

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE AND PROPERTY ADVISORY BOARD

9 JANUARY 2013

Joint report of the Director of Finance and the Chief Solicitor

Part 1- Public

Matter for recommendation to Cabinet - Key Decisions

**1 REVIEW OF FEES AND CHARGES 2013/14
LICENSING FEES**

1.1.1 At the previous meeting of the Cabinet dated 7 February 2012 it was agreed to make no changes to the licensing fee structure for 2012/13, pending a full review of all fees relating to this service by the new Licensing Manager. That review has now been completed, and this report sets out the recommended changes to the existing fee structure.

1.1.2 The levels of fees that may be charged for delivery of the licensing function are subject to a number of external constraints. For example,

(a) Fees for gambling licences have to be set within the parameters established by the law, and our fees are already set at the maximum permissible levels.

(b) Fees for alcohol and entertainment licensing i.e. the Licensing Act 2003 are also fixed by the Government.

This report therefore focuses on the fees to be charged for hackney carriage and private hire licensing, together with the other miscellaneous licences/ registrations handled by the licensing service.

1.1.3 A table showing the existing and proposed fees is attached as **Annex 1**.

1.2 Hackney Carriage & Private Hire

1.2.1 Fee levels for hackney carriage and private hire licensing are subject to various statutory controls. Whilst these controls provide the Council with some discretion as to the level of fee, the cost of a licence must be related to the overall cost of the licensing scheme itself.

1.2.2 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 provides that, in respect of hackney carriage and private hire drivers, the Council may charge 'such a fee as they consider reasonable with a view to recovering the costs of issue and administration..'

- 1.2.3 For vehicle (both hackney carriage and private hire) and private hire operators' licences, fee levels are governed by s70 of the 1976 Act. This section allows the Council to charge such fees as may be sufficient in aggregate to cover in whole or in part –
- (a) the reasonable cost of carrying out inspections of hackney carriages/ private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - (b) the reasonable cost of providing hackney carriage stands;
 - (c) any other reasonable administrative or other costs in connection with the above and with the control and supervision of hackney carriage and private hire vehicles.
- 1.2.2 The fees for Hackney Carriage and Private Hire licensing have not increased since May 2008. Having carried out a comprehensive review, it is recommended that the fee levels for most taxi fees move up 5% to ensure that the "Taxi Licence service" remains self-financing. The exception is the fee charged for operator licences where our fee is presently higher than every other authority in Kent.

1.3 Sex establishments

- 1.3.1 Fee levels for the licensing of sex establishments are governed by the Local Government (Miscellaneous Provisions) Act 1982. The provisions within this Act require an applicant for a grant, renewal, variation or transfer of a sex establishment licence to pay ' a reasonable fee determined by the licensing authority.'
- 1.3.2 We have used the LACORS developed fee model to evaluate the Council's fee level. The result of this review is that the fee level is recommended to move to £2,000, down from £6,000 which is currently levied.

1.4 Other licensing & registration fees

- 1.4.1 A review has also been undertaken of the fees charged for a number of miscellaneous licences/ consents, including street trading, animal welfare and acupuncture/ tattooing etc. The proposed fees for 2013/14 are also contained in the table at **Annex 1**.

1.5 Legal Implications

- 1.5.1 As set out above.

1.6 Financial and Value for Money Considerations

- 1.6.1 As set out above.

1.7 Risk Assessment

1.7.1 The recommended fee levels have been calculated in order to ensure that the service remains self financing, whilst at the same time not making a profit. This will minimise the risk of a challenge being made by a third party.

1.8 Equality Impact Assessment

1.8.1 See 'Screening for equality impacts' table at end of report.

1.9 Recommendation

1.9.1 It is **RECOMMENDED** that the proposed scale of fees for licences, consents and registrations set out in Annex 1 of this report be adopted with effect from the 1 April 2013.

Background papers:

contact: Anthony Garnett

Nil

Sharon Shelton
Director of Finance

Adrian Stanfield
Chief Solicitor

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The charges detailed in this report are payable by all members of the community.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	As above.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.