

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

29 November 2016

Report of the Director of Central Service and Monitoring Officer

Part 1- Public

Delegated

1 REVIEW OF FEES AND CHARGES 2017/18 - LICENSING FEES

1.1 Executive Summary

1.1.1 The responsibility for setting the licensing fees and charges for 2017/18 is with the Licensing & Appeals Committee.

1.1.2 The review has been carried out by the Licensing and Community Safety Manager and the report sets out the recommended changes to the existing fee structure.

1.1.3 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 Tonbridge & Malling Borough Council's 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. These fees have not increased since the Act come into force.

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.

1.1.4 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.
- 1.2.4 The Deregulation Act 2005 has increased the duration of the Operator's licence from 3 to 5 years and the proposed fee level is per vehicle.

Fee model

- 1.2.5 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. These sheets are shown as **Annex 2**.

Holders for plates

- 1.2.6 The cost for plate holders is not included in any plate costs and the fee charged is subject to manufacture pricing.

Other licensing & registration fees

- 1.2.7 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 2017/18 are also contained in the table at **Annex 1**.

1.3 Legal Implications

- 1.3.1 As set out above.

1.4 Financial and Value for Money Considerations

- 1.4.1 As set out above.

1.5 Risk Assessment

- 1.5.1 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.

1.6 Equality Impact Assessment

- 1.6.1 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.

1.7 Recommendations

- 1.7.1 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 2017.

Background papers:

Nil

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