

# Notice of Licensing Committee



Date: Thursday, 26 January 2023 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

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## Membership:

### Chair:

Cllr J J Butt

### Vice Chair:

Cllr T Johnson

Cllr S C Anderson  
Cllr J Bagwell  
Cllr D Brown  
Cllr R Burton  
Cllr N Decent

Cllr B Dion  
Cllr G Farquhar  
Cllr D Farr  
Cllr D A Flagg  
Cllr M Howell

Cllr D Kelsey  
Cllr L Williams  
Cllr K Wilson

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All Members of the Licensing Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5547>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 01202 127564 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

18 January 2023



Available online and  
on the Modern.gov  
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## Maintaining and promoting high standards of conduct

### Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

#### Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

#### Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer  
([susan.zeiss@bcpcouncil.gov.uk](mailto:susan.zeiss@bcpcouncil.gov.uk))

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

### Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

### Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

### Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

# AGENDA

Items to be considered while the meeting is open to the public

## 1. **Apologies**

To receive any apologies for absence from Councillors.

## 2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

## 3. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

## 4. **Public Issues**

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a public statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

## 5. **Fee Review - Gambling Act, Scrap Metal, Pleasure Boats, Sex Establishments and Licensing Act**

5 - 18

The purpose of this report is for the Licensing Committee to consider a cost of living increase in of the non-statutory set fees charged for licences/registrations which are administered by the Licensing Committee.

The fees under review are as follows:

The Gambling Act 2005 sets statutory fees for certain activities. In addition the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices)

Regulations 2007 allows local authorities to set fees up to a statutory maximum for certain types of premises such as casinos, bingo halls and betting shops.

Scrap Metal Dealers Act 2013 sets the framework for issuing licences for scrap metal collectors and sites. The legislation allows local authorities to set fees to cover the costs of administering the licences and includes any necessary compliance checks.

The Public Health Acts Amendment Act 1907 (Section 94) and the Local Government (Miscellaneous Provisions) Act 1976 (Section 18) governs the licensing of pleasure boats which are hired and self-driven or provide passage for up to 12 passengers.

Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) and the Policing & Crime Act 2009 (Section 27) legislate the licensing of sexual entertainment and sex establishments. Schedule 3, para 19 states that an application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

The Licensing Act 2003 sets the national fees all Local Authorities can charge for the administration of all licenses under the Act which includes the annual fees. The fees were set when the legislation was created in 2005 and there has been no review of these fees since then.

## **6. Review of Hackney Carriage and Private Hire Licence Fees**

19 - 24

The purpose of this report is for the Committee to consider an increase to the fees charged by BCP Council for the administration of the Hackney Carriage and Private Hire licensing regime.

The Local Government (Miscellaneous Provisions) Act 1976, Section 53 allows local authorities to set the fees charged to recover the costs associated with the administration and compliance of licensing drivers of Hackney Carriage and Private Hire vehicles.

Section 70, of the Act, requires that the fees are charged to recover the costs for administration of licences for vehicles and operators. Any change to these fees is subject to a 28-day minimum consultation period.

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

## LICENSING COMMITTEE



Report subject	<b>Fee Review - Gambling Act, Scrap Metal, Pleasure Boats, Sex Establishments and Licensing Act</b>
Meeting date	26 January 2023
Status	Public Report
Executive summary	<p>The purpose of this report is for the Licensing Committee to consider a cost of living increase in of the non-statutory set fees charged for licences/registrations which are administered by the Licensing Committee.</p> <p>The fees under review are as follows:</p> <p>The Gambling Act 2005 sets statutory fees for certain activities. In addition the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 allows local authorities to set fees up to a statutory maximum for certain types of premises such as casinos, bingo halls and betting shops.</p> <p>Scrap Metal Dealers Act 2013 sets the framework for issuing licences for scrap metal collectors and sites. The legislation allows local authorities to set fees to cover the costs of administering the licences and includes any necessary compliance checks.</p> <p>The Public Health Acts Amendment Act 1907 (Section 94) and the Local Government (Miscellaneous Provisions) Act 1976 (Section 18) governs the licensing of pleasure boats which are hired and self-driven or provide passage for up to 12 passengers.</p> <p>Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) and the Policing &amp; Crime Act 2009 (Section 27) legislate the licensing of sexual entertainment and sex establishments. Schedule 3, para 19 states that an application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.</p> <p>The Licensing Act 2003 sets the national fees all Local Authorities can charge for the administration of all licenses under the Act which includes the annual fees. The fees were set when the legislation was created in 2005 and there has been no review of these fees since then.</p>

Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Councillors</b></p> <p><b>1.Consider the proposed fees as set out in the appendices of this report and</b></p> <p><b>a)Agree the proposed fees as stated; or</b></p> <p><b>b) Agree any amended fees they deem fit; or</b></p> <p><b>c) Maintain the current fee structure.</b></p>
Reason for recommendations	<p>Increases in Officer salaries and supplies mean that all fees need to be reviewed and increased in line with inflationary changes for 2022 and to reflect predicted increases for 2023.</p>



Portfolio Holder(s):	Councillor Bobbie Dove Portfolio Holder for Community Safety and Regulatory Services
Corporate Director	Jess Gibbons, Chief Operating Officer
Report Authors	Sarah Rogers, Interim manager – Licensing Nananka Randle, Interim Head of Safer Communities
Wards	Council-wide
Classification	For Decision

## Background

1. The current non statutory licensing fees were agreed by the Licensing Committee at their meeting on 4<sup>th</sup> March 2021. Since then, the officer salaries and associated costs have increased. As such the fee levels have now been reviewed with the Finance Officer to take into account costs for this financial year.
2. There is uncertainty about any pay increases as we move forward into the next financial year. If and when any further pay rises are implemented a further review of the fees shall be made and reported to the Licensing Committee as necessary.
3. Reference has been made to the guidance as set out in the Local Government Association Guide to locally set fees. <https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>
4. The fees are calculated by assessing the time it takes for each step in the application process for each function.
5. The estimated cost for the compliance checking has also been included where necessary. The time has been assigned to different roles and the costs based on hourly rates. There is also a proportion attributed to these fees for management time which will include the costs associated with running the Department and Services involved with delivering a function associated with one or more licensing regimes.
6. In calculating these fees officers have taken into account the Supreme Court's rulings in the Hemming case which dealt with the setting of fees on a cost recovery basis.
7. It is proposed that the fees will be implemented as of 1 April 2023.

### **Gambling Premises Licences**

8. The Gambling Act 2005 regulates the licensing regime associated with gambling premises.
9. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (2007 Regulations) impose a cap on the maximum amount of fee that Licensing Authorities can charge for certain types of premises such as betting shops or bingo halls, in all other cases the fees are set by statute.
10. The regulations set out the maximum fees a local authority can charge for the administration of the regime.

11. The fees as set out in Appendix 1 show the current and proposed increased fees which will bring our fees to the maximum permitted to be charged.

### **Scrap Metal**

12. The legislation allows the local authority to set the fee required to administer the regime and ensure compliance. The income generated by the fees should not exceed the costs to the service.
13. The local authority must review the fees regularly to check whether they remain appropriate.
14. The fees are set out in Appendix 2 and show the current fee and the proposed fee.

### **Pleasure Craft (Class B and C) and Water Boatman Licences**

15. Section 94 of the Public Health Acts Amendment Act 1907 and section 18 of the Local Government (Miscellaneous Provisions) Act 1976 empowers Local Authorities licence pleasure boats and pleasure vessels to be let for hire (Class C) or to be used for the carrying of passengers for hire (Class B), and to the persons in charge of or navigating such boats and vessels and may charge for each type of licence such annual fee as appears to them to be appropriate.
16. The legislation covers any boat or craft with the capacity of up to 12 persons.
17. The fees are set out in Appendix 2 and show the current fee and the proposed fee.

### **Sex Establishment and Sexual Entertainment Venues**

18. The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 s19 states that an application for the grant, variation, renewal or transfer of a licence shall pay a reasonable fee determined by the appropriate authority.
19. The current and proposed fees are set out in Appendix 2.

### **Licensing Act 2003 Statutory Set Fees**

20. Statutory fees for premises licences, club premises certificates, temporary event notices and personal notices are currently prescribed by the Licensing Act (Fees) Regulations 2005. The Licensing Authority has no control over these fees.
21. The statutory fee levels are set out in Appendix 3. These fee levels have not been revised or amended by Central Government since 2005.
22. The fees associated with applications and renewals in most cases does not cover the costs of administration of the regime.
23. For example, the fee for a Temporary Event Notice (TEN) is £21.00, these on average require at least an hour of officer time, however in the event the TEN received an objection this can then extend to over 4 hours officer time in arranging the sub-committee, writing reports, liaising with responsible authorities and the applicant. These objections often get mediated to agreement and don't go as far as Committee, however the preliminary work is still required just in case.
24. On average the cost to the Authority is £48.00 per application. We receive around 700 TEN's per year.

### **Options Appraisal**

25. Members are asked to consider the fees as proposed and



- a) Agree the proposed fees; or
- b) Agree amended fees following consideration; or
- c) Maintain the current fee structure.

### **Summary of financial implications**

- 26. The costs have been calculated taking into account increased costs incurred in the administration of the service which include the already agreed 22/23 salary increase.
- 27. Failure to review the fees will result in an increase in the gap between income and the costs incurred by the Authority.

### **Summary of legal implications**

- 28. The fees are required to meet the costs of the services and must be set in accordance with the legislation on a cost recovery basis. If the fees are set incorrectly this can result in judicial review.

### **Summary of human resources implications**

- 29. The delivery of the service will remain within existing staffing levels.

### **Summary of sustainability impact**

- 30. Not applicable

### **Summary of public health implications**

- 31. Not applicable

### **Summary of equality implications**

- 32. An Equalities Impact Assessment (EIA) screening document has been completed. It will be presented to the EIA panel on 19<sup>th</sup> January 2023.

### **Summary of risk assessment**

- 33. Not applicable

### **Background papers**

The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007  
<https://www.legislation.gov.uk/ukSI/2007/479/contents/made>

Scrap Metal Dealers Act 2013: guidance on licence fee charges  
<https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges>

Public Health Act 1907  
[Public Health Acts Amendment Act 1907 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1907/57)

Local Government (Miscellaneous Provisions) Act 1976  
<https://www.legislation.gov.uk/ukpga/1976/57>

Supreme Court ruling on the Hemmings Case

<https://www.supremecourt.uk/cases/docs/uksc-2013-0146a-judgment.pdf>

Licensing Act 2003 (Fees) Regulations 2005

[The Licensing Act 2003 \(Fees\) Regulations 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/30/section/100)

## **Appendices**

1 - Gambling Act 2005 Fees

2 – Scrap Metal, Pleasure Boats and SEV Fees

3 – Licensing Act 2003 Fees

**Gambling Act fees**

<b>Existing Casino</b>	<b>Current Fees</b>	<b>Statutory Maximum</b>	<b>Proposed Fees 2023</b>
Annual Fee	£ 2,700.00	£ 3,000.00	£ 3,000.00
Variation Application	£ 1,700.00	£ 2,000.00	£ 2,000.00
Transfer Application	£ 1,700.00	£ 1,800.00	£ 1,800.00
Application for Re-instatement	£ 1,300.00	£ 1,350.00	£ 1,350.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>New Small Casino</b>			
New Application	£ 7,750.00	£ 8,000.00	£ 8,000.00
Annual Fee	£ 4,800.00	£ 5,000.00	£ 5,000.00
Variation Fee	£ 3,300.00	£ 4,000.00	£ 4,000.00
Transfer Fee	£ 1,650.00	£ 1,800.00	£ 1,800.00
Application for Re-instatement	£ 1,650.00	£ 1,800.00	£ 1,800.00
Application for Provisional Statement	£ 7,800.00	£ 8,000.00	£ 8,000.00
Licence Application (Provisional Statement Holders)*	£ 2,850.00	£ 3,000.00	£ 3,000.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>New Large Casino</b>			
New Application	£ 9,700.00	£ 10,000.00	£ 10,000.00
Annual Fee	£ 9,500.00	£ 10,000.00	£ 10,000.00
Variation Fee	£ 3,950.00	£ 5,000.00	£ 5,000.00
Transfer Fee	£ 2,100.00	£ 2,150.00	£ 2,150.00
Application for Re-instatement	£ 2,100.00	£ 2,150.00	£ 2,150.00

Application for Provisional Statement	£ 9,650.00	£ 10,000.00	£ 10,000.00
Licence Application (Provisional Statement Holders)*	£ 4,900.00	£ 5,000.00	£ 5,000.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>Family Entertainment Centre</b>			
New Application	£ 1,700.00	£ 2,000.00	£ 2,000.00
Annual Fee	£ 700.00	£ 750.00	£ 750.00
Variation Application	£ 900.00	£ 1,000.00	£ 1,000.00
Transfer Application	£ 800.00	£ 950.00	£ 950.00
Application for Re-instatement	£ 800.00	£ 950.00	£ 950.00
Application for Provisional Statement	£ 1,700.00	£ 2,000.00	£ 2,000.00
Licence Application (Provisional Statement Holders)*	£ 850.00	£ 950.00	£ 950.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>Adult Gaming Centre</b>			
New Application	£ 1,700.00	£ 2,000.00	£ 2,000.00
Annual Fee	£ 700.00	£ 1,000.00	£ 1,000.00
Variation Application	£ 900.00	£ 1,000.00	£ 1,000.00
Transfer Application	£ 800.00	£ 1,200.00	£ 1,200.00
Application for Re-instatement	£ 800.00	£ 1,200.00	£ 1,200.00
Application for Provisional Statement	£ 1,700.00	£ 2,000.00	£ 2,000.00
Licence Application (Provisional Statement Holders)*	£ 850.00	£ 1,200.00	£ 1,200.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>Bingo Club</b>			

New Application	£ 3,000.00	£ 3,500.00	£ 3,500.00
Annual Fee	£ 900.00	£ 1,000.00	£ 1,000.00
Variation Application	£ 1,500.00	£ 1,750.00	£ 1,750.00
Transfer Application	£ 900.00	£ 1,200.00	£ 1,200.00
Application for Re- instatement	£ 900.00	£ 1,200.00	£ 1,200.00
Application for Provisional Statement	£ 3,000.00	£ 3,500.00	£ 3,500.00
Licence Application (Provisional Statement Holders)*	£ 1,100.00	£ 1,200.00	£ 1,200.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>Betting (excluding Track)</b>			
New Application	£ 2,500.00	£ 3,000.00	£ 3,000.00
Annual Fee	£ 600.00	£ 600.00	
Variation Application	£ 1,450.00	£ 1,500.00	£ 1,500.00
Transfer Application	£ 900.00	£ 1,200.00	£ 1,200.00
Application for Re- instatement	£ 900.00	£ 1,200.00	£ 1,200.00
Application for Provisional Statement	£ 2,300.00	£ 3,000.00	£ 3,000.00
Licence Application (Provisional Statement Holders)*	£ 1,100.00	£ 1,200.00	£ 1,200.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00
<b>Betting Track</b>			
New Application	£ 2,350.00	£ 2,500.00	£ 2,500.00
Annual Fee	£ 900.00	£ 1,000.00	£ 1,000.00
Variation Application	£ 1,200.00	£ 1,250.00	£ 1,250.00
Transfer Application	£ 900.00	£ 950.00	£ 950.00
Application for Re- instatement	£ 900.00	£ 950.00	£ 950.00
Application for Provisional Statement	£ 2,350.00	£ 2,500.00	£ 2,500.00

Licence Application (Provisional Statement Holders)*	£ 800.00	£ 950.00	£ 950.00
Copy of Licence	£ 25.00	£ 25.00	£ 25.00
Notification of Change	£ 50.00	£ 50.00	£ 50.00

**Scrap Metal Fees**

	Current Fees	Proposed Fees 2023
Collectors	£ 430.00	£ 455.00
Site	£ 605.00	£ 620.00
Variation	£ 110.00	£ 125.00
Replacement licence	£ 85.00	£ 100.00
Pre app advice	£ 100.00	£ 130.00

**Pleasure Boat Fees**

	Current fee	Proposed Fee
Class B	£ 85.00	£ 95.00
Class C (up to 5 boats)	£ 95.00	£ 100.00
Each additional 5 boats	£ 29.50	£ 38.00
Water boatman	£ 85.00	£ 100.00

**Sexual Establishment Fees**

<b>Sexual Entertainment Venues</b>	Current Fees	Proposed Fees 2023
New Application	£ 2,790.00	£ 3,045.00
Renewal	£ 1,080.00	£ 1,465.00
Variation/Transfer	£ 820.00	£ 840.00
Minor Variation	£ 252.00	£ 275.00
<b>Sex shops</b>		
New Application	£ 2,790.00	£ 3,045.00
Renewal	£ 1,080.00	£ 1,465.00
Variation/Transfer	£ 820.00	£ 840.00
Minor Variation	£ 252.00	£ 252.00





**Licensing Act 2003 – Statutory Application Fees**

<b>Fees are based on the non-domestic rateable value of the property as follows:</b> *see multiplier information					
<b>Band</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D*</b>	<b>E*</b>
<b>Non-domestic rateable value</b>	None to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to 125,000	£125,001 plus
<b>New Application / Variation Fee</b>	£100	£190	£315	£450	£635
<b>Multiplier</b> applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises <b>(Bands D and E only)</b>				Multiplier (x2) £900	Multiplier (x3) £1,950
<b>Annual Fee</b>	£70	£180	£295	£320	£350
<b>Annual multiplier</b> applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises <b>(Bands D and E only)</b>				Multiplier (x2) £640	Multiplier (x3) £1,050

<b><u>Additional Fees for Exceptionally Large Events</u></b> (in addition to fees in above table)			
Number in attendance at any one time	Additional application fee	Additional annual fee	
5,000 – 9,999	£1,000	£500	
10,000 – 14,999	£2,000	£1,000	
15,000 – 19,999	£4,000	£2,000	
20,000 – 29,999	£8,000	£4,000	
30,000 – 39,999	£16,000	£8,000	
40,000 – 49,999	£24,000	£12,000	
50,000 – 59,999	£32,000	£16,000	
60,000 – 69,999	£40,000	£20,000	
70,000 – 79,999	£48,000	£24,000	
80,000 – 89,999	£56,000	£28,000	
90,000 and above	£64,000	£32,000	

<b><u>Other Statutory Licensing Application Fees:</u></b>	
<b>Type of Application</b>	<b>Fee</b>
Personal Licence	£37
Temporary Event Notice (TEN)	£21
Theft, Loss etc of Premises Licence/Club Premises Certificate or summary, Personal Licence or TEN	£10.50
Notification of Change of Name and/or Address, registered address of club or change of club rules	£10.50
Provisional Statement	£315.00
Vary Designated Premises Supervisor (DPS)	£23
Transfer Premises Licence	£23
Interim Authority Notice	£23
Notification of Interest	£21
Minor Variation	£89
Removal of DPS at Community Premises	£23

## LICENSING COMMITTEE



Report subject	<b>Review of Hackney Carriage and Private Hire Licence Fees</b>
Meeting date	26 January 2023
Status	Public Report
Executive summary	<p>The purpose of this report is for the committee to consider an increase to the fees charged by BCP Council for the administration of the Hackney Carriage and Private Hire licensing regime.</p> <p>The Local Government (Miscellaneous Provisions) Act 1976, section 53 allows local authorities to set the fees charged to recover the costs associated with the administration and compliance of licensing drivers of Hackney Carriage and Private Hire vehicles.</p> <p>Section 70, of the Act, requires that the fees are charged to recover the costs for administration of licences for vehicles and operators. Any change to these fees is subject to a 28-day minimum consultation period.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the proposed fees and either</b></p> <ul style="list-style-type: none"> <li><b>a) Agree the proposed fees as stated</b></li> <li><b>b) Agree amended fees following consideration</b></li> <li><b>c) Maintain the current fee structure.</b></li> </ul> <p><b>Any change in the fees for vehicles and Private Hire Operators is subject to a 28-day consultation period.</b></p>
Reason for recommendations	<p>The legislation allows for full cost recovery of the administration of the licensing of drivers, vehicles and operators. Due to increases in the council's operating costs as a result of inflationary increases, the current licence fees have been reviewed.</p> <p>It is proposed to implement any changes to the fees on 1<sup>st</sup> April 2023.</p>

Portfolio Holder(s):	Councillor Bobbie Dove Portfolio Holder for Community Safety and Regulatory Services
Corporate Director	Jess Gibbons, Chief Operating Officer
Report Authors	Trudi Barlow, Interim manager – Hackney Carriage and Private Hire Licensing Nananka Randle, Interim Head of Safer Communities
Wards	Council-wide
Classification	For Decision

## Background

1. The current set of fees for the administration of Hackney Carriage and Private Hire licences was implemented on the 1 June 2021. Since then, inflation has resulted in increases in the costs associated with the administration of the service. This includes salary pay award for 2022, corporate recharges and direct oncosts for supplies.
2. The Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to charge fees on a cost recovery basis only. The proposed changes to the fees include the cost of administration, compliance checks and the issuing of licences, and plates.
3. Hackney Carriage licensing fees also includes recharges for the upkeep of taxi ranks and the requirement to undertake an unmet needs survey every three years.
4. Since 2021 driver fees include the cost of six-monthly DBS status checks, as well as HMRC, DVLA check and right to work checks at renewal,
5. The proposed fees are as shown at Appendix 1 and have been calculated to reflect the actual cost to BCP Council of providing the service which includes increased salary and corporate recharges.
6. It is recognised that inflationary pressures and increases in cost of living has a broad impact across the community and local businesses. However, the Council must apply cost recovery fee structures where this is permitted by statute, in order that the cost of relevant services do not present an additional burden to the council tax payer.
7. The Hackney Carriage trade has received two fare increases during this financial year. On 10 March 2022 the Licensing Committee agreed an 8% increase in taxi tariff. A further increase of 6% was approved on 15 September 2022.
8. It is proposed that any change in fees will be implemented from 1 April 2023.

## **Consultation**

9. There is a statutory requirement to advertise the change in fees for vehicle and Private Hire Operators licences.
10. A notice must be published in a local paper advising of the variation in fees and set out the consultation period which shall be no less than 28 days. In addition, the notice must be displayed in the Civic Offices for a minimum 28-day period.
11. If no objections are received the new fees will come into force on the date specified.
12. If there are objections which are not withdrawn, then a further Committee meeting will be required to consider the matter further. This meeting must take place within 2 months of the expiry of the consultation.

## **Options Appraisal**

13. Members are asked to either
  - a) Agree the proposed fees as presented, or
  - b) Agree amended fees, or
  - c) Maintain the current fee structure
14. Once the fee level is agreed if there is an increase or variation members are asked to approve publishing the necessary notices.

## **Summary of financial implications**

15. The fees must cover the cost of delivery of the service. The finance officer has reviewed the proposed fees and confirmed that they are set appropriately.
16. If the fees are not sufficient to cover the costs associated with the delivery of the service, there is a risk that staff costs may need to be reduced to reflect any income shortfall.

## **Summary of legal implications**

17. The fees are required to meet the costs of the services and must be set in accordance with the legislation on a cost recovery basis. If the fees are set incorrectly this can result in judicial review.

## **Summary of human resources implications**

18. The delivery of the service will remain within existing staffing levels.

## **Summary of sustainability impact**

19. Not Applicable

## **Summary of public health implications**

20. The licensing regime ensures passenger safety

## **Summary of equality implications**

21. An Equalities Impact Assessment (EIA) screening document has been completed. It will be presented to the EIA panel on 19 January 2023.

### **Summary of risk assessment**

- 22. If the fees are set incorrectly this can result in judicial review.
- 23. If the fees are not correct, licence holders may choose not to renew with BCP and may seek licences elsewhere.
- 24. The fees as proposed have been carefully considered and calculated based on officer time for each licensable activity. These fees are regularly reviewed and amended as necessary.

### **Background papers**

Local Government (Miscellaneous Provisions) Act 1976

[Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1976/67/contents/enacted)

### **Appendices**

Appendix 1 – Current and proposed fees



## Taxi and Private Hire

**VEHICLES**

New/Replacement Private Hire Vehicle Application Fee	£ 85.00	£ 105.00
New/Replacement Hackney Carriage Vehicle Application Fee	£ 110.00	£ 150.00
Private Hire Vehicle Licence (1 year)	£ 160.00	£ 175.00
Hackney Carriage Vehicle Licence (1 year)	£ 200.00	£ 225.00
Transfer of vehicle licence	£ 65.00	£ 90.00
Temporary replacement authorisation and plate	£ 75.00	£ 80.00
Replacement plate	£ 50.00	£ 65.00
Replacement door insignia	£ 30.00	£ 50.00
3rd Party Adverts	£ 100.00	£ 115.00

**DRIVERS**

New drivers' application inc. knowledge test and DVLA check	£ 160.00	£ 175.00
Knowledge test resit	£ 70.00	£ 75.00
Driver Issue/reissue of licence 3 year	£ 335.00	£ 350.00
Driver Issue/reissue of licence 1 year	£ 198.00	£ 210.00
Dual Licence additional fee	£ 50.00	£ 50.00
Change of details/replace licence	£ 15.00	£ 20.00

**OPERATORS**

Application for new operator's licence (non-returnable)	£ 65.00	£ 70.00
Issue/reissue application for up to 10 vehicles (5 year)	£ 285.00	£ 305.00
For each additional 10 vehicle	£ 22.00	£ 30.00

Current fee	Proposed fee 2023/24
£ 85.00	£ 105.00
£ 110.00	£ 150.00
£ 160.00	£ 175.00
£ 200.00	£ 225.00
£ 65.00	£ 90.00
£ 75.00	£ 80.00
£ 50.00	£ 65.00
£ 30.00	£ 50.00
£ 100.00	£ 115.00
£ 160.00	£ 175.00
£ 70.00	£ 75.00
£ 335.00	£ 350.00
£ 198.00	£ 210.00
£ 50.00	£ 50.00
£ 15.00	£ 20.00
£ 65.00	£ 70.00
£ 285.00	£ 305.00
£ 22.00	£ 30.00

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