Act 2005 and The Scrap Metal Dealers Act 2013. This ensures the Council complies with its statutory duty and the licensing of these regimes is self-financing, in accordance with the Council's Medium Term Financial Strategy.

Purpose of Report

To seek Member approval of the licence fees and charges for the financial year 2023/24 where the Council has discretion over the level of fee as set out at **2.5**, **2.6**, **2.7**, **2.8**, **2.9**, **2.10** and **2.11** of the report for implementation on 1 April 2024.

This report makes the following recommendations to the Committee

- 1. That the fee levels as set out at **2.6**, **2.7**, **2.8**, **2.9**, **2.10** and **2.11** of the report for implementation on 1 April 2024, be approved; and
- **2.** That the fee level as set out at **2.5** of the report for implementation on 1 April 2024 be approved, with any consultation responses received to be presented to the committee for consideration before that fees implementation.

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	 The four Strategic Plan objectives are: Embracing Growth and Enabling Infrastructure Safe, Clean and Green Homes and Communities A Thriving Place We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. 	Senior Licensing Officer
Cross Cutting Objectives	 The four cross-cutting objectives are: Heritage is Respected Health Inequalities are Addressed and Reduced Deprivation and Social Mobility is Improved Biodiversity and Environmental Sustainability is respected The report recommendations do not materially impact on the achievement of the cross-cutting objectives 	Senior Licensing Officer
Risk Management	Refer to Section 5 of the report	Senior Licensing Officer
Financial	 No implications identified 	Section 151 Officer & Finance Team
Staffing	Not applicable	Senior Licensing Officer
Legal	 Whilst certain fees are statutory, others are discretionary as set out in the report. Should parts of industry believe the Authority's discretionary fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, 	Legal Team

	the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.	
Information Governance	 The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. 	Information Governance Team
Equalities	 The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	Equalities & Communities Officer
Public Health	 No implications identified 	Senior Licensing Officer
Crime and Disorder	 There are no implications to Crime and Disorder 	Senior Licensing Officer
Procurement	Not applicable	Senior Licensing Officer
Biodiversity and Climate Change	 The implications of this report on biodiversity and climate change have been considered and are; There are no implications on biodiversity and climate change. 	Senior Licensing Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's fees and charges are reviewed on an annual basis as part of the budget setting process. The individual licence, consents and permits fees are calculated to recover the cost of issuing the licence, consent or permit and ensuring compliance with the requirements of the relevant legislation. There are other Licences issued by the Licensing Department where the fees are set by statute and are fixed or are within parameters and these cannot be changed, these are Licensing Act 2003 fees and some Gambling fees such as Lotteries and permits.
- 2.2 Since the robust review in 2016 there has been no significant change in the time taken or the various tasks required to produce the majority of licenses, consents or permits. Previous years demonstrate that the service recovers its costs and does not make a profit (pandemic years being the exception), the Council's Medium Term Financial Strategy 2020/21 2025/26 considers the pandemic and its effect on fees and charges and assumes an adverse rate of 3% inflation, however the current CPI for 2023 is higher at 6.7% and so an increase of 6% has been applied to licence fees. This increase has not been applied to the sundry costs for taxis as there is no officer involvement and only the licensing hub administration costs should apply. A new fee for

temporary plates has been introduced for taxi vehicles which allows all partners to comply to the partnership procedure for temporary/insurance replacement vehicles.

(all fees may have been rounded up or down).

2.3 Members are asked to consider the proposals for increases to the fees and charges for which this Committee is responsible for reviewing at a local level.

Proposed Fees

Taxis and Private Hire Fees and Charges.

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

- 2.4 Officers from the licensing department will email those Hackney Carriage Proprietors, Private Hire Operators and Drivers where we have their email addresses after this Licensing Committee meeting to give them the opportunity to make representation. A Notice will also be placed in a local paper and will be available on the Council's website.
- 2.5 Proposed Hackney Carriage and Private Hire Licensing fees from 1 April 2024 are:

	Current Fees	Proposed Fees
Knowledge test	£36 per test	£38
EQUO online test	£67	£71
Hackney Carriage Drive	er and Dual (Hackney & Pri	vate Hire) Driver Licence
On initial application	£ 353 for three years	£ 374 for three years
	(this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor)	(this includes £26 towards the Demand Survey & £9 for maintenance of TV monitor)
	£145 for one year	£154 for one year
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)
Total (including DBS	£390 for three years	£412 for three years
fee)	£183 for one year	£192 for one year
On renewal	£344 for three years	£365 for three years

	Current Fees	Proposed Fees		
	(this includes £24.50 towards the Demand Survey & £8.50 for maintenance of TV monitor)	(this includes £26 towards the Demand Survey & £9 for maintenance of TV monitor)		
	£127 for one year (due to age or medical)	£135 for one year (due to age or medical)		
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)		
Total (including DBS	£382 for three years	£403 for three years		
fee)	£165 for one year	£173 for one year		
Private Hire Driver Lice	ence			
On initial application	£271 for three years	£287 for three years		
	£163 for one year	£173 for one year		
Disclosure Barring Service search fee	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)	£38 every one or three years depending on licence (or £13 per year if they sign up to the online service)		
Total (including DBS	£309 for three years	£325 for three years		
fee)	£201 for one year	£211 for one year		
On renewal	£266 for three years	£282 for three years		
On renewal	-	-		
On renewal Disclosure Barring Service search fee	£266 for three years £143 for one year (due to	£282 for three years £152 for one year (due to		
Disclosure Barring Service search fee Total (including DBS	£266 for three years £143 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online	£282 for three years £152 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online		
Disclosure Barring Service search fee Total (including DBS fee)	 £266 for three years £143 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £304 for three years £181 for one year 	£282 for three years £152 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service)		
Disclosure Barring Service search fee Total (including DBS fee) <u>Hackney Carriage Vehi</u>	 £266 for three years £143 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £304 for three years £181 for one year 	<pre>£282 for three years £152 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £320 for three years</pre>		
Disclosure Barring Service search fee Total (including DBS fee)	 £266 for three years £143 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £304 for three years £181 for one year Cle Licence £327 for one year 	<pre>£282 for three years £152 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £320 for three years £190 for one year £347 for one year</pre>		
Disclosure Barring Service search fee Total (including DBS fee) <u>Hackney Carriage Vehi</u>	 £266 for three years £143 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £304 for three years £181 for one year 	<pre>£282 for three years £152 for one year (due to age or medical) £38 every one or three years depending on licence (or £13 per year if they sign up to the online service) £320 for three years £190 for one year</pre>		

	Current Fees	Proposed Fees
Private Hire Vehicle Lic	ence	
New & Renewal	£302 for one year	£320 for one year
Private Hire Operator L	<u>icence</u>	
5 year licence – Initial application	£552 for five years	£585 for five years
5 year licence - Renewal	£462 for five years	£490 for five years
3 year licence – Initial application	£386 for three years	£409 for three years
3 year licence - Renewal	£313 for three years	£332 for three years
1 year licence – Initial application	£223 for one year	£236 for one year
1 year licence - Renewal	£147 for one year	£156 for one year
Other Costs		
*DBS/general administration fee	£30	£30
*Change of ownership of licensed vehicle	£79	£26
*Replace vehicle plate	£26	£19
*Replace driver badge	£12	£13
*Duplicate paper licence	£13	£13
*Change of name for a vehicle licence	£13	£26
*Change of name or address for a operator licence	£13	£48
*Change of name and address for a driver badge (badge not included)	£24	£24
Plate bracket	-	£46
Vehicle exemption certificate	£51	£54
Temporary plate	-	£115

Gambling Act 2005

2.6 The maximum levels have been included in the table in brackets for comparison purposes. The previous year's fees are printed in italics for your information. The proposed fees are in bold and those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.

Prem	ises Type			Ne	w Ap	plicatio	n			A	Innual F	-ee			
			£				£								
Existing Cas	sinos		asinos n/a			n/a									
New Small	ew Small Casino		New Small Casino		80	000	(8,	000)	80	00	500	0	(500	0)	4759
New Large	Casino		10,	000	(10	,000)	98	857	815	55	(1000	0)	7694		
Bingo Club			34	53	(35	500)	32	258	98	0	(100	D)	924		
Betting Pre (excluding			30	00	(30	000)	30	00	60	0	(600))	600		
Tracks			21	.17	(25	500)	19	97	98	0	(100	D)	924		
Family Enter Centres	ertainmen	t	20	00	(20	000)	19	97	75	0	(750)	746		
Adult Gami	ng Centre		20	000	(20	000)	19	97	75	0	(750))	750		
Temporary	Use Notic	е	2	77	(5	00)	2	62			N/A				
	Applicati on to Vary	Appli on Tran	to sfer	Appl on Re Inst me	for e- cate ent	Applie on fe Provi na State nt	or sio I me	App id (pr ol Sta e hok	ence blicat on ovisi nal tem ent ders) £	licat Licence n visi al em nt ers)		Notificati on of Change £			
Existing Casinos	n/a	n/		n/		n/a	à.		– /a	£ n/a)			– n/a)		
New Small Casino *	4000 (4000) <i>4000</i>	(180	1800 (1800) <i>1797</i>		00 00) 97	800 (800 <i>800</i>	0)	(30	00 000) 067	(14 (25) <i>13</i>		32 (50) <i>30</i>		
New Large Casino *	4958 (5000) <i>4677</i>	21 (215 <i>215</i>	50 2150 50) (2150)		(2150) ((10000) (50		4769 (5000) <i>4499</i>		14 (25) <i>13</i>		32 (50) <i>30</i>		
Bingo Club	1750 (1750) <i>1750</i>	120 (120 <i>120</i>)))	501 (1200) <i>473</i>		2752 (3500) <i>2596</i>		(12	200) 200) 200	(15 (25) <i>14</i>		34 (50) <i>32</i>		
Betting Premises (excludin g tracks)	1500 (1500) <i>1500</i>	120 (120 <i>120</i>)))	47 (12) 45	00)	215 (300 <i>203</i>	0)	1200 (1200) <i>1200</i>		(15 (25) <i>14</i>		34 (50) <i>32</i>		

Tracks	1250 (1250)	950 (950)	477 (1200)	2355 (2500)	950 (950)	15 (25)	34 (50)
	1250	950	450	2222	950	14	32
Family Entertain ment Centres	1000 (1000) <i>1000</i>	950 (950) <i>950</i>	483 (950) <i>45</i> 6	2000 (2000) <i>2000</i>	950 (950) <i>950</i>	15 (25) <i>14</i>	34 (50) <i>32</i>
Adult Gaming Centre	1000 (1000) <i>1000</i>	1200 (1200) <i>1200</i>	483 (950) <i>45</i> 6	2000 (2000) <i>2000</i>	1200 (1200) <i>1200</i>	15 (25) <i>14</i>	34 (50) <i>32</i>
Temporar y Use Notice	n/a	n/a	n/a	n/a	n/a	15 (25) <i>14</i>	34 (50) <i>32</i>

Scrap Metal Dealers Act 2013

2.7 In setting a fee, the authority must have regard to any guidance issued by the Secretary of State, the proposed fees were originally calculated using that Guidance and the proposed fees raised by the 6% inflation increase

	Current Fee	Proposed Fee
Maidstone Borough Council		
Site licence – grant	£525	£556
Site licence – renewal	£445	£472
Collector's licence – grant or renewal	£320	£339
Minor administrative change to licence	£35	£37
Variation - change of site manager	£187	£198
Variation from collector to site licence	£228	£242
Variation from site to collector licence	£149	£158

Sexual Entertainment Venue fees

2.8 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

	Current Fee	Proposed Fee
Maidstone Borough Council		
New Licence Application	£4888	£5181
Renewal Licence Application	£4888	£5181
Transfer of Licence	£2387	£2530

Boats and Boatmen

2.9 The authority is required to review the fees set for the administration of the Public Health Acts Amendment Act 1907 and Local Government, Planning and Land Act 1980. This ensures the Council complies with its statutory duty and that the licensing of Boats and Boatmen is self-financing, in accordance with the Council's Medium Term Financial Plan

	Current Fee	Proposed Fee
Maidstone Borough Council		
Pleasure Boats (New & Renewal)	£144	£153
Row Boats (New & Renewal)	£29	£31
Boatmen (New & Renewal)	£17	£18

Street Trading

2.10 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the authorisation of Street Trading is self-financing, in accordance with the Council's Medium Term Financial Plan

	Current Fee	Proposed Fee
Maidstone Borough Council		
Consultation application	£156	£165
fee (applies to full year applications only)		
Up to 12 trading days	£34	£36
New only (on grant)	234	230
Full year consent	£265	£281
(New & Renewal) (on		
grant)		
Additional assistants	£52	£55
(checks and badges)		
Additional change	£52	£55
(additional products)		
Copy/replacement Licence	£13	£14
Copy/replacement Badge	£13	£14

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

These fees are for additional services provided by Officers and the Hub to assist applicants with their applications.

Covers applications for:				
Licensing Act 2003				
 new premises licences 				
 full variations of premises licence 				
 new club premises certificate (CPC) 				
variation of CPC				
 provisional statement 				
Gambling Act 2005				
 new and variation applications 				
	Current	Proposed		
	2023/2024	2024/2025		
Up to one hour of advice regarding licence				
applications, including assistance in completing	£75.00	£80.00		
form (hourly rate)				
site visit (to give advice) – up to one hour				
	£100.00	£107.00		
Licensing Act 2003 - Minor variations – up to				
30 mins advice on applications (including	£35.00	£38		
assessment as to whether suitable as a minor,				
suggestion on wording of proposed conditions,				
help completing application etc)				

HUB TEAM SERVICES		
 In depth assistance in completing application forms and advice on correct documentation for: Transfer Variation of Designated premises supervisor Personal licence 	£40.00 (incl. VAT)	£43.00
In depth assistance in completing Temporary event notices and advice on limits etc	£15.00 (incl. VAT)	£16.00
OTHER ADMIN CHARGES		
Upon request of licence holder, amend and re- issue invoice for statutory annual fee	£10.00	£11.00
Upon request of licence holder, amend contact details for lottery registration	£10.00	£11.00

3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not apply an inflationary increase to cover the full cost of delivering the licensing function. This would mean there would be a shortfall in income against the budget set for the function. Authorities cannot make a profit from the system and must ring-fence income from licensing fees so that any surplus or deficit is carried forward to the next year's budget, any surplus in one area cannot be used to subsidise a shortfall in another.
- 3.2 Members may approve the inflationary increase fees as set at **2.5**, **2.6**, **2.7**, **2.8**, **2.9**, **2.10** and **2.11**
- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Members are requested to approve the proposed inflationary fee increases as set out at **2.5**, **2.6**, **2.7**, **2.8**, **2.9**, **2.10** and **2.11** of the report to ensure that the fee income reflects the cost of providing the service.

5. RISK

- 5.1 If the fees are set to high then there is a risk that we could be challenged as an Authority.
- 5.2 If the fees are set to low there is the risk we will not cover the cost of delivering the service incurring a deficit.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The fees set out at 2.5 are subject to consultation and any responses from consultation will be brought to a future Licensing Committee for consideration before adopting these fees.
- 6.2 The fees set out at **2.6**, **2.7**, **2.8**, **2.9**, **2.10** and **2.11** are not subject to consultation

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The fees will be charged with respect to new, existing and renewal applications from 1 April 2024 and published on our website.

8. **REPORT APPENDICES**

N/A

9. BACKGROUND PAPERS

N/A

2.1