

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

26 January 2009

Report of the Chief Solicitor

Part 1- Public

Matters for Recommendation to Council

1 ANNUAL REVIEW OF LICENCE AND REGISTRATION FEES

A report reviewing the fees to be charged for licences and registrations for 2009/2010

1.1 General

1.1.1 In preparing this review of fees, we have continued the objective of previous years of seeking to recover the greater proportion of the cost of the licensing function.

1.1.2 The recommendations for this year follow the same pattern as previous years and can be summarised simply: an across the board increase of 5%, rounded up to the nearest whole pound. The effect of this proposal can be seen in Table 1 in the Appendix. Table 2 lists, for information only, fees which are fixed by law.

1.2 Legal Implications

1.2.1 In respect of the licensing function for hackney carriages and private hire vehicles, section 70 of the Local Government (Miscellaneous Provisions) Act 1976 makes it clear that a local authority may charge such fees as may be sufficient to cover in aggregate in whole or in part the reasonable cost of carrying out the licensing function.

1.2.2 To determine such fees under section 70 (beyond £25.00 per annum) a local authority must publish in at least one local newspaper circulating in the district a notice setting out the proposed fees and giving at least 28 days from publication for any objections to the proposed fee to be made. It is proposed that the notice will be published on 5th February 2009 giving until 5th March 2009 for receipt of objections.

1.2.3 If objections are made then a committee meeting must be held within two months to consider the objections received. If any objections are received these will be considered at the Licensing and Appeals Committee on 23rd March 2009.

1.2.4 The fees as proposed will come into effect either on 5th March 2009, if no objections are received or on conclusion of the determination of the consideration of those objections on 23rd March 2009.

1.2.5 Section 53 enables a local authority to charge a fee for the issue of a hackney carriage and private hire vehicle drivers licence to cover the cost of issue and administration.

1.3 Financial and Value for Money Considerations

1.4 Risk Assessment

1.5 Recommendations

1.5.1 The proposed scales of fees set out in Table 1 in the Appendix to this report be adopted with effect from the expiration of the notice published (5th March 2009) or 23rd March 2009 if objections are received;

1.5.2 The proposed scales of fees set out in Table 1 in the Appendix to this report be adopted with effect from 1st April 2009 for those fees not relating to the Hackney Carriage and private hire licensing function; and

1.5.3 The Chief Solicitor be authorised to advertise in accordance with the Local Government (Miscellaneous Provisions) Act 1976 the fees for operators' licences and for hackney carriage and private hire vehicle licences.

Background papers:

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Nil

Wendi Batteson
Chief Solicitor