

Licensing and Appeals Committee

26 November 2025

Part 1 - Public

Matters for Decision Under Delegated Powers



Cabinet Member

Responsible Officer Eleanor Hoyle, Director of Planning, Housing and Environmental Health

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Review of Licensing Fees and Charges 2026/27

1 **Summary and Purpose of Report**

- 1.1 The responsibility for setting the licensing fees and charges for 2026/27 is with the Licensing & Appeals Committee. This report gives details of the proposed Licensing fees and charges for 2026/27.

2 **Corporate Strategy Priority Area**

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the borough are granted the appropriate permissions under the relevant legislation.

3 **Recommendations**

- 3.1 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 2026.

4 **Introduction and Background**

- 4.1 The review has been conducted by the Interim Regulatory Services Manager and the report sets out the recommended changes to the existing fee structure.
- 4.2 The proposed charges for 2026/27 have taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:

- Fees and charges should reflect the Council's strategic priorities and other corporate aims, recognising there may be trade-offs as these are not mutually exclusive.
- Fees and charges should have due regard to the Council's Medium Term Financial Strategy.
- If there is to be a subsidy from the Council taxpayer to the service user, this should be a conscious choice.
- The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
- Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body).
- Fees and charges should not be used to provide a subsidy from the Council taxpayer to commercial operators.
- There should be consistency between charges for similar services.
- Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.

- 4.3 It is essential considering the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these comparisons are included in relevant sections of the report for Member consideration.
- 4.4 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.
- 4.5 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

- 4.6 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.
- 4.7 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 consider 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.
- 4.8 The principal areas covered by Type 3 above is that relating to Hackney Carriage/Private Hire licensing and Animal licensing. Further details in respect of these areas is set out below.

European Service Directive

- 4.9 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.
- 4.10 These provisions have been considered in setting the fees set out in this document.

4.11 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 considered 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.

4.12 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).

4.13 Taxi Licensing is exempt from this ruling.

5 Summary of Numbers of Licences

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

	27/10/25	13/11/24	26.09.23	10.11.22	04.10.21	20.04.21	18.12.19
Hackney Carriage Vehicles	192	172	167	144	137		179
Hackney Carriage Drivers	54	56	64	62	70		99
Dual Driver badges	226	219	184	164	167		178
Private Hire Operator	92		102	111	116		105
Private Hire Vehicles*	356	380	398	361	346		477
Private Hire Drivers	331	354	367	376	391		456

Total taxi licences	1251	1,181	1,282	1,218	1,227		1,494
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Number of Drivers	611	629	615	602	628		733
Scrap Metal - Site licence	0	2	2	3	2	2	3
Scrap Metal – Mobile licence	5	5	7	8	7	6	7
Lottery Licences	63	55	70	69	64	60	75
Adult Gaming Centres	1	1	1	1	1	1	1
Betting Shops	7	8	8	8	8	8	8
Boatman Licence	10	8	8	4	4	4	5
Club Premises Licence	22	28	28	28	29	29	29
Premises Licences	392	375	375	370	370	360	352

	27/10/25	13/11/24	26.09.23	10.11.22	04.10.21	20.04.21	18.12.19
Dangerous Wild Animals	2	2	1	1	1	1	1
Hypnotism Licence	0	0	0	0	0	0	0
Street Traders Licence	0	0	0	0	0	0	1
Personal Licences	1976	1818	1,806	1,767	1,747	1,817	1,750
Sex Shop	1	1	1	1	1	1	1
Animal Boarding**							
Home Boarding**							
Pet Shop **							
Animal Activity	43	37	38	39	36	33	26
Riding Establishments							
Zoo licensing	1	1	1	1	1	1	1
Total	3774	3,522	3,628	3,518	3,498	3,568	3,780

Licensing Act 2003

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

Annual fee income

5.3 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.”

5.4 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	61	5	66	£4,620
"B" - £180	198	16	214	£38,520
"C" - £295	53	1	54	£15,930
"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	392	22	414	£78,220
Additional Fee for Hop Farm Event licence				£8,000
Additional Fee for Humphrey Bean				£640
Total	392	22	414	£86,860

6 Hackney Carriage & Private Hire

- 6.1 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.
- 6.2 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'.
- 6.3 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 conducting 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.

- 6.4 S.70 of the 1976 Act also provides that should the Council determine that the fees be varied, they shall publish in at least one local newspaper a notice setting out the variation proposed and allowing a minimum 28-day period from the publication of the notice for any objections to the fee increase to be made.
- 6.5 Should members agree to the recommendation of this report, the notice mentioned in 6.4 will be published as soon as possible and any objections received reported to committee in March 2026 for consideration prior to the new Hackney and Private Hire fees coming into force on 1st April 2026.
- 6.6 A table showing the existing 2025-26 fees and proposed fees for 2026-27 is presented at **Annex 1**.

Fee model

- 6.7 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 at **Annex 2**.

Costs for plates, holders, and door insignia

- 6.8 The costs for plates, holders and door insignia are not set by the Licensing and Appeals Committee.
- 6.9 Any 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.

7 Proposal

- 7.1 The proposed scale of fees for licences, consents and registrations set out in **Annex 1** of this report

8 Financial and Value for Money Considerations

- 8.1 As set out above

9 Risk Assessment

- 9.1 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.

10 Legal Implications

- 10.1 As set out above

11 Consultation and Communications

- 11.1 As set out above in 6.4 and 6.5, the agreed taxi fee increases will have to be published for taxi stakeholders to make comment or objection. If any objection is made, these will be considered at the next Licensing and Appeals Committee meeting scheduled for the 25 March 2026.

12 Implementation

- 12.1 Agreed fee increase will take effect from the 1 April 2026

13 Cross Cutting Issues

- 13.1 Following corporate guidelines for all of the charges included in this report has ensured a standard approach across different services

14 Climate Change and Biodiversity

- 14.1 A moderate source of emissions is likely to be maintained at current levels or increased.
- 14.2 The Taxi and Private Hire vehicle fleet is continually being renewed as older vehicles cannot be licenced after the age of ten years.

15 Equalities and Diversity

- 15.1 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.

16 Other If Relevant

- 16.1 None

Background Papers	Department of Transport statistics Home Office statistics
Annexes	Annex 1 – Proposed fees and charges for 2026/27 Annex 2 – Example of fee model calculation that is used to model fees