

Decision under Delegated Powers

Officer Requesting Decision

Licensing Manager

Officer Making the Decision

Interim Head of Regulatory and Community Safety

Recommendations

1. That the statutory fees that Charnwood Borough Council is required to charge in respect of the specified licences under the Licensing Act 2003 as listed in **Appendix A** and the Gambling Act 2005 as listed in **Appendix B** to this report be noted and implemented from **1st April 2023**.
2. That the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees as listed in **Appendix C (Taxis)**, be approved for publication, in line with the relevant legislation, confirming the intention to charge these fees from **1st April 2023**. The last increase to the Taxi Fees was 2019 prior to the pandemic.
3. That following the publication and consultation, the fees outlined in **Appendix C (Taxis)**, if no objections are raised, will be implemented in line with Appendix C. If objections are received, which are then not withdrawn, the fees at Appendix C would be referred to the Licensing Committee.
4. That the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees as listed in **Appendices D & E (Sex shop and Scrap Metal)** to this report be approved and implemented from **1st April 2023**. The last review of the Sex Shop and Scrap Metal fees was in 2019. Please note that currently Charnwood has no sex shop establishments, as they closed during the pandemic.

Reasons

1. To note the current statutory fees charged for certain licences.
2. To approve the proposed discretionary fees for Taxis for publication prior to implementation.
3. **To implement the fees in Appendix C.**
4. To approve the proposed discretionary fees for Sex Establishment and Scrap Metal Dealers.

Authority for the Decision

The power to set fees for licensed drivers is set out in Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, whilst the power to set fees for licensed vehicles and operators is Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

Under the provisions of, the Licensing Act 2003, Gambling Act 2005 and the Local Government (Miscellaneous Provisions) Act 1982, and Scrap Metal Dealers Act 2013, the Council has the power to set fees and charges to cover the costs of the relevant licensing provisions.

The findings of the Hemmings v Westminster City Council case determined that a Council may charge for the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. The steps may include administrative costs, the costs of vetting the applicant applying for the licence and the costs of investigating the compliance within the terms of the licence. The case also established the importance that surpluses as well as deficits within the Licensing Regime should also be carried forward.

Under the Council's Constitution the Licensing Committee are responsible for all the Council's licensing functions which are not the responsibility of the Executive. The Head of Regulatory and Community Safety has delegated power to undertake the periodic review of fees and charges raised within the service area and falling within the scope of the Council's Income and Charging Policy Framework (Section 8.2 of the Constitution under Delegation to Heads of Service – item 1).

Decision and Date



Andy Thomas
Interim Head of Regulatory and
Community Safety

01st March 2023

Background

On the 10th February 2015, the Licensing Committee approved that the fee approval process for hackney carriage and private hire licensing would be that the Head of Regulatory and Community Safety publish a notice in a local newspaper with the proposed vehicle and operator fee increases as required under S70 Local Government (Miscellaneous Provisions) Act 1976. However to ensure transparency all hackney carriage and private hire licence fees are included. Prior to doing so the Head of Regulatory and Community Safety is to formally consult with the Council's Finance Section, the Chair of the Licensing Committee and the relevant Cabinet Lead Member. The discretionary fees and charges will be confirmed by a delegated decision by the Head of Regulatory and Community Safety.

Consideration has been taken into account of Charnwood Borough Councils Income and Charging Policy.

A benchmarking exercise has also been undertaken with the other Leicestershire Licensing Authorities to ensure that the Councils fees are in line and remain competitive.

If any objections are received and not withdrawn the fees will be referred to the Licensing Committee for the fees to be determined. If objections are withdrawn prior to the Licensing Committee meeting then the fees will become lawful at the time of the final objection withdrawal. If no objections are received, the newly amended fees would take immediate effect on the date of the expiration specified in the advertised notice.

There has been no increase in the licence fees since May 2019 due to Covid .

VIP who provides the Plating Consumables (the items required to make the licence plates and badges for taxis) review their prices annually. In the year 2020/2021 VIP's prices increased by 2.7% in line with RPI (Retail Price Index). For the year 2021/2022, the VIP annual price review saw an increase of 1.4% in line with RPI (Retail Price Index) and in 2022/2023 the VIP annual price review saw an increase of 7.8%.

Charnwood Borough Council review their costs against the CPI (Consumer Price Index) and since the last increase to the Licensing fees and annually these increases have been 2020 – 0.3%, 2021 - 5.1% and 2022 10.7%. These increases have been incorporated into the costs.

Whilst there has been an increase in the cost of the Licence fees, they remain below the outlined costs in Appendices, C D & E. They are proposed to be set at this level to remain competitive alongside neighbouring licensing authorities.

The procedure and process of obtaining a vehicle, driver and Private Hire operator licence with Charnwood Borough Council has changed since March 2020, due to the series of lockdowns that the Country and the Council experienced. Prior to the Pandemic, Licensing Customers were seen by the Customer Service Team. The application process is now more electronic and back office orientated, with applications being received by email or via the post. The Licensing team issue vehicle licence/plates and combined driver licences/badges directly to the customer at a dedicated desk in the Customer Service Centre.

A condition of licence from the 1st April 2020 was that all new and existing hackney carriage/private hire drivers were required to subscribe to the Disclosure Barring Service (DBS) update Service. Subsequently the number of DBS registrations required reduced, as applicants were only required to complete a DBS registration on first application. On receipt of their Disclosure, they would register for the online service, removing the need for a further DBS application on renewal. The pandemic resulted in a further reduction of drivers, able to obtain their DBS, as the Council was unable to see the driver face to face to assist the completion of the necessary forms.

Due to these reductions, in the number of DBS disclosure applications dealt with, Charnwood Borough Council ceased to meet the conditions of registration in February 2021 to continue as a Registered Body for the Disclosure and Barring Service (DBS). The criminal record check of a hackney carriage/private hire driver is an essential safety measure in assessing whether an applicant is 'fit and proper' to hold a licence.

During the Pandemic lockdown the Council used a temporary solution offered by a third party company, Taxi Plus (formerly known as Personnel Checks) for hackney carriage and private hire drivers to obtain their DBS checks. Licensing staff continued to check DVLA driving licences via the DVLA check code facility. From the 6th April 2022, the Council signed up to the permanent solution offered by Taxi Plus, which offered a complete service of DBS Checks, DVLA driver licence checks and continuous status checks to check that the driver remains signed up to the DBS Update Service throughout the length of their 3 year licence/badge. The continuous status check allows the Council to ensure that the driver remains signed up to the DBS Update service and that a driver has received no additional convictions.

The Taxi plus system allows applicants/drivers to obtain their DBS and DVLA checks quickly and electronically, ensuring that the Council carries out the necessary checks on the fit and properness of the applicant/driver. The applicant/driver can also apply for these in their own time ensuring that they do not lose time on the road.

An additional check was introduced in March 2022 for licensed drivers and Private hire Operators in the form of the HMRC 'Tax Conditionality.' A new driver must confirm that they are aware of their requirements to register for tax, with the HMRC, by signing a declaration to that effect on their application form, whilst a renewing driver provides a nine digit code to show they are registered for tax purposes. This is not a financial check and Council Officers cannot see the financial details of drivers. The Licensing Staff carry out this check on receipt of a driver or private hire operators grant or renewal application form.

Licensing staff are also required under the 'Taxi Standards' introduced in July 2020 to use the NR3 (National Refusal and Revocations Register) to check that any new applicant or renewing driver with Charnwood Borough Council Licensing have not held a previous hackney carriage or private hire drivers licence or Private Hire Operators licence with another licensing authority which was refused or revoked.

All of these changes and processes are carried out directly by Licensing Staff, not the Customer Service Centre Advisors. The new electronic processes mean that an applicant/driver can send his application for his vehicle licence in by email, and his Combined Driver application by post or drop it in at the Council offices. This saves an applicant/driver from having to attend the Council Offices, to have application forms completed or documents checked, removing the possibility of losing time on the road working.

Implementation Timetable

The agreed fees and Charges 2023/2024, subject to consideration of any appropriate significant objections for the Private Hire and Hackney Carriage Licence fees at Appendix C , which are required to be advertised, shall come into effect on the 1st April 2023.

Proposed Fees

The Chair of the Licensing Committee and the Lead Member for Business Support have been consulted on the proposed fees, which are detailed in Appendices C, D, & E of the report and have approved them for implementation.

A breakdown of the estimated costs for the administration, determination and compliance checks for each licence is outlined within Appendices C to E.

It is open to the Council to charge a reasonable fee, but this must not be more than the actual costs outlined in Appendices C to E.

The Licensing Act Fees (**Appendix A**) were set by Central Government and have not increased since 2003, meaning that the statutory fee income received to administer and enforce these licences have not increased. Therefore in real terms the overall income received by the authority (linked to inflation and costs) has reduced. The Service will continue to look at how to process and administer these licences in the most efficient manner.

It is proposed to revise the Sex Establishment fees at this time, to represent the different costs for a Grant Application to that of the renewal. There are currently not any licensed sex establishments within Charnwood but it is considered prudent to have a licensing fee.

The Scrap Metal Dealers Fees were introduced in 2013 and it is proposed to increase the Scrap Metal Fees to reflect the actual costs of the service in 2023/2024.

An additional check was introduced in March 2022 for Scrap Metal dealers in the form of the HMRC 'Tax Conditionality' A new business must confirm that they are aware of their requirements to register for tax with the HMRC by signing a declaration to that effect on their application form, whilst a renewing business provides a nine digit code to show they are registered for tax purposes. This is not a financial check and Council Officers cannot see the financial details of drivers. This check is carried out by the Licensing staff on receipt of a scrap metal dealer application form.

Comments from HR

HR comments are not applicable to the content of this report and have, therefore, not been obtained.

Financial Implications

The additional renewal fees for the future year of 2023/2024 will approximately increase the Licensing fee income by **£2325.00**, which will contribute to the increased costs of the service, as a result of inflation and salary increases since 2019.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Challenge that the Council fees are not reasonable	Possible	Moderate	The fees have been set with consideration to guidance issued for the settings of fees and charges to ensure that the cost of administering each licence provision is covered. Calculation of fees will be undertaken in consultation with the finance section of the Council. In respect of the Taxis consideration has been taken into account that they do not result in trade numbers falling and therefore impacts on the service provision to the public of Charnwood.
The new fees not being set by the 1 st April or May 2023	Unlikely	Moderate	Once approved the fees will be advertised and any objections discussed with the view of the objection being withdrawn, preventing need for further hearing.

Key Decision: No

Background Papers: None

Contact Officers
Andy Thomas
Interim Head of Regulatory Services
01509 634650
Andy.Thomas@charnwood.gov.uk

Grace Dowson
Licensing Manager
01509 632597
Grace.dowson@charnwood.gov.uk

Appendix A

Licensing Act 2003 Fees (set by Central Government in 2003)

Premises Licence/Club Premises Licence

Grant/Variation

Band	Non-domestic rateable value	Application Fee	Annual Charge
A	£0-£4300	£100	£70
B	£4301-£33000	£190	£180
C	£33001-£87000	£315	£295
D	£87001-£125000	£450	£320
E	£125001 and over	£635	£350

A multiplier is applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol;

Band	Application fee	Annual charge
D (x2)	£900	£640
E (x3)	£1905	£1050

Exemptions:

There are exemptions to the payment of fees. These are:

- No fee is to be payable by the proprietor of a school or college if the application is for the provision of regulated entertainment only and the entertainment is carried on by the school or college for or on behalf of the purposes of the school or college
- No fee is payable in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building if the application is for the provision of regulated entertainment only.

Miscellaneous/Other licences

Occasion on which fee may be payable	Fee
Application for minor variation of premises licence/club certificate	£89
Temporary Event Notice	£21
Personal Licence	£37
Application of copy of licence/notice on theft, loss etc.	£10.50
Application for a provisional statement where premises being built	£315
Notification of change of the name or address (Personal Licence)	£10.50
Application to vary licence to specify individual as DPS	£23
Application to disapply DPS on premises licence	£23
Application for transfer of premises licence	£23
Interim authority notice	£23
Notification of change of name or alteration of club rules	£10.50
Change of relevant registered address of club	£10.50
Application of copy of licence/notice on theft, loss etc. of Temporary Event Notice.	£10.50
Notice of interest in any premises	£21

Appendix B

Gambling Act 2005 (Maximum fees set by Central Government 2007)

Fees Charged under the Gambling Act 2005

Premises Type	Transitional Fast-Track Application £	Transitional Non-Fast Track Application £	New Application £	Annual Fee £
Existing Casinos	300	2000	n/a	3000
New Small Casino	n/a	n/a	8000	5000
New Large Casino	n/a	n/a	10000	10000
Regional Casino	n/a	n/a	15000	15000
Bingo Club	300	1750	3500	1000
Betting Premises (excluding tracks)	300	1500	3000	600
Tracks	300	1250	2500	1000
Family Entertainment Centres	300	1000	2000	750
Adult Gaming Centre	300	1000	2000	1000

	Application to vary	Application to transfer	Application for re-instatement	Application for Provisional Statement	Licence Application (Provisional Statement holders)	Copy Licence	Notification of Change
Existing Casinos	2000	1350	1350	n/a	n/a	25	50
New Small Casino	4000	1800	1800	8000	3000	25	50
New Large Casino	5000	2150	2150	10000	5000	25	50
Regional casino	7500	6500	6500	15000	8000	25	50
Bingo Club	1750	1200	1200	3500	1200	25	50
Betting Premises (excluding tracks)	1500	1200	1200	3000	1200	25	50
Tracks	1250	950	950	2500	950	25	50
Family Entertainment Centres	1000	950	950	2000	950	25	50
Adult Gaming Centres	1000	1200	1200	2000	1200	25	50

Permits – these fees are set by the Secretary of State and the Licensing Authority has no discretion to change them. SI 2007/454 & SI 2007/455

Permit Type	Application Fee	Annual Fee	Renewal Fee
Small Society Lottery Registration	40	20	n/a
Family Entertainment Centre Gaming Machine Permit	300	n/a	300
Alcohol Licensed Premises – Notification of 2 or Less Machines	50	n/a	n/a
Alcohol Licensed Premises Gaming Machine Permit – more than 2 machines	150	50	n/a
Club Gaming Permit	200 100 (FastTrack)	50	n/a
Club Gaming Machine Permit	200 100 (FastTrack)	50	n/a

Permits – Miscellaneous Fees

	Change of Name	Copy of Permit	Variation	Transfer
Family Entertainment Centre Permits	25	15	n/a	n/a
Prize Gaming Permits	25	15	n/a	n/a
Alcohol Licensed Premises – Notification of 2 or less machines	n/a	n/a	n/a	n/a
Alcohol licensed premises Gaming Machine Permit – more than 2 machines	25	15	100	25
Club Gaming Permit	n/a	15	100	n/a
Club Gaming Machine Permit	n/a	15	100	n/a
Small society lottery	n/a	n/a	n/a	n/a

APPENDIX C

Proposed fees for Hackney Carriages and Private Hire Licences

Licence	Current Fee 2019/20	Proposed Fee 2023/2024
Combined Hackney Carriage and Private Hire Driver Licence, (3 yearly)	190.00	Grant (New) Combined Drivers Licence = £230.00 Renewal of Combined Drivers Licence = £210.00
Private Hire Operators Licence (annual)	1–3 vehicles £795.00 (5 years) (£159.00 per year)	1–3 vehicles £800.00 (5 years) (£160.00 per year)
	4 – 9 vehicles £915.00 (5 years) (£183.00 per year)	4 – 9 vehicles £925.00 (5 years) (£185.00 per year)
	£1065.00 (5 years) (£213.00 per year)	£1075.00 (5 years) (£215.00 per year)
Hackney Carriage/Private Hire Vehicle	Grant of a vehicle licence = £189.00	Grant of Vehicle Licence with brackets = £230.00 Grant of Vehicle Licence without brackets = £205.00
Renewal of Hackney Carriage or Private Hire Vehicle	£170.00	Renewal of vehicle licence = £180.00
Miscellaneous Fees		
Transfer of Vehicle	£29.00	£38.00
Transfer of Status of Vehicle (hackney to private hire or private hire to hackney)	£170.00	£180.00
Replacement Plate (Lost or stolen)	£13.00	£15.00
Replacement licence document	£13.00	£15.00
Duplicate Copy of Interim/Annual letter	£5.00	£5.00
Knowledge Test	£54.00	£60.00

Cost breakdown for Hackney Carriage and Private Hire Fees

1. Hackney Carriage Vehicle New

Process	Approx Time Allocation 2023/2024	Costs 2023/2024
Administration	3 hours and 50 mins	£149.22
Compliance and Enforcement	1 hour 20 mins	£53.72
New Consumables 2022		£56.54 (with brackets) £31.77 (without brackets)
	Total Cost	£259.48 (with brackets) £234.71 (without brackets)

2023/2024 Proposed Licence fee (new) based on benchmarking exercise **£230.00** (for new vehicles whose owner/driver requires brackets) and **£ 205.00** (for vehicles whose owners/drivers already have brackets).

2. Hackney Carriage Vehicle Renewal

Process	Approx Time Allocation 2023/2024	Costs 2023/2024
Administration	3 hours 14 minutes	£133.42
Compliance and Enforcement	1 hour 20 minutes	£53.72
New Consumables 2022		£26.42
	Total Cost	£213.56

2023/2024 Proposed Licence fee based on benchmarking exercise **£180.00**

3. Private Hire Vehicle New

Process	Approx Time Allocation 2023/2024	Costs 2023/2024
Administration	3 hours and 50 mins	£149.22
Compliance and Enforcement	1 hour 20 mins	£53.72

New Consumables 2022		£56.54 (with brackets) £31.77 (without brackets)
	Total Cost	£259.48 (with brackets) £234.71 (without brackets)

2023/2024 Proposed Licence fee (new) based on benchmarking exercise **£230.00** (for new vehicles whose owner/driver requires brackets) and **£ 205.00** (for vehicles whose owners/drivers already have brackets).

4. Private Hire Vehicle Renewal

Process	Approx Time Allocation 2023/2024	Costs 2023/2024
Administration	3 hours 14 minutes	£133.42
Compliance and Enforcement	1 hour 20 minutes	£53.72
New Consumables 2022		£26.42
	Total Cost	£213.56

2023/2024 Proposed Licence fee based on benchmarking exercise **£180.00**

5. New (Grant) Combined Drivers Licence (Hackney Carriage & Private Hire Driver (3 year licence)

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	6 hours 20 mins	£310.68
Compliance and Enforcement	3 hours	£120.09
New Consumables 2022		£7.70
	Total Cost	£438.47

2023/2024 Proposed Licence fee based on benchmarking exercise **£230.00**

6. Renewal Combined Drivers licence (Hackney Carriage & Private Hire Driver (3 year licence)

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	4 hours 59 mins	£199.27

Compliance and Enforcement	3 hours	£120.09
New Consumables 2022		£7.70
	Total Costs	£327.06

2023/2024 Proposed Licence fee based on bench marking exercise **£210.00**

7. Private Hire Operator New (5 year licence)

Process	Approx Time Allocated 2023/2024	2023/2024
Administration	2 hours 45 mins	£118.72
Compliance and Enforcement	2 hours 20 mins	£96.00
New Consumables 2023/2024		£0.46
	Total Cost (based on 1-3 vehicles)	£215.18

2023/2024 Proposed Licence fee based on benchmarking exercise **£160.0 – £215.00** dependent upon number of vehicles, (**5 yearly fee £800.00– £1075.00 dependent on number of vehicles**)

1–3 vehicles £800.00 (5 years) (£160.00 per year)
4 – 9 vehicles £925.00 (5 years) (£185.00 per year)
£1075.00 (5 years) (£215.00 per year)

8. Private Hire Operator Renewals

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	2 hours and 15 mins	£95.34
Compliance and Enforcement	1 hour 35 mins	£65.10
Consumables 2023/2024		£0.46
	Total Cost (based on 1 – 3 vehicles)	£160.90

2023/2024 Proposed Licence fee based on benchmarking exercise £160.0 – £215.00 dependent upon number of vehicles, (5 yearly fee £800.00– £1075.00 dependent on number of vehicles)

1–3 vehicles £800.00(5 years) (£160.00 per year)
4 – 9 vehicles £925.00(5 years) (£185.00 per year)
£1075.00 (5 years) (£215.00 per year)

9. Vehicle Transfers

Process	ApproxTime Allocated 23/2024	Costs 2023/2024
Administration	1 hour and 10 mins	£45.08
Consumables (licence)2023/2024		£15.00
	Total Cost	£60.08

2023/2024 Proposed Licence fee based on benchmarking exercise £38.00 Transfer fee plus £ 15.00 documentation – Total Transfer Cost £53.00

10. Knowledge Test

Process	Time 2023/2024	Costs 2023/2024
Administration	2 hours 30 minutes	103.00
		103.00

2023/2024 Proposed fee based on benchmarking exercise - £ 60.00

APPENDIX D

Sex Establishment Licence

Licence	Current	Proposed
Licence Application – New	£1250	£1400.00
Licence Application – Renewal	£1250	£1250.00

Cost breakdown for Sex Establishment Licence

1. Grant (new) Applications

Process	Approx Time Allocation 23/24	Costs 23/24
Administration	13 hours 45	£606.46
Dealing with representations, hearings, compliance and enforcement.	24 hours and 10	£1136.24
VIP Consumables – secure paper		0.46
	Total Cost	1743.16

Proposed fee for Grant of licence 2023/2024, based on benchmarking exercise - **£1400.00**

2. Renewals

Process	Time 23/24	Costs 23/24
Administration	10 hours and 35 minutes	495.00
Dealing with representations, hearings, compliance and enforcement.	18 hours	912.89
	Total Cost	£1407.89

Proposed Fee for Renewal of Licence 2023/2024, based on benchmarking exercise - **£1250.00**

E – Scrap Metal Dealers

Licence	Current 2019	Proposed 2023/2024
Site Licence – New	300	310.00
Site Licence – Renewal	295	295.00
Site Licence - Variation	75	80.00
Collectors Licence – New	240	250.00
Collectors Licence – Renewal	235	245.00
Collectors Licence – Variation	75	80.00

Cost breakdown for Scrap Metal Dealers Licence

1. Site Licence – New

Process	Approx Time allocated 2023/2024	Costs 2023/2024
Administration	4 hours and 40 minutes	199.45
Compliance and enforcement.	3 hours	123.60
New Consumable		4.36
	Total Cost	327.41

2023/2024 proposed licence fee, based on benchmarking exercise - **£310.00**

2. Site licence – Renewal

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	4 hours	167.42
Compliance and enforcement.	3 hours	123.60
New Consumable		4.36
	Total Cost	295.38

2023/2024 proposed licence fee based on benchmarking exercise - **£295.00**

3. Site Licence Variation

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	1 hour and 50	83.47
	Total Cost	83.47

2023/2024 proposed licence fee based on benchmarking exercise - **£80.00**

4. Collectors Licence - New

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	3 hours and 50 min	165.27
Compliance and enforcement	2hours and 30 mins	103.00
New consumable		4.36
	Total Cost	272.63

2023/2024 proposed fee based on benchmarking exercise - **£ 250.00**

5. Collectors Licence - Renewal

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	3hours and 41 minutes	159.05
Compliance and enforcement	2hours and 30 mins	103.00
New Consumable		4.36
	Total Cost	266.41

2023/2024 proposed fee based on benchmarking exercise - **£ 245.00**

6. Collectors Licence - Variation

Process	Approx Time Allocated 2023/2024	Costs 2023/2024
Administration	1 hours and 55 mins	86.59
	Total Cost	86.59

2023/2024 proposed fee based on benchmarking exercise - **£80.00**