

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

21 November 2023

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 29th November, 2023 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance on the Conduct of Meetings 5 - 8

PART 1 - PUBLIC

2. Apologies for Absence

3. Declarations of Interest 9 - 10

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 11 - 14

To confirm as a correct record the Minutes of the meeting of Licensing and Appeals Committee held on 27 September 2023.

5. Minutes of Panel 15 - 16

To receive the Minutes of the following meeting of the Licensing and Appeals Committee sitting as a Panel:

- 20 October 2023 in respect of a Taxi Hearing

Decisions to be taken under Delegated Powers

6. Review of Fees and Charges 2024/25 - Licensing Fees 17 - 42

The report invites Members to adopt the proposed scale of fees for licences, consents and registrations as set out in the Annex 1 to the report with effect from 1 April 2024.

7. Urgent Items 43 - 44

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

8. Exclusion of Press and Public 45 - 46

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

9. Urgent Items 47 - 48

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr C Brown (Chair)
Cllr C J Williams (Vice-Chair)

Cllr B Banks
Cllr M A Coffin
Cllr A Cope
Cllr D Keers
Cllr D W King
Cllr W J Mallard

Cllr R W G Oliver
Cllr R V Roud
Cllr M Taylor
Cllr D Thornewell
Cllr K S Tunstall

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 27th September, 2023

Present: Cllr C Brown (Chair), Cllr C J Williams (Vice-Chair), Cllr B Banks, Cllr M A Coffin, Cllr A Cope, Cllr D W King, Cllr W J Mallard, Cllr R W G Oliver, Cllr R V Roud and Cllr M Taylor

Apologies for absence were received from Councillors D Keers and K S Tunstall.

PART 1 - PUBLIC

LA 23/14 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

LA 23/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 5 July 2023 be approved as a correct record and signed by the Chairman.

LA 23/16 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 9 August 2023, 11 August 2023 and 8 September 2023 (Taxis) and 16 August 2023 (Premises) be received and agreed as a correct record, subject to the presence of Panel Members being rectified as follows:

- 11 August 2023 (Taxi Hearing) – Cllr D W King (Chairman), Cllr R W G Oliver and Cllr C J Williams
- 8 September 2023 (Taxi Hearing) – Cllr M A Coffin (Chairman), Cllr B Banks and Cllr K S Tunstall

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 23/17 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2023-2028

A revised Hackney Carriage and Private Hire Policy 2023 – 2028, attached at Annex 4, which went out for public consultation from 10 July 2023 to 1 September 2023, and a list of proposed changes within the consultation, attached at Annex 1, were presented for consideration.

Responses to the consultation, including a response in the form of a petition from 31 drivers, were detailed in Annex 2 and Annex 3 respectively.

Members had due regard to the legal implications and risk assessment set out in the report whereby the need for the Borough Council to adopt a new policy was explained – this was due to the policy lasting for a maximum of five years and would by law lapse after five years unless reviewed and adopted by Full Council again.

RECOMMENDED*: That

- (1) the following proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be approved:
 - payment by credit/debit card be accepted for all Hackney Carriage journeys;
 - the Disclosure and Barring Service (DBS) checks be outsourced to an external third party, where a driver does not hold an online account update service;
 - the length of time for lost property to be kept be reduced from 12 months to 2 months;
 - for any Hackney Carriage driver failing to take a passenger on a journey, regardless of distance, or charging more than the fare shown on the metre when taking payment by credit/debit card, 9 penalty points and a two-week suspension be imposed on their TMBC driving licence, and subsequent offences be referred to the Licensing and Appeals Committee;
 - membership of the Chauffeurs Guild as mechanism to bypass the requirement to take the knowledge test be removed;
 - colour restriction for designated wheelchair accessible vehicles (WAV) be removed; and
 - a higher than 50 percent Manufacturer tint for back passenger windows be allowed for plate exempt vehicles undertaking Chauffeur work.
- (2) further investigation work by Officers in respect of the following areas, as identified in the proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be undertaken and reported to a future meeting of the Committee:
 - CCTV in all licensed vehicles (Hackney Carriage and Private Hire);

- Colour restriction of a Hackney Carriage Vehicle; and
 - Drivers badge for school runs only with specially defined plate.
- (3) the revised Hackney Carriage and Private Hire Licensing Policy 2023 – 2028, attached at Annex 4, be approved with the above agreed changes detailed in Recommendation (1) incorporated.

*** Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS

LA 23/18 THE SCRAP METAL DEALERS POLICY 2024-2029

The report of the Director of Central Services and Deputy Chief Executive presented a review of the current Scrap Metal Dealers Policy which was published in 2019 and had a life span of five years. The Policy outlined the requirements of the Scrap Metal Dealers Act 2013 and aimed to give guidance to new applicants, existing licence holders, consultees and members of the public as to how the Borough Council would administer and enforce the requirements of the Act.

A copy of the draft new policy and a copy of the Feedback form for the Policy were attached at Annex 1 and Annex 2 respectively. The report set out the timescale for the consultation to be undertaken between 9 October 2023 and 30 November 2023.

RESOLVED: That the draft Scrap Metal Dealers Policy 2024 – 2029, attached at Annex 1, be approved for consultation.

LA 23/19 LICENSED VEHICLE EMISSIONS DISCUSSION

Given the Borough Council's Carbon Neutral 2030 aspiration, Members had an in-depth discussion with regard to licensed vehicle emissions with reference made to emissions standards and ever advancing technologies, which provided valuable insights for Officers to take into consideration in order to bring a paper back to a future meeting of the Committee for Members to review in respect of this important climate change agenda.

MATTERS SUBMITTED FOR INFORMATION

LA 23/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8:50 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 20th October, 2023

Present: Cllr M Taylor (Chair), Cllr C J Williams and Cllr K S Tunstall.

Together with representatives of the Licensing Authority.

An apology for absence was received from Councillor C Brown.

PART 1 - PUBLIC

LAP 23/25 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LAP 23/26 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LAP 23/27 REVIEW OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE - CASE 007/2023

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was appropriate in respect of a holder of a Hackney Carriage and Private Hire (Dual) Driver's licence, following the receipt of information from the Disclosure and Barring Service (DBS).

The driver produced a DBS certificate as part of their renewal application, and it showed that they had a conviction for breaching a non-molestation order on 18 January 2023. The driver had not declared this conviction during their renewal application, nor had they notified the Licensing Team within seven days of receiving the conviction as required by the Councils policy.

The Panel listened carefully to all the information provided by the driver and the character witness provided by their employer of many years. Whilst they recognised the driver had failed to notify the Licensing Team

of their conviction, they were satisfied that this was a misunderstanding rather than a deliberate attempt to withhold the information.

Taking into consideration everything that the driver had said at the hearing, the character witness provided by their employer and the clean record confirmed by the Licensing Officer, the Panel were satisfied that the driver did not pose a safeguarding risk to the public and therefore granted the renewal of the Hackney Carriage and Private Hire (Dual) drivers licence.

RESOLVED: That, in respect of Case Number 007/2023, the Hackney Carriage and Private Hire (Dual) Driver's licence be GRANTED.

The meeting ended at 10.42 am
Having commenced at 10.00 am

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

29 November 2023

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Delegated

1 REVIEW OF FEES AND CHARGES 2024/25 - LICENSING FEES

1.1 Executive Summary

- 1.1.1 The responsibility for setting the licensing fees and charges for 2024/25 is with the Licensing & Appeals Committee.
- 1.1.2 The review has been carried out by the Head of Service for Licensing, Customer Services and Community Safety and the report sets out the recommended changes to the existing fee structure.
- 1.1.3 The licensing regimes listed within this document cover a wide range of activities and services ranging from the sale and supply of alcohol to individuals keeping dangerous wild animals. The purpose of the licensing regimes are specific to the regulation that govern it but in general, licensing is required to protect the public, protect and support businesses practices and ensure fair trading; and ensure the welfare of animals.
- 1.1.4 The council has the power to set some fees for certain licensing regimes. However, a number of licensing regimes have fees that have been set by the specific Act or associated regulations. There are three fee regime types that have been set out within this document. These fee regime types relate to how the fees have been set.

Type 1	Type 2	Type 3
Fees that are set by statute for which the council has no power to amend.	A maximum fee cap set by statute that permits councils to set a reasonable fee to recover its costs up to that cap.	The relevant statute permits councils to set their own local fees that will enable it to recover its reasonable costs.
Example <ul style="list-style-type: none"> Licensing Act 2003 Lotteries 	Example <ul style="list-style-type: none"> Gambling Act 2005 	Example <ul style="list-style-type: none"> Taxi and Private Hire Scrap Metal

- 1.1.5 All of the fees within type 2 up to the relevant cap and all of the fees within type 3 fee regimes have been set to recover the council's reasonable costs in carrying out its functions for each specific regime. The fees relate to that regime only and all the income received from fees is used to offset those costs. The council cannot and does not use the income from one specific licensing regime to cover deficits in other regimes.
- 1.1.6 The council will aim to undertake a review of type 2 and 3 licensing fee regimes every year. When considering the fees the council will take into account the costs that it has incurred from the previous year and set a fee based on those costs. If the council does, in reviewing the fees identify a surplus or a deficit it will adjust the fees accordingly to either reduce the fee levels to reduce the surplus or increase the fee levels to repay that deficit in costs from previous years. This means that the fees will fluctuate year on year based on the review of income and cost associated with that relevant licensing regime.
- 1.1.7 The principal area covered by Type 3 above is that relating to Hackney Carriage and Private Hire licensing. Further detail in respect of this area is set out below

European Service Directive

- 1.1.8 The European Union Services Directive -2006/123/EC (the Directive) was given effect in UK law via the Provision of Services Regulations 2009 (SI2009/2999). This Directive and the Regulations contain provisions about the fees which may be charged under relevant licensing regimes within the scope of the Directive. In particular licensing authorities may not set fees that are dissuasive, and any fees must be reasonable and proportionate to the cost of the licensing process and the issuing of the licence.
- 1.1.9 These provisions have been taken into account in setting the fees set out in this document.
- 1.1.10 In addition, a judgment of the Supreme Court in a case involving Westminster City Council has provided further clarification of the type of costs which may be taken into account when setting fees, and when fees may be payable. Pending further guidance from the European Court of Justice, the judgment of the Supreme Court established that a licensing regime may operate on the basis that an applicant must pay:
- i. on making the application, the costs of the application process and,
 - ii. on the application being successful, a further fee to cover the costs of the running and enforcement of the licensing regime.
- 1.1.11 The council has, following this decision, reviewed the Type 3 regime fees, for which the Directive relates so that they identify the costs for processing the application through to determination (Part A) and the cost for running and the enforcement of the licensing regime (Part B).
- 1.1.12 Taxi Licensing is exempt from this ruling.

1.2 Summary of Numbers of licences

1.2.1 The table below shows the tracking of the number of licences Tonbridge & Malling Borough Council is responsible for validating, processing and issuing.

	26.09.23	10.11.22	04.10.21	20.04.21	18.12.19	05.09.19	31.05.19
Scrap Metal - Site licence	2	3	2	2	3	2	2
Scrap Metal – Mobile licence	7	8	7	6	7	7	6
Lottery Licences	70	69	64	60	75	75	73
Hackney Carriage Vehicles	167	144	137		179	182	
Hackney Carriage Drivers	64	62	70		99	106	
Hackney Carriage Prob Driv	0	0	0		0	0	
Dual Driver badges	184	164	167		178	175	
Private Hire Operator	102	111	116		105	102	
Private Hire Vehicles*	398	361	346		477	477	
Private Hire Drivers	367	376	391		456	448	
Private Hire Prob Drivers*	0	0	0		0	0	
Private Hire Prob Vehicles	0	0	0		0	0	
Total taxi licences	1,282	1,218	1,227		1,494	1,490	
Number of Drivers	615	602	628		733	729	
Adult Gaming Centres	1	1	1	1	1	1	1
Betting Shops	8	8	8	8	8	10	10
Boatman Licence	8	4	4	4	5	4	4
Club Premises Licence	28	28	29	29	29	29	29
Premises Licences	375	370	370	360	352		363
Dangerous Wild Animals	1	1	1	1	1	1	1
Hypnotism Licence	0	0	0	0	0	0	0
Street Traders Licence	0	0	0	0	1	1	1
Personal Licences	1,806	1,767	1,747	1,817	1,750	1,737	1,718
Sex Shop	1	1	1	1	1	1	1
Animal Boarding**							
Home Boarding**							
Pet Shop **							
Animal Activity	47	39	36	33	26		27
Riding Establishments							
Zoo licensing	1	1	1	1	1	1	1
Total	3,637	3,518	3,498	3,568	3,780	3,763	3,712

Licensing Act 2003

1.2.2 The fees are set by Government, where there has been no change to fees since 2005 when Act came into force.

1.2.3 This table shows the number of premises by “type”

“Type”	Number	“Type”	Number
Brewery	5	Hotel	7
café / coffee shop	13	Internet	16
Campsite	2	Leisure Centre	4
Cash and Carry	1	Market	1
Church	4	off licence	11
Cinema	0	Petrol station	13
Club	18	Pub	73
Community Hall	26	Restaurant	58
Conference	8	Schools	7
Convenience	39	Sports Club	27
Dance Studio	1	Supermarket	33
Day Care Centre	1	Takeaways	10
Department Store	3	Theatre	1
Flower Shop	1	Tourist attraction	3
Garden Centre	0	Vineyard	3
Golf Club	5	Wedding	5
Hall	3		
High street	1	Total	399

1.2.4 This table shows the last published Home Office return for year 2021-22 for the Kent Authorities.

	Premises licences	Club premises	Total
Ashford			
Canterbury	836	29	
Dartford	319	40	
Dover	378	45	
Gravesham	296	31	
Maidstone	458	34	
Sevenoaks	387	45	
Shepway	411	51	
Swale	533	33	
Thanet	545	41	
TMBC	314	31	
TWBC	398	32	

Annual fee income

In general terms, the amount a premises licence holder pays in Annual fees depends on their rateable value, with additional payment when a premises capacity is significantly increased, or when in a town centre they have “multiplier status”.

The vast majority of TMBC Annual fees are due in November of each year – As the Annual fee has to be paid on the anniversary of the grant of the licence.

Category Level and amount	Number of premises	Number of Club premises certificates	Total premises in Category	Total income “£”
“A” - £70	56	9	47	£3,920
“B” - £180	212	16	196	£38,160
“C” - £295	55	3	52	£16,225
“D” - £320	15	0	15	£4,800
“E” - £350	41	0	41	£14,350
Number of premises with no annual fee*	24	0	24	£0,00
Sub total	403	28	375	
Additional Fee for Hop Farm Event licence				£8,000
Additional Fee for Humphrey Bean				£320
Total	403	28	375	£85,775

- - A premises has no annual fee to pay where there is no sale of alcohol

Numbers of Taxi and Private Hire tracking Drivers

	Before Lockdown	First Lockdown begins	Pubs reopen	Eat out to help out	10pm curfew for Pubs / Hotel etc.	Three-tier system	Second lockdown begins	Second lockdown ends - New three tiers	New Tier 4 comes into force for South East	Third lockdown begins	Roadmap Step 1	Roadmap Step 2	Roadmap Step 3		Step 4	
	18 Dec 19	26 Mar 20	4 Jul 20	3 Aug 20	22 Sep 20	14 Oct 20	5 Nov 20	2 Dec 20	21 Dec 20	6 Jan 21	8 Mar 21	12 Apr 21	17 May 21	14 Jun 21	19 Jul 21	04 Sep 21
HDL	99	95	84	85	85	83	84	81	81	81	79	78	79	76	77	70
Dual	178	178	176	172	167	167	165	164	163	165	166	165	163	164	167	167
PHDL	456	436	428	426	424	425	422	414	409	407	404	402	400	387	387	391
Total	733	709	688	683	676	675	671	659	653	653	649	645	642	627	631	628
Difference between key milestones		-24	-21	-5	-7	-1	-4	-12	-6	0	-4	-4	-3	-15	4	-3
Difference before lockdown		-24	-45	-50	-57	-58	-62	-74	-80	-80	-84	-88	-91	-106	-102	-105

2 Vehicles

	Before Lockdown	First Lockdown begins	Pubs reopen	Eat out to help out	10pm curfew for Pubs / Hotel etc.	Three-tier system	Second lockdown begins	Second lockdown ends - New three tiers	New Tier 4 comes into force for South East	Third lockdown begins	Roadmap Step 1	Roadmap Step 2	Roadmap Step 3		Step 4	
	18 Dec 19	26 Mar 20	4 Jul 20	3 Aug 20	22 Sep 20	14 Oct 20	5 Nov 20	2 Dec 20	21 Dec 20	6 Jan 21	8 Mar 21	12 Apr 21	17 May 21	14 Jun 21	19 Jul 21	04 Oct 21
HCV	179	179	149	152	159	159	150	149	151	149	149	140	140	140	141	137
PHV	477	425	379	389	385	389	386	366	377	375	355	347	342	359	359	346
Total	656	604	528	541	544	548	536	515	528	524	504	487	482	499	500	483
Difference between key milestones		-52	-76	13	3	4	-12	-21	13	-4	-20	-17	-5	17	1	-13
Difference before lockdown		-52	-128	-115	-112	-108	-120	-141	-128	-132	-152	-169	-174	-157	-156	-173

Drivers

	31 Mar 23	13 Apr 23	20 Apr 23	9 May 23	30 Jun 23	13 Jul 23	25 Aug 23	26 Sep 23								
HDL	61	64	63	63	54	65	64	64								
Dual	172	170	172	174	180	182	186	184								
PHDL	363	361	359	365	367	366	369	367								
Total	596	595	594	602	601	613	619	615								
Difference between key milestones	-2	-1	-1	+8	-1	+12	+6	-4								
Difference before lockdown	-137	-138	-139	-131	-132	-120	-114	-118								

Vehicles

	31 Mar 23	13 Apr 23	20 Apr 23	9 May 23	30 Jun 23	13 Jul 23	25 Aug 23	26 Sep 23								
HCV	148	149	146	145	161	165	175	167								
PHV	390	394	401	396	397	404	419	398								
Total	538	543	547	541	558	569	594	565								
Difference between key milestones	+15	+5	+4	-6	+17	+11	+25	-29								
Difference before lockdown	-118	-113	-109	-115	-98	-87	-62	-91								

Department of Transport statistics – 31 March 2022

	Hackney Carriage				Private Hire					Dual drivers		Total drivers licences issued	Total licensed Vehicles
	Wheelchair Accessible taxis	Other taxis	Total taxis	Taxi only licensed drivers	Wheelchair Accessible taxis	Other PHVs	Total PHVs	Operator licences issued	PHV only licenced Drivers	Dual taxi/PHV driver licences	Both taxi and PHV driver licences		
Ashford	19	78	97	0	0	132	132	79	159	141	0	300	229
Canterbury	25	218	243	112	57	529	586	128	619	178	0	909	829
Dartford	56	0	56	42	10	50	60	22	76	38	0	156	116
Dover	0	69	69	0	5	101	106	33	5	224	0	229	175
Gravesham	31	94	125	0	3	47	50	39	43	140	0	183	175
Maidstone	48	0	48	8	2	191	193	28	234	76	0	318	241
Sevenoaks	5	141	146	127	18	85	103	35	87	79	0	293	249
Shepway	14	199	213	27	8	84	92	45	91	219	0	337	305
Swale	31	138	169	0	12	29	41	32	2	298	0	300	210
Thanet	2	76	78	97	25	363	388	42	390	0	8	495	466
TMBC	3	145	148	61	18	372	390	103	363	172	0	596	538
TWBC	22	85	107	0	10	129	139	51	0	269	0	269	246

1.3 Hackney Carriage & Private Hire

- 1.3.1 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.
- 1.3.2 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'. No fee is chargeable, or recoverable, in respect of enforcement in relation to these licences.
- 1.3.3 For vehicle (both hackney carriage and private hire) and private hire operators' licences, fee levels are governed by s.70 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 –
- 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;
 - the reasonable cost of providing hackney carriage stands; and
 - 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.

Costs for plates, holders and door insignia

- 1.3.4 The costs for plates, holders and door insignia are not set by the Licensing and Appeals Committee.
- 1.3.5 The costs shown are the current manufacturer's costs and are subject to change anytime during the year, without reference to the Licensing and Appeals Committee.
- 1.3.6 A table showing the existing and proposed fees for 2024-25 is shown as **Annex 1**.

Fee model

- 1.3.7 The fee model sheets for the main Taxi fee increase show officer cost and time in the validating, processing, issuing and enforcement cost where applicable. Sample sheets are shown as **Annex 2**.

1.4 Legal Implications

- 1.4.1 As set out above.

1.5 Financial and Value for Money Considerations

1.5.1 As set out above.

1.6 Risk Assessment

1.6.1 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.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 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 2024.

Background papers:

Department of Transport statistics
Home Office statistics

contact:

Anthony Garnett 6151
Katie Shipman 6027

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

Annex 1 - Licensing Services Fees 2024/25

Notes:

- Licensing fees are set by Licensing and Appeals Committee under delegated powers. 2022/23 fees are being presented to the Licensing and Appeals Committee on the 29 November 2023.
- All Taxi fees would need to go out on consultation for 4 weeks and advertised in local paper. If TMBC receives any objections, then a new Licensing and Appeals Committee will need to consider any objections made.
- Fee increases are currently scheduled to be discussed at the Licensing and Appeals Committee meeting on the 29 November 2023.
- Licensing Act 2003 fees are set by Central Government
- Gambling Act fees upper limits are set by Government – TMBC is at the top of the permitted fees we can charge.
- Animal licences are between one and three years depending on star rating granted on grant or renewal.

Driver Licences – 3 years	2023-24	2024/25	Sevenoaks No increase for 22/23	Maidstone	Tunbridge Wells
Hackney Carriage (New)	269*	281*	264	353* (includes £24 to unmet demand survey plus £8.5 for maintenance of TV monitor)	
Private Hire (New)	269*	281*	264	271	
Dual	297*	310*	264	353* (includes £24 to unmet demand survey plus £8.5 for maintenance of TV monitor)	284*
Hackney Carriage (Renewal)	269*	281*	183	344 (includes £24 to unmet demand survey plus £8.5 for maintenance of TV monitor)	

Driver Licences – 3 years	2023-24	2024/25	Sevenoaks No increase for 22/23	Maidstone	Tunbridge Wells
Private Hire (Renewal)	269*	281*	183	266	
Dual (Renewal)	297*	310*	183	344 (includes £23.50 to unmet demand survey plus £8 for maintenance of TV monitor)	239*

*Includes cost of DBS check at £38

Vehicle Licences – one year	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Hackney Carriage (New)	280*	294	325	327 (includes £24 to unmet demand survey plus £8.50 for maintenance of TV monitor)	316 (includes £30 to unmet demand survey)
Private Hire (New)	270*	284	297	302	278
Hackney Carriage (Renewal)	260*	273	325	327 (includes £24 to unmet demand survey plus £8.50 for maintenance of TV monitor)	294 (includes £30 to unmet demand survey)
Private Hire (Renewal)	260*	273	297	302	257

* Includes cost of plates and door insignia in case of Hackney Carriage – (does not include plate holders)

** Includes cost of replacement external and internal Plates - (does not include plate holders)

	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Plate Exempt Fee	47	48	42	34	49
Transfer from Hackney to Private Hire			78	74	77
Transfer from Private Hire to Hackney			99	74	77

Operator Licence	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
5 Year Licence – per vehicle	88	92	5 years - £747 (N)	5 years - £552 (N)	5 years - £623 (N)
During first year	88	92	5 years - £586 (R)	5 years - £462 (R)	5 years - £612 (R)
During second year	70	73	3 years - £534 (N)	3 years - £386 (N)	3 years - £415 (N)
During third year	53	55	3 years - £374 (R)	3 years - £313 (R)	3 years - £410 (R)
During fourth year	35	37	1 year - £324 (N)	1 year - £223 (N)	1 year - £2230 (N)
During fifth year	18	19	1 year - £164 (R)	1 year - £147 (R)	1 year - £213 (R)
			(N)= New (R) = Renewal	(N)= New (R) = Renewal	(N)= New (R) = Renewal
Add or remove a name from a vehicle or operator licence					14

Insurance Plates	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
(Hackney Carriage Vehicle)– first month	65*	68	Up to two months is (£95)		Up to two months is (£81)
(Hackney Carriage Vehicle)– each additional month	45	47			
(Private Hire Vehicle) – first month	56**	59			
(Private Hire Vehicle) – each additional month	45	47			

* Includes cost of external / internal Plates, Fare Chart and Insignia (does not include holders)

** Includes cost of external / internal Plates (does not include holders)

Additional Costs	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Driver Badge with plastic holder/lanyard & admin fee	14	15	24	12	11
Driver Badge with admin fee only (no holder)	13	14			
Plastic holder for Driver Badge & Lanyard only	1.10	1.20			
DBS administration fee			30.00		54
Change of driver type			54.00		
Replace Vehicle Plate				26	28
Change of Ownership of licensed vehicle			27.00	79	84

Additional Costs	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Duplicate paper licence			10.00		14
Change of name and address (driver badge not included)			18.00		14
Replace internal plate holder				2	
Vehicle exemption certificate					54

Knowledge Test	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Attempting knowledge test*	60	60	51.50	36	55
Attempting knowledge test again after first failure	60	60	51.50	36	55

Current fees and charges - Administration Fees

Administration charges	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
General	44	46	30	51	54
Transfer of Vehicle	22	23			
Change of name / address	12	13	13.5	13	13
Change of name / address for a drivers badge				23	
Copy of existing paper licence	13	13	13.50	13	13
Cheques referred to drawer					11

Current fees and charges - Scrap Metal Dealers

Scrap Metal Dealers	2023-24			2024/25		
	Part A Fee	Part B Fee	Total Fee	Part A Fee	Part B Fee	Total Fee
Scrap Metal – Mobile Collectors Licence (new and renewal)	78	222	300	258	89	347
Scrap Metal –Site Licence	104	296	400	343	119	462
Scrap Metal – Renewal of Site Licence	94	266	360	309	107	416

	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Scrap Metal – Mobile Collectors Licence (new and renewal)				320	331
Scrap Metal –Site Licence				525	543
Scrap Metal – Renewal of Site Licence				445	459
Minor admin change to licence				35	36
Variation of site manager				187	196
Variation from collector to site licence				228	235
Variation from site to collector licence				149	152

Current fees and charges - Street Trading Consents

Street trading consents	2024/25		
	Part A Fee	Part B Fee	Total Fee
Fixed pitch – annual consent	£252	£168	£420
Fixed pitch – monthly consent	£70	£0	£70
Fixed Pitch 1 – 7 days	£20	£0	£20

	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Initial application				Up to 12 trading days £32	74
Pitch fee				Up to 30 trading days £69 Up to 90 trading days £189 Full years consent £405	30

Current fees and charges – Film classification

	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Film classification	£80 per hour	£80 per hour			£79 per hour

Current fees and charges - Sex Establishments

Sex Establishment	2024/25			
	Part A Fee	Part B Fee	Total Fee	
Sex Establishments: sex shop or sex cinema	1000	1000	2000	<p>A judgment of the Supreme Court in a case involving Westminster City Council has provided further clarification of the type of costs which may be taken into account when setting fees, and when fees may be payable. Pending further guidance from the European Court of Justice, the judgment of the Supreme Court established that a licensing regime may operate on the basis that an applicant must pay:</p> <ul style="list-style-type: none"> i. on making the application, the costs of the application process and, ii. on the application being successful, a further fee to cover the costs of the running and enforcement of the licensing regime.

Current fees and charges – Boating licences

	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Pleasure boats	184	184		137	
Boatman	36	36		16.50	
Row boats	36	36		28	

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Current fees and charges – pre-application advice

	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Small application - up to one hour of advice	60			75
Medium application - up to two hours advice	130			155
Large application - up to four hours advice	250			294
Events up to 1000 capacity includes the cost of specialist officers and site visits.	360			397
Events between 1001 and up to 1999 capacity includes the cost of specialist officers and site visits.	500			559
Events between 2000 and up to 4999 capacity includes the cost of specialist officers and site visits.	700			773

Events 5000 people or more includes the cost of specialist officers and site visits.	1,000			1149
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Current fees and charges - Hypnotism licence

Hypnotism licence	2023-24	2024/25	Sevenoaks	Maidstone	Tunbridge Wells
Hypnotism licence	33	35			

	2023-24	2024/25	10% increase
Acupuncture, electrolysis and ear piercing (premises and 1 practitioner)	£175	£175	£193
Cosmetic piercing, tattooing, semi-permanent make up (premises and 1 practitioner)	£200	£200	£220
Additional treatments at same premises when applied for at the time of original application	£55	£55	£60
Additional practitioners at same premises	£55	£55	£60

Animal Welfare Licensing

Current Animal Welfare Licensing Fees -

This new fee tables spits out the fees into 9 Groups

Animal Welfare Licences	Part A Fee	Part B Fee	Total Fee	2024/25
GROUP 1 Provision of Boarding for Cats Provision of Boarding for Dogs in Kennels Home Boarders (1 to 5 boarded dogs) Dog Day Care (1 to 5 day care dogs) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	390	167	557	612
GROUP 2 Home Boarders (6 or more boarded dogs) Dog Day Care (6 or more day care dogs) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	445	167	612	673
GROUP 3 Dog breeders (1 to 5 breeding bitches) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	430	190	620	682
GROUP 4 Dog breeders (6 or more breeding bitches) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	460	190	650	715
GROUP 5 Hiring Out Horses Plus initial & 12 monthly veterinary fees based upon an hourly rate (including travel time)	400	205	605	665
GROUP 6 Selling Animals as Pets (Domestic or Small Shop unit) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	355	150	505	555
GROUP 7 Selling Animals as Pets (Retail Estate unit) Plus veterinary fees based upon an hourly rate (including travel time) if necessary	400	170	570	627

Animal Welfare Licences	Part A Fee	Part B Fee	Total Fee	2024/25
GROUP 8 Keeping or Training Animals for Exhibition All licences last for 3 years Plus veterinary fees based upon an hourly rate (including travel time) if necessary	345	150	495	545
GROUP 9 Part A Agents, Franchises, Arrangers for Home Boarding and Day Care where Agent is NOT BOARDING THEMSELVES Plus veterinary fees based upon an hourly rate (including travel time) if necessary (up to 5 hosts) additional fee for every host	365 89			400 98
GROUP 9 Part B Licence to ARRANGE Home Boarding and Day Care where Agent is NOT BOARDING THEMSELVES Plus veterinary fees based upon an hourly rate (including travel time) if necessary additional fee for every 5 hosts *Where host has to apply for Home Boarding Licence in their own right with Group 1 or 2 licence fee payable plus Vet fee.	100			110
(1 to 5 Hosts)	281			309
(6 to 10 Hosts)	462			508
(11 to 15 Hosts)	643			707
(16 to 20 Hosts)	824			906
(21 to 25 Hosts)	1,005			1105
For each additional 5 hosts	181			199

Gambling Act 2005 Fees

<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

Note: Tonbridge & Malling Borough Council are already charging the maximum per licence as allowed under the Gambling Act 20

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1																		
2		SLO	£45.45															
3		LO	£33.76															
4	Driver badge		£0.00															
5		Legal TMB	£75.75															
6		Committee	£55.99															
7		Fin	£48.45															
8																		
9	telephone costs		SLO	LO	legal	COM	Fin	SLO	LO	legal	COM	Fin	total					
10	Documents cost												TMBC					
11	Financial admin												4					
12	production of information												7					
13	documentation / awareness												10					
14	Assistance to applicant		0.2	0.2				£9.09	£6.75	£0.00	£0.00		£15.84					
15	Knowledge Test		0.4	0.35				£18.18	£11.82	£0.00	£0.00		£30.00					
16	Check information NR3 Check		0.3	0.3				£13.64	£10.13	£0.00	£0.00		£23.76					
17	Medical checks		0.2	0.2				£9.09	£6.75	£0.00	£0.00		£15.84					
18	DVLA / Tax and right to work check		0.3	0.3				£13.64	£10.13				£23.76					
19	DBS appointment		0.3	0.3				£13.64	£10.13				£23.76					
20	process application fee		0.2	0.2			0.1	£9.09	£6.75	£0.00	£0.00		£15.84					
21	load application onto computer		0.3	0.3				£13.64	£10.13	£0.00	£0.00		£23.76					
22	Print card / paper licence		0.2	0.2				£9.09	£6.75	£0.00	£0.00		£15.84					
23	contact applicant to clarify details							£0.00	£0.00	£0.00	£0.00		£0.00					
24	Office - overheads (In salary costs)												£0.00					
25	representations							£0.00	£0.00	£0.00	£0.00		£0.00					
26	negotiation							£0.00	£0.00	£0.00	£0.00		£0.00					
27	inspection visit							£0.00	£0.00	£0.00	£0.00		£0.00					
28	Enforcement		0	0				£0.00	£0.00	£0.00	£0.00		£0.00					
29	determine application		0.22	0.22				£10.00	£7.43	£0.00	£0.00		£17.43					
30	sub total		2.62	2.57	0	0		£119.09	£86.76	£0.00	£0.00		£235.29					
31	hearing to be arranged		2.2	0.5				£100.00	£16.88	£0.00	£0.00		£116.88					
32	determine application - Hearing		3	1	3	3		£136.36	£33.76	£227.24	£167.96		£565.32					
33	notify relevant persons		0.5	0.5	0.03	0.03		£22.73	£16.88	£2.27	£1.68		£43.56					
34	application granted		0.75	0.25				£34.09	£8.44	£0.00	£0.00		£42.53					
35	update register			0.25				£0.00	£8.44	£0.00	£0.00		£8.44					
36	hearing & Members allowance																	
37	sub total							£412.27	£171.15	£229.51	£169.64		£768.29					
38	application rejected - prepare for an appeal		20	2	12	1		£909.09	£67.52	£908.96	£55.99		£1,941.56					
39	appeal hearing (1st Meeting / PTR)			0	13	0		£0.00	£0.00	£984.71	£0.00		£984.71					
40	post appeal hearing			2.5	2	0		£0.00	£84.39	£151.49	£0.00		£235.89					
41	total		29.07	9.57	30.03	4.03		£1,321.36	£323.06	£2,274.68	£225.62		£3,162.15					
42								£384.14		£1,581.08								

Annex 2

← Officer rates per hour

Proposed fee

£235.29

£7.68

£242.97

round number

1%

£243.00

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Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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