



# East Cambridgeshire District Council

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## Meeting: Licensing Committee

Time: 10:00am

Date: Wednesday 8 November 2023

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

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## Committee membership

**Quorum:** 5 members

### Conservative members

Cllr Christine Ambrose Smith  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Keith Horgan (Vice-Chairman)  
Cllr Julia Huffer (Chairman)  
Cllr Kelli Pettitt

### Conservative substitutes

Cllr Ian Bovingdon  
Cllr Bill Hunt  
Cllr Alan Sharp

### Liberal Democrat members

Cllr Charlotte Cane  
Cllr Mark Inskip  
Cllr John Trapp (Lead Member)  
Cllr Alison Whelan  
Cllr Gareth Wilson

### Liberal Democrat substitutes

Cllr Chika Akinwale  
Cllr Lorna Dupré  
Cllr Caroline Shepherd

**Lead Officer:** Liz Knox, Environmental Services Manager

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## AGENDA

- 1. Apologies and substitutions** [oral]
- 2. Declarations of interests** [oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

### 3. Minutes

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 4 September 2023.

### 4. Chairman's announcements [oral]

### 5. Review of Licensing Fees

### 6. Senior Licensing Officer's update [oral]

### 7. Forward agenda plan

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6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

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# East Cambridgeshire District Council

## **Minutes of a Meeting of the Licensing Committee**

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:00am  
on Monday 4 September 2023

### **Present:**

Cllr Christine Ambrose Smith  
Cllr Charlotte Cane  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Keith Horgan  
Cllr Julia Huffer  
Cllr Mark Inskip  
Cllr Kelli Pettitt  
Cllr Caroline Shepherd (substitute for Cllr Alison Whelan)  
Cllr John Trapp  
Cllr Gareth Wilson

### **Officers:**

Stewart Broome – Senior Licensing Officer  
Maggie Camp – Director Legal Services  
Caroline Evans – Senior Democratic Services Officer  
Liz Knox – Environmental Services Manager  
Angela Tyrrell – Senior Legal Assistant  
Hannah Walker – Trainee Democratic Services Officer

### **In attendance:**

Gemma Spencer – Licensing Support Officer  
Karen Wright – ICT Manager

## **5. Apologies and substitutions**

Apologies for absence were received from Cllr Alison Whelan.

Cllr Caroline Shepherd was attending as substitute.

## **6. Declarations of interest**

No declarations of interests were made.

## **7. Minutes**

The Committee received the Minutes of the meetings held on 14 December 2022 and 25 May 2023.

It was resolved unanimously:

That the Minutes of the Licensing Committee meeting held on 14 December 2022 and 25 May 2023 be confirmed as a correct record and be signed by the Chairman.

## **8. Chairman's announcements**

There were no Chairman's announcements.

## **9. CCTV in taxis consultation**

The Committee considered a report, Y33 previously circulated, that detailed the responses to the "Introduction of mandatory in-vehicle CCTV in hackney carriages and private hire vehicles" consultation which took place between 16 December 2022 and 13 March 2023.

The Senior Licensing Officer provided background to the consultation and explained that ECDC licence holders, those on the ECDC transport consultation list, Parish Councils, Ward Councillors, local and national charities, organisations and representative bodies, responsible authorities, and the general public (via the Council's website and the main library) had all been consulted.

A total of 35 responses were received, 20 from drivers licensed with the Council, 10 from members of the public, 3 from private hire operators licensed with the Council, and 2 from external organisations. There were currently 480 licences issued and therefore more responses over the 12 week consultation period would have been preferred, but the Senior Licensing Officer understood that the response rate was higher than that received by some other councils.

Tables 1, 2 and 3 within the report summarised the responses from licence holders, operators and the public regarding safety, vulnerability and verbal or physical abuse as well as their views on vehicle CCTV.

The responses to an open question highlighted concerns about privacy, data handling/protection/security, costs, and associated time off the roads regarding CCTV equipment, and the potential loss of contracts that did not wish to be recorded such as for Special Educational Needs transport. Positive comments were also received suggesting that safety may be improved, and contentious issues could be resolved.

The Senior Licensing officer was pleased to inform Members that ECDC licensed drivers felt safe whilst working, and only 3 of 20 reported they had been verbally abused, and none had been physically abused. He reported that only 4 of 20

would support mandatory CCTV at this time and none of the ECDC licensed operators who had responded supported the introduction of mandatory CCTV. The public responses showed that 9 of 10 respondents felt safe in an ECDC vehicle and none had reported any issues relating to harm or abuse. 4 of 10 stated that they felt more vulnerable at night, and 4 of 10 stated that they may use taxis more if mandatory CCTV was introduced.

The two external organisation responses included Witcham Parish Council, who felt CCTV would be beneficial but did not provide any reasoning. The position from the Licensed Private Hire Car Association (LPHCA) was that they did not support the blanket mandating of CCTV in taxis and had adopted the position taken by Transport for London (TfL) who left the decision as to whether to install CCTV to the licence holder, provided that they complied with the CCTV requirements laid down by TfL. Their response also detailed some areas of concern with CCTV in vehicles.

Members' attention was drawn to the Local Government Association's published document assisting councils in determining whether to mandate CCTV. The document advised that there would need to be clear evidence of an overwhelming need for CCTV within the Council's area. The Senior Licensing Officer explained that the numbers of incidents and complaints in recent years were low, and most related to poor driving which would not be captured if CCTV had been installed. He concluded that the consultation showed very low evidence of trade buy-in and support from the public. Given the lack of evidence, alongside the related privacy and cost implications, the Senior Licensing Officer stated that officers felt that the mandating CCTV in the licensed fleet would be disproportionate and should not go ahead at this time, but the existing CCTV condition wording should be improved, as detailed in paragraph 5.8 of the report to include licensed operator bases and the requirement for CCTV systems to comply with data protection laws and relevant codes of practice. The legal and cost implications of a blanket approach to introducing CCTV were also detailed.

In response to various questions from Members, the Senior Licensing Officer gave the following additional information:

- Routine audio recording was not permitted but could be used in an emergency, activated by a panic button for the driver and the passenger. When informing all licence holders of the outcome of this meeting, they would be reminded of the importance of complying with the legislation surrounding audio recording.
- Drivers who chose to install CCTV in their vehicles were required to comply with the Information Commissioner's Office (ICO) and, since the CCTV was not mandated, the Council was not the data controller in those circumstances. The recommendation to revise the wording of the existing CCTV condition sought to strengthen the requirements of the policy with regard to the law.
- In terms of police support for incidents, there were resourcing constraints and the very low number of reported incidents in East Cambridgeshire meant that it was not a priority area for them.
- The policy did not include dashcams since they faced externally. The driver would be the data controller for any footage and if there was a

complaint about poor driving then the complainant may be able to submit to them a lawful data request for the footage. Members of the public could also supply the Council with their own footage to support a complaint, but the Council could not request the general public to obtain evidence for them without considering covert intelligence gathering rules.

- There had only been two arrests of drivers, and one report of a driver being assaulted in the last 8 years. The public felt safe in ECDC-licensed vehicles and the trade were both professional and compliant, recognising that the whole trade would suffer if the public did not have faith in them.

The Chairman opened the debate. Members thanked the Senior Licensing Officer for his comprehensive report but expressed disappointment in the low level of responses to the consultation, although the responses themselves were encouraging that both drivers and the public felt safe. Based on the response rate, Members felt that there was no strong case to implement mandatory CCTV but the proposed change to the wording of the CCTV condition would be appropriate.

A Member requested more clarity on audio recording to prevent drivers from inadvertently breaching regulations. Another Member emphasised the cost of CCTV on small businesses, and whether it would make a difference potentially capturing crimes in the future. It was suggested by a Member that future responses from a consultation should be split to reflect gender, race, ethnicity etc to ascertain whether particular demographics had different views but recognised that, as the number of responses were low, it was not necessary in this instance.

A Member recognised the need for CCTV in larger metropolitan areas such as London, however in East Cambridgeshire the users tended to be regular customers.

The Senior Licensing Officer commented on the Members' discussion and advised that Officers would continue to monitor complaints, and if they were substantially increasing then the policy would be reviewed. The Environmental Services Manager emphasised that although the number of responses was low, in general people who did not have an issue may not have responded.

The Officer's recommendation to revise the condition wording but not mandate CCTV was proposed by Cllr Julia Huffer and seconded by Cllr Keith Horgan.

It was resolved (unanimously):

That the evidence fell short of the level necessary to mandate CCTV in licensed vehicles at this time, and that the existing CCTV condition contained in the Taxi Licensing Policy should be updated with the proposed condition contained in paragraph 5.8 of the Officer's report.



## 10. Taxi licensing policy – update

The Committee considered a report, Y34 previously circulated, that detailed the updates to the Taxi Licensing Policy for consultation with key stakeholders. The Senior Licensing Officer provided a background to remind Members that the Council was responsible for licensing hackney carriage vehicles and drivers, and private hire vehicles, drivers and operators within the Council's district boundary using powers granted in legislation. The current version of the Council's Hackney Carriage and Private Hire Licensing Policy came into effect on 11 November 2022 and allowed for non-substantial amendments to be made without consultation. Since 2017 various minor amendments had been made to the policy but, following a review of the policy, a small number of more substantial potential amendments had been identified and were detailed in Section 4 of the Officer's report.

Proposal 1 would be to increase the base model price of executive vehicles at point of manufacture from £35,000 to £50,000 to ensure that the executive exemption was fit for purpose and reflected the increasing costs of all vehicles since the £35,000 figure was set in 2017.

Proposal 2 would be to introduce the requirement for all new petrol and diesel vehicles (including petrol- and diesel-powered hybrids and LPG conversions) to be Euro 6 compliant. This proposal would be a measured step towards achieving lower NO<sub>x</sub>, HC and particulate pollution levels and move licence holders towards newer, greener, vehicles at a pace that was feasible from both an economic and technological viewpoint. Members were advised that generally all vehicles manufactured from 1 January 2015 were Euro 6 compliant and the vast majority of the Council's licensed vehicles were either Euro 6 or Euro 5 compliant. Details of the emissions limits for each category were also provided, together with the potential emissions savings per annum as the vehicles in each category were replaced with Euro 6 compliant vehicles.

Proposal 3 would introduce a 2-year deadline for all existing Euro 3 and a 5-year deadline for all existing Euro 4 and 5 petrol and diesel vehicles (including diesel- and petrol-powered hybrids and LPG conversions) to be Euro 6 compliant. He explained to Members that the proposed amendment would establish an irrefutable ground for refusing a renewal application when the existing licence expired beyond two or five years from the proposal taking effect. During this period, if an existing vehicle was written off, or replaced for any reason of non-compliance, the replacement vehicle must be of an equivalent Euro emissions level and CO<sub>2</sub> rating per km and be no older than the vehicle it replaced.

Proposal 4 would amend the rules regarding land line phones at operator bases to provide greater flexibility to operators, whilst ensuring that booking records could still be accessed and lawful as well as customers having a number to contact to speak to an operator.

Proposal 5 was to invite comments on any part of the current policy in force at that time. This would allow all key stakeholders to have the opportunity to comment on any part of the Licensing Policy in the interests of open regulation.

The current policy created a fair and transparent framework for all parties and the proposals were considered to relate to the Council's corporate objective for a cleaner, greener East Cambridgeshire, whilst striking a fair balance between environmental considerations and the difficulties faced by the trade both economically and technologically. Proposals 2 and 3 carried the added benefit of the improved safety standards and comfort of newer vehicles. Details of the financial implications of the five proposals and Members were reassured that any financial concerns raised by the trade during the consultation, would be considered by Members at a subsequent Committee meeting.

The Chairman then invited Members to ask questions to the Senior Licensing Officer. Two Members queried the assertion in paragraph 4.2.1 of the Officer's report, made without explanation or data, that practical limitations made strict low emission and zero emission vehicle policies unfeasible at this time. One also commented that, after the significant capital investment, electric vehicles had low running costs and many now had a good range between charges.

The Senior Licensing Officer made a comparison with Cambridge City Council which had a full electric policy for its hackney carriages and an ultra low emissions requirement for some other licensable categories. However, it was a more urban area with more public transport and a better charging infrastructure whereas the needs of users, the type of journeys and the infrastructure were different in East Cambridgeshire. Practical limitations included the cost of purchasing a suitable electric vehicle and the range that would be required between charges, particularly in inclement weather. There were no specific funds available to encourage a move to an electric fleet and any incentives would need to be decided by Full Council. In addition, the high cost of electric vehicles meant that those who could afford to purchase one were unlikely to be incentivised by any change to the licence fee. In addition, the Licensing team had good communication with the trade and were aware that one operator had a hybrid fleet. He commented that in the next 5 years new manufacturers would come forward with better size and mileage vehicles, and Officers would continue to monitor this.

In response to other Members' questions the Senior Licensing Officer supplied the following additional information and clarification:

- A Euro 6 vehicle would always remain as Euro 6; a vehicle cannot go down to a lower Euro rating.
- Vintage vehicles were not included in the proposals. The main fleet were standard private hire and hackney carriages, whereas non-standard vehicles would include limousines and converted fire engines; vehicles for more than 8 passengers or those which were originally designed for another purpose. The move to Euro 6 would not affect non-standard vehicles which were dealt with separately.
- The proposed £50,000 base model price of executive vehicles reflected inflation, and that vehicles were becoming more expensive. As the proposal would go out to consultation any feedback on the figure could be considered in due course. The new base model price referred to the point of manufacture and the policy would not be retrospective; those with

existing exemptions would be able to continue as long as they complied with all other conditions.

- Regarding proposal 3, the two and five year deadlines would take effect from the policy implementation date. The intention was for Members to consider the consultation outcomes at the December meeting and the policy would then commence from 1 January 2024. Although Euro 4 and 5 vehicles had both been given the same 5 year deadline, this could be altered by Members or in response to consultation comments.
- Proposals 1 and 2 would apply to all new licensing applications irrespective of whether or not the applicant's vehicle was new.
- The policy would be regularly reviewed and if Euro 7 standards were introduced then that could be included but the wording of proposals 2 and 3 would also be amended to clarify that a minimum Euro 6 compliance would be required.

The Officer's recommendation was proposed by Cllr Julia Huffer and seconded by Cllr Keith Horgan.

It was resolved (unanimously):

That Officers be instructed to consult with all key stakeholders on the proposals detailed in section 4 of the Officer's report, with minor wording amendments as discussed, the results of which to be considered at a subsequent Committee meeting.

## **11. Senior Licensing Officer's update**

The Committee considered a verbal report that updated Members on current and emerging issues relating to Licensing both locally and nationally.

The Senior Licensing Officer reported that it had been a busy period for the Licensing team since the last committee meeting and he welcomed Gemma Spencer who had joined the team the previous week as a new Licensing Support Officer.

There were currently 481 taxi licences, 67 animal licences (which was a small decrease, as expected), 298 premises licences and clubs licences, and 34 street trading consents (which was a large increase from only 3 in 2016) as well as other temporary street trading consents. The year to date had seen 790 records processed through the licensing database, compared to 630 for the same period in 2022. The vast majority related to the taxi trade. This was projected to result in approximately 1200 records by the end of the year, compared to 936 for 2022. Not only were the department dealing with an increased number of transactions, but each one also had a longer processing time due to increased regulatory requirements.

The Taxis and Private Hire Vehicles (Disabled Person) Act 2022 imposed a legal obligation to treat disabled passengers equally and to publish details online of all accessible vehicles; the Council was fully compliant with this requirement.

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 meant that new and renewal application had to be checked on the NR3S Register and there were also various updates to it that were required. The Licensing team also had a duty to report concerns about drivers or vehicles from other authorities, and act on any such reports regarding East Cambridgeshire licenses, within 21 days, which has meant more communication between authorities.

The Levelling Up Bill was at report stage in Parliament and the legislation would include pavement licensing as well as, potentially, taxi licensing reform. He estimated that it would be several years before any taxi licensing changes were implemented but the pavement licensing changes were expected in late 2023/24. In the meantime, the temporary pavement licensing from Covid times had been extended for a further year and the Council had recently renewed 16 licences as a result of that.

“Sensitive Information in Licensing Applications” (SILA) amendments to the Licensing Act 2003 were anticipated in relation to counterterrorism and would require the Licensing team to review publicly-available licence plans in order to redact or remove sensitive information from them.

The government’s overhaul of processes for cosmetic procedures was still underway and the committee would be updated in due course if there were to be any changes. They were currently handled by the commercial team within Environmental Services.

Temporary off-sales from Covid times had been extended to 31 March 2025 but the Covid-related changes to temporary event licences would finish at the end of 2023 and revert to 15 events over 21 days per year.

Legislation regarding animal welfare fixed penalty notices had been introduced in late 2022 and would be implemented soon giving some avenues other than prosecution. The Animal Welfare (Kept Animals) Bill had been dropped by the government but there had been an undertaking to add some primary aspects into other legislation.

In terms of court proceedings, a taxi appeal against a refusal was due in court soon and the ongoing animal prosecution case from 2022 was progressing and would be expected to be in court next year.

## **12. Forward agenda plan**

The Committee received its Forward Agenda Plan and at the Chairman’s suggestion agreed that the Hackney Carriage and Private Hire Licensing Policy Review consultation responses item be moved from the 8 November 2023 meeting to the 13 December 2023 meeting.

It was resolved:

That the Hackney Carriage and Private Hire Licensing Policy Review consultation responses be moved from the 8 November 2023 meeting

to the 13 December 2023 meeting, and the amended Forward Agenda Plan be noted.

The meeting concluded at 11:24am.

Chairman.....

Date.....



## AGENDA ITEM NO 5

**TITLE: Review of Licensing Fees**

Committee: Licensing Committee

Date: 8 November 2023

Author: Senior Licensing Officer

Report No: Y79

Contact Officer: Stewart Broome, Senior Licensing Officer  
Stewart.Broome@eastcambs.gov.uk, 01353 616477, Room SF208. The Grange, Ely

### **1.0 ISSUE**

- 1.1 This report sets out the statutory fees that East Cambridgeshire District Council is required to charge for specific licences under the Licensing Act 2003, Gambling Act 2005, and Business and Planning Act 2020.
- 1.2 The report also sets out the fees for the period 1 April 2024 to 31 March 2025 in respect of those licences and licensing related activities where the authority has the discretion to determine the relevant fees; this includes but is not limited to hackney carriage and private hire licences, and animal licences.

### **2.0 RECOMMENDATION(S)**

2.1 That Members:

- i) note the statutory fees that East Cambridgeshire District Council is required to charge in respect of the specified licences under the Licensing Act 2003, Gambling Act 2005, and the Business and Planning Act 2020 as set out in Appendix 1, Appendix 2, and Appendix 3, and agree to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2024.
- ii) instruct Officers to implement, as appropriate, any other statutory fees that may be brought into force during the 2023/2024 financial year.
- iii) instruct Officers to include the agreed fees in the 2024/2025 annual fees and charges report that is presented to full Council.

2.2 That Members:

- i) agree to implement the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees, as set out in Appendix 4 and Appendix 5, on the 1 April 2024.

- ii) agree to implement the proposed fees relevant to Animal Welfare licensing, as set out in Appendix 6 on the 1 April 2024.
- iii) instruct Officers to include the fees in the 2024/2025 annual fees and charges report that is presented to full Council.

2.3 That Members:

- i) agree to implement the proposed fees relevant to hackney carriage, private hire, and operator licensing, as set out in Appendix 7 with immediate effect.
- ii) instruct Officers to include the proposed fees, as set out in Appendix 7, in the 2024/2025 annual fees and charges report that is presented to full Council.

**3.0 BACKGROUND**

- 3.1 With the exception of statutory fees set by central government the Council is responsible for setting fees and charges for the licensing regulations it is responsible for administering and enforcing.
- 3.2 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's constitution. Extracts from the relevant legislation are provided in **Appendix 8**. Due consideration must also be given to relevant case law. Members are advised that Officers have considered these requirements when compiling this report.
- 3.4 The Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman or via a judicial review.
- 3.5 The consequences of such a challenge are clearly demonstrated in the Court of Appeal judgement given in respect of R Hemming and others v Westminster City Council case, which involved the licensing of sex shops in Soho and Covent Garden.
- 3.6 The judgement has made it clear that local authorities may become liable for substantial costs if it is found that procedures for setting fees have not been correctly followed, and if the fees are not reasonable and proportionate to the costs of the licensing procedures.



- 3.7 When considering whether the licensing fees are reasonable and proportionate, it is also necessary to look at each regulatory power separately. In simple terms this means taxi and private hire licence holders should not be charged a fee for their licence that creates an excess which is then used to subsidise the fees paid by applicants wishing to obtain another type of licence.
- 3.8 It is also necessary to reflect that not all costs to the licensing authority are recoverable, such as the processing of “Charity Street Collections” and “Charity House to House Collections”, where a fee is not permitted to be charged, or deficits in statutory income against expenditure.
- 3.9 As a result of the points raised in paragraph 3.8, it is not legally possible to recover 100% of the cost of running the Licensing Authority from the fees charged, and this deficit must be covered by the Council’s general fund.

#### **4.0 SUMMARY**

- 4.1 The licensing budget considers direct costs, such as licensing staff wages, but it also includes indirect costs that can reasonably be attributed to licensing procedures, for example, office accommodation, ICT support and software licensing fees, travel, legal support costs, advertising, equipment, postage & printing, subscriptions, telephone costs, training and other corporate recharges.
- 4.2 In relation to the consideration of applications, it is reasonable to recover the costs of running the relevant Committees from licensing fees and so consequently these costs have been incorporated into the overall figures.
- 4.3 As mentioned in paragraph 3.9 above, due to the current legislation, it will never be possible to recover 100% of the department’s costs, but work undertaken by Officers suggests that in any given year approximately 80% of the expenditure level incurred by the service can be legally recovered, see Table 1 below for breakdown of the resources spent dealing with the differing licensing regimes. A three-year period is shown to illustrate trends.

Table 1

Type	Percentage of time 20/21	Percentage of time 21/22	Percentage of resources 22/23
Animal Boarding	3.93	2.80	2.23
Breeding	8.44	5.96	5.22
DWA	0.15	0.18	0.18
Pet Shop	1.01	0.61	0.43
Riding Est	1.14	0.46	0.42
Sex Est	0.00	0.00	0.00
Zoo	0.04	0.42	0.42
GA05	3.96	2.11	2.40
LA03	25.68	24.52	24.45
Street Trading	5.48	4.34	4.25
Taxi	25.74	36.72	38.37
Scrap Metal	0.82	0.99	1.05
Exhibiting Animals	0.58	0.47	0.37
Pave	1.36	1.59	1.49
<b>Totals</b>	<b>78.33</b>	<b>81.18</b>	<b>81.28</b>

- 4.4 The licensing database is a live database where the number of issued permissions is constantly changing. Table 2 below shows the number of issued licences at the given date. You will note an increase in overall licence numbers, and the significant increase in taxi driver and vehicle licences issued between April 2023 and the time of writing this report.

Table 2

Type of Licence	Number Apr 2022	Number Apr 2023	Number Sept 2023
Licensing Act 2003 Licences	295	306	311
Animal Premises Licences	67	65	67
Small Society Lottery Registrations	78	78	82
Gambling Act 2005 Licences	13	15	15
Personal Licences	1105	1141	1161
Street Trading Licences	21	18	18
Taxi Driver Licences	167	160	252
Private Hire Operator Licences	13	12	15
Taxi Vehicle Licences	155	157	230
Scrap Metal Dealer Licences	9	8	8
Pavement Licences	5	15	15
<b>Total</b>	<b>1928</b>	<b>1975</b>	<b>2186</b>

- 4.5 Table 3 below shows the cost of running the licensing authority, and the income received for last three-year period.

*Table 3*

Year	Income	Expenditure	Balance	% recovered
2020/2021	£168,741	£256,373	-£87,632	66%
2021/2022	£179,220	£268,949	-£89,729	67%
2022/2023	£204,245	£302,414	-£98,169	68%

- 4.6 The proposed budget for running the service for the current 2023/2024 period is £317,463, and allocated income for the first 6 months of this period is approximately £160,000 which is positive news, and reflective of the increased work entering the department. A cost recovery figure of approximately £253,970 would be required for this current period, and early indicators are suggesting that this is likely to be achieved.
- 4.7 The proposed budget for the 2024/2025 period has not been set at this point, but it is expected to be set at approximately £336,768 due to additional staffing costs, and general inflationary factors. Therefore, an estimated cost recovery income figure of £269,414 would be required.
- 4.8 Table 4 below shows income received in each area of licensing in the last full accounting year of 2022/2023, against the budget for this same period.

*Table 4*

Type	Indicative cost recovery income figure based on 22/23 budget (£302,414)	Percentage of resources used 22/23 taken from Table 1	Actual income received 22/23
Animal Boarding	6744	2.23	10999 ↑
Breeding	15786	5.22	8387 ↓
DWA	544	0.18	0 ↓
Pet Shop	1300	0.43	1120 ↓
Riding Est	1270	0.42	1595 ↓
Sex Est	0	0	↔
Zoo	1270	0.42	1066 ↓
GA05 – Statutory	7258	2.4	5936 ↓
LA03 – Statutory	73940	24.45	71642 ↓
Street Trading	12853	4.25	10118 ↓
Taxi	116036	38.37	87052 ↓
Scrap Metal	3175	1.05	2110 ↓
Exhibiting Animals	1119	0.37	0
Pave – Statutory	4506	1.49	4219 ↓
<b>Total</b>	<b>245802</b>	<b>81.28</b>	<b>204245</b>

## **5.0 CONCLUSION**

- 5.1 As Members are very much aware, the past few years have been very turbulent, and whilst 2023 has seen levels of inflation in the UK fall marginally, costs of fuel and energy remain stubbornly high. The “cost of living” crisis continues to impact all types of licence holders, as well as the licensing authority itself.
- 5.2 Despite the difficult operating conditions that both the trade and Licensing Authority are currently dealing with, Table 2 shows that licence stock levels across the board remain consistent, and at the six month point of the current financial year small signs of growth are apparent in many areas of licensing. The one area showing significant growth in licence numbers is taxi licensing, and Members have been advised in previous reports of the reasons for this growth, namely, a large operator moving part of their operation to the Council.
- 5.3 The impact of this growth in taxi licensing numbers on the licensing authority has been profound. An additional member of staff has been recruited, and this in turn has impacted on the licensing budget, resource distribution, and the corporate costs incurred by the Licensing Authority for the ancillary services it relies on such as legal support, democratic support, and IT support.
- 5.4 However, this major increase in taxi licensing work, combined with the minor increases in most other areas of licensing, and last year’s small increases to animal welfare fees, leads Officers to have a strong belief that full costs are likely to be recovered in this current financial year.
- 5.5 Members are asked to note that a new fee line has been introduced to the taxi fees appendix. Some drivers are choosing to upgrade their private hire only driver licence into a joint hackney carriage and private hire driver licence part way through their licence period. This new fee covers the direct costs of completing this piece of work and re-issuing the new licence.
- 5.6 Members are also asked to note that if (as expected) the temporary Pavement Licensing scheme is made permanent the current statutory fee of £100 will be replaced. Provision to cover this change is built into the recommendations in paragraph 2.1 of this report.
- 5.7 Officers recommend to Members the fees presented in the appendices of this report be adopted and reviewed in 12 months’ time.
- 5.8 There is no need to conduct an Equality Impact Assessment (EIA) as this report does not lead to the creation of a policy, or additional regulation.

## **6.0 APPENDICES**

- 6.1 Appendix 1                      Licensing Act 2003 Statutory Fees
- 6.2 Appendix 2                      Gambling Act 2005 Statutory Fees

6.3	Appendix 3	Other Statutory Licensing Fees
6.4	Appendix 4	Gambling Act 2005 – Discretionary fees
6.5	Appendix 5	Discretionary fees for general licences
6.6	Appendix 6	Discretionary fees for Animal Welfare Licences
6.7	Appendix 7	Discretionary fees for taxi and private hire licences
6.8	Appendix 8	Extracts from legislation regarding fee setting

Background Documents:

Legislation contained in Appendix 6

LGA guidance on local fee setting 2015

Hemming v Westminster 2015

R v Tower Hamlets LBC 1994



## Appendix 1

### Licensing Act 2003 – Statutory Fees

#### Premises Licence and Club Premises Certificates:

Type of application:	Non-domestic rateable band				
	A	B	C	D	E
New, provisional statements, and full variation application fee	£100	£190	£315	£450	£635
Annual maintenance fee	£70	£180	£295	£320	£350
Minor variation	£89				
Provisional Statement (where premises is under construction)	£315				

NDR Value	Band	Fee multiplier for Premises Licences	D (x2)	E (x3)
£0 to £4,300	A	Premises Licences in bands D & E (whose primary business is the sale of alcohol)	£900	£1905
£4,301 to £33,000	B			
£33,001 to £87,000	C			
£87,001 to £125,000	D	Premises Licences in bands D & E (whose primary business is the sale of alcohol) annual maintenance fee	£640	£1050
£125,001 and above	E			

#### Premises Licence - Large event fees (payable in addition to the standard fee):

Number in attendance at any one time:	Additional application fee:	Additional annual fee:
5000 to 9999	£1000	£500
10000 to 14999	£2000	£1000
15000 to 19999	£4000	£2000
20000 to 29999	£8000	£4000
30000 to 39999	£16000	£8000
40000 to 49999	£24000	£12000
50000 to 59999	£32000	£16000
60000 to 69999	£40000	£20000
70000 to 79999	£48000	£24000
80000 to 89999	£56000	£28000
90000 and over	£64000	£32000

#### Personal Licence, Temporary Events and other miscellaneous fees:

Type of application:	Fee:
Grant of Personal Licence	£37
Temporary or Late Temporary Event Notice	£21
Theft, loss etc of Premises Licence or Summary	£10.50
Change of name or address on Premises Licence	£10.50
Vary Premises Licence to specify a new DPS	£23
Transfer a Premises Licence	£23
Interim Authority Notice	£23
Change of club name or address or change of rules	£10.50
Change of correspondence address for club	£10.50
Theft, loss etc of a Temporary Event Notice or Late Temporary Event Notice	£10.50
Theft, loss etc of a Personal Licence	£10.50
Right of freeholder etc to be notified of licensing matters	£21
Community Premises - removal of DPS fee	£23
Theft, loss etc of a Club Certificate or Summary	£10.50
Change of name or address on Personal Licence	£10.50

## Appendix 2

### Gambling Act 2005 Statutory Fees

Permission Type	Fee:
<b>Lotteries</b>	
Small Society Lotteries - new registration	£40
Small Society Lotteries - renewal of existing registration	£20
<b>Licensed Premises Permits</b>	
Licensed Premises Gaming Machines - notice of intention for up to 2 machines	£50
Licensed Premises Gaming Machine Permits - new	£150
Licensed Premises Gaming Machine Permits - variation	£100
Licensed Premises Gaming Machine Permits – transfer	£25
Licensed Premises Gaming Machine Permits - annual Fee	£50
Licensed Premises Gaming Machine Permits - change of Name	£25
Licensed Premises Gaming Machine Permits - copy (lost, stolen, damaged)	£15
<b>Club Gaming/Club Machine Permits</b>	
Club Gaming/Club Machine Permits - new or renew	£200
Club Gaming/Club Machine Permits for holders of club premises certificates - new or renew	£100
Club Gaming/Club Machine Permits – annual fee	£50
Club Gaming/Club Machine Permits - variation	£100
Club Gaming/Club Machine Permits - copy (lost, stolen, damaged)	£15
<b>Prize Gaming Permits</b>	
Prize Gaming Permits - new or renewal	£300
Prize Gaming Permits - change of name	£25
Prize Gaming Permits - copy (lost, stolen, damaged)	£15
<b>Family Entertainment Gaming Centre Gaming Machine Permits</b>	
Family Entertainment Gaming Centre Gaming Machine Permits - new or renewal	£300
Family Entertainment Gaming Centre Gaming Machine Permits - change of name	£25
Family Entertainment Gaming Centre Gaming Machine Permits - copy (lost, stolen, damaged)	£15



## Appendix 3

### Other Statutory Licensing Fees

Licence type	2023/2024 fees	2024/2025 proposed fees	Difference (£)
<b>Pavement Licence</b>			
All applications	100	100	0

### Street Trading Consent Fees

Daily and annual single trader fees

Type of goods	Ely (central zone)		All other areas		Transfer
	Daily	Annual	Daily	Annual	
Clothing	£20	£1040 <sup>1</sup>	£15	£740 <sup>1</sup>	£48
Electrical spares					
DIY products					
Hot food and drink					
Furniture					
Records, CD's and DVD	£20	£780 <sup>1</sup>	£15	£480 <sup>1</sup>	£48
Household cleaning goods					
Books					
Fresh fish	£20	£520 <sup>1</sup>	£15	£320 <sup>1</sup>	£48
Fresh meat					
Fruit and Veg					
Delicatessen					
Flowers and Plants					
Ice-cream vendors					
Cakes/ Bakery					
Arts and crafts					
All other traders	£20	£1040 <sup>1</sup>	£15	£740 <sup>1</sup>	£48

<sup>1</sup>Applicants are required to pay £75 upon application. The remaining balance for all successful applications can be paid by quarterly upfront instalments, or in one further payment.

Replacement consent certificates cost - £10.50

**Host premises (see section 8 of the street trading policy)**

Annual fee
£192
Transfer
£48

**Special events/Markets/ Commercial event fees**

Number of stalls	Fee per day of the event
2 – 20	£100
21 – 40	£200
41 or more	£500

**Charity/non-commercial events (see paragraph 6.3 of the street trading policy)**

Fee per day of the event
£20

## Appendix 4

### Discretionary Fees with Statutory Maximum - Gambling Act 2005 Licences

Licence type	2023/2024 fees	2024/2025 proposed fees	Difference (£)
<b>Regional Casino Licence</b>			
Fee in respect of new premises	15000	15000	0
Annual Fee	15000	15000	0
Fee for application to vary licence	7500	7500	0
Fee for application to transfer a licence	6500	6500	0
Fee for application to reinstate a licence	6500	6500	0
Fee for application for provisional statement	15000	15000	0
Maximum non-conversion application fee in respect of provisional statement premises	8000	8000	0
<b>Large Casino Licence</b>			
Fee in respect of new premises	10000	10000	0
Annual Fee	10000	10000	0
Fee for application to vary licence	5000	5000	0
Fee for application to transfer a licence	2150	2150	0
Fee for application to reinstate a licence	2150	2150	0
Fee for application for provisional statement	10000	10000	0
Maximum non-conversion application fee in respect of provisional statement premises	5000	5000	0
<b>Small Casino Licence</b>			
Fee in respect of new premises	8000	8000	0
Annual Fee	5000	5000	0
Fee for application to vary licence	4000	4000	0
Fee for application to transfer a licence	1800	1800	0
Fee for application to reinstate a licence	1800	1800	0
Fee for application for provisional statement	8000	8000	0
Maximum non-conversion application fee in respect of provisional statement premises	3000	3000	0
<b>Bingo Premises Licence</b>			
Fee in respect of new premises	3500	3500	0
Annual Fee	1000	1000	0
Fee for application to vary licence	1750	1750	0
Fee for application to transfer a licence	1200	1200	0
Fee for application to reinstate a licence	1200	1200	0
Fee for application for provisional statement	3500	3500	0

Maximum non-conversion application fee in respect of provisional statement premises	1200	1200	0
<b>Adult Gaming Licence</b>			
Fee in respect of new premises	2000	2000	0
Annual Fee	1000	1000	0
Fee for application to vary licence	1000	1000	0
Fee for application to transfer a licence	1200	1200	0
Fee for application to reinstate a licence	1200	1200	0
Fee for application for provisional statement	2000	2000	0
Maximum non-conversion application fee in respect of provisional statement premises	1200	1200	0
<b>Betting Premises (track) Licence</b>			
Fee in respect of new premises	2500	2500	0
Annual Fee	1000	1000	0
Fee for application to vary licence	1250	1250	0
Fee for application to transfer a licence	950	950	0
Fee for application to reinstate a licence	950	950	0
Fee for application for provisional statement	2500	2500	0
Maximum non-conversion application fee in respect of provisional statement premises	950	950	0
<b>Family Entertainment Centre Licence</b>			
Fee in respect of new premises	2000	2000	0
Annual Fee	750	750	0
Fee for application to vary licence	1000	1000	0
Fee for application to transfer a licence	950	950	0
Fee for application to reinstate a licence	950	950	0
Fee for application for provisional statement	2000	2000	0
Maximum non-conversion application fee in respect of provisional statement premises	950	950	0
<b>Betting Premises (other) Licence</b>			
Fee in respect of new premises	3000	3000	0
Annual Fee	600	600	0
Fee for application to vary licence	1500	1500	0
Fee for application to transfer a licence	1200	1200	0
Fee for application to reinstate a licence	1200	1200	0
Fee for application for provisional statement	3000	3000	0
Maximum non-conversion application fee in respect of provisional statement premises	1200	1200	0
<b>Temporary Use Notices</b>			

Temporary Use Notice fee	500	500	0
Replacement of an endorsed copy	25	25	0
<b>Applicable to all Premises Licences</b>			
Change of circumstances fee - for all Premises Licences	50	50	0
Fee for copy licence - for all Premises Licences	25	25	0



## Appendix 5

### Discretionary fees for general licences

Licence type	2023/2024 fees	2024/2025 proposed fees	Difference (£)
<b>Dangerous Wild Animals (2yr licence)</b>			
New application	648 (v)	648 (v)	0
Renewal application	648 (v)	648 (v)	0
<b>Zoo</b>			
New application (4 years)	2415 (v)	2415 (v)	0
Renewal application (6 years)	2070 (v)	2070 (v)	0
<b>Applicable to all animal welfare licences</b>			
Theft, loss etc of a licence	10.50	10.50	0
Change of name on licence	10.50	10.50	0
Change of licence details	10.50	10.50	0

(v) – A Council instructed veterinary inspection is required. This fee is payable in addition to the application fee. The fee will depend upon the amount of time taken to inspect the premises.

Licence type	2022/2023 fees	2023/2024 proposed fees	Difference (£)
<b>Sex Establishments</b>			
New application	3761	3761	0
Renewal application	1880.50	1880.50	0
Variation application	1880.50	1880.50	0
Transfer application	1880.50	1880.50	0
Theft, loss etc of a licence	10.50	10.50	0

<b>Scrap Metal – Site Licence (3yr licence)</b>			
New application	810	810	0
Renewal application	660	660	0
Variation application	120	120	0
Theft, loss etc of a licence	10.50	10.50	0

<b>Scrap Metal – Collector Licence (3yr licence)</b>			
New application	616	616	0
Renewal application	495	495	0
Variation application	120	120	0
Theft, loss etc of a licence	10.50	10.50	0

<b>Hypnotism</b>			
Daily permit	93	93	0

### Street Trading Consent Fees

Daily and annual single trader fees

Type of goods	Ely (central zone)		All other areas		Transfer
	Daily	Annual	Daily	Annual	
Clothing	£20	£1040 <sup>1</sup>	£15	£740 <sup>1</sup>	£48
Electrical spares					
DIY products					
Hot food and drink					
Furniture					
Records, CD's and DVD	£20	£780 <sup>1</sup>	£15	£480 <sup>1</sup>	£48
Household cleaning goods					
Books					
Fresh fish	£20	£520 <sup>1</sup>	£15	£320 <sup>1</sup>	£48
Fresh meat					
Fruit and Veg					
Delicatessen					
Flowers and Plants					
Ice-cream vendors					
Cakes/ Bakery					
Arts and crafts					
All other traders	£20	£1040 <sup>1</sup>	£15	£740 <sup>1</sup>	£48

<sup>1</sup>Applicants are required to pay £75 upon application. The remaining balance for all successful applications can be paid by quarterly upfront instalments, or in one further payment.

Replacement consent certificates cost - £10.50

**Host premises (see section 8 of the street trading policy)**

Annual fee
£192
Transfer
£48

**Special events/Markets/ Commercial event fees**

Number of stalls	Fee per day of the event
2 – 20	£100
21 – 40	£200
41 or more	£500

**Charity/non-commercial events (see paragraph 6.3 of the street trading policy)**

Fee per day of the event
£20



## Appendix 6

### Discretionary fees for Animal Welfare Licences

Current and proposed fees

Licensable Activity	Application fee		Number of animals	Initial rating inspection fee	Renewal, re-rating or variation inspection fee	Maintenance fee		
	New	Renewal				1 yr	2 yr	3 yrs
Boarding of animals	£100	£60	Up to 10 animals	£76	£72	£232 <sup>4</sup>	£466 <sup>4</sup>	£705
			11 to 30 animals	£101	£96			
			31 to 60 animals	£127	£120			
			61 to 99 animals	£150	£144			
			100+ animals	£178	£168			
Arranging boarding			N/A	£101 + £25 per host <sup>1</sup>	£96 + £24 per host <sup>1</sup>			
Dog Breeding – Domestic			One litter per year maximum <sup>2</sup>	£76 + VET fee <sup>3</sup>	£72			
Dog Breeding - Commercial			More than one litter per year	£127 + VET fee <sup>3</sup>	£120			
Hiring of Horses			N/A	£101 + VET fee <sup>3</sup>	£96 + VET fee <sup>3</sup>			
Selling Animals as Pets & Exhibiting Animals <sup>4</sup>			Up to 5 species	£101	£96			
	Over 5 species	£178	£168					

<sup>1</sup> Out of scope hosts only. In scope hosts will be required to apply for their own licence and pay the relevant fees.

<sup>2</sup> Breeding and whelping must occur wholly within the domestic house. Outbuildings or garages are not included in this definition.

<sup>3</sup> VET fees are paid directly to the VET pre-inspection. No VET inspection is required upon subsequent renewals of a dog breeding licence.

<sup>4</sup> Exhibiting animal welfare licences can only be issued for 3 year time periods due to the requirements of the controlling legislation.

Where more than one licensable activity occurs on the same site, only one application fee will be payable, however, the total fee will be calculated by adding the combined charges of the activity with the highest fee to 50% of the applicable inspection and maintenance fee for the additional activities.

£10.50 will be charged for any replacement documents, or change of details not covered by the main charges above, such as a change of trading name.

## Appendix 7

### Discretionary fees for taxi and private hire licences

Licence type		2023/2024 fees	2024/2025 proposed fees	Difference (£)
<b>Driver Licence</b>				
New application – 1 year (excl. DVLA, and DBS check)		229	229	0
Renewal application – 1 year (excl. DVLA check)		175	175	0
New application – 3 year (excl. DVLA, and DBS check)		579	579	0
Renewal application – 3 year (excl. DVLA check)		525	525	0
Conversion of a PH only driver licence to a joint HC & PH driver licence (excl. required joint HC & PH knowledge test fee)		N/A	30	N/A
Knowledge test re-sit		32	32	0
DVLA driving licence check (required upon every new and renewal application)		5	5	0
<b>Private Hire Vehicle Licence</b>				
New and renewal 1yr for all (excl. stickers)		250	250	0
Variation application (excl. stickers)		35	35	0
Transfer application (excl. stickers)		25	25	0
<b>Hackney Carriage Vehicle Licence</b>				
New and renewal 1yr for all (excl. stickers)		250	250	0
Variation application (excl. stickers)		35	35	0
Transfer application (excl. stickers)		25	25	0
<b>Private Hire Operator Licence</b>				
New application – 1 year	150 – 1 vehicle	126	126	0
	200 – 2 to 5	156	156	
	250 – 6 to 10	186	186	
	300 – 11+	216	216	
Renewal application – 1 year	150 – 1 vehicle	126	126	0
	200 – 2 to 5	156	156	
	250 – 6 to 10	186	186	
	300 – 11+	216	216	
New application – 5 year	646 – 1 vehicle	627	627	0
	896 – 2 to 5	737	737	
	1146 – 6 to 10	847	847	
	1396 – 11+	957	957	
Renewal application – 5 year	646 – 1 vehicle	627	627	0
	896 – 2 to 5	737	737	
	1146 – 6 to 10	847	847	
	1396 – 11+	957	957	
<b>Miscellaneous taxi and private hire fees</b>				
Theft, loss etc of a licence		10.50	10.50	0
Theft, loss etc of a vehicle plate		20	20	0
Change of address		10.50	10.50	0
Replacement door sticker		6.00	6.00	0

## Appendix 8

### Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

#### **Local Government (Miscellaneous Provisions) Act 1982**

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

##### Sex establishments - Schedule 3 paragraph 19

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.

##### Street Trading – Schedule 4 paragraph 9

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

#### Acupuncture - Section 14 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

#### Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

### **Local Government (Miscellaneous Provisions) Act 1976**

#### Controls hackney carriages and private hire vehicles

##### Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847\*, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

\*Town Police Clauses Act 1847

##### Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and 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; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

## **Zoo Licensing Act 1981**

### **Controls zoos – Section 15**

(1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

(a) applications for the grant, renewal or transfer of licences;

(b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

(a) in connection with inspections in accordance with section 9A and under sections 10 to 12;

(b) in connection with the exercise of their powers to make directions under this Act;

(c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and

(d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

## **Dangerous Wild Animals Act 1976**

### **Controls dangerous wild animals as listed in the Act – Section 1**

(2) A local authority shall not grant a licence under this Act unless an application for it—

... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

## **Public Health Acts Amendment Act 1907**

### **Controls pleasure boats/vessels - Section 94**

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, 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.

## **Environmental Protection Act 1990**

Controls free printed matter – Schedule 3A paragraphs 3 & 4

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

## **Gambling Act 2005**

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007
- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) ... the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

#### Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and



(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

#### Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Temporary Use Notice (Section 234)

1) A licensing authority shall—

(a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Licensed premises gaming machine permits (Schedule 13 paragraph 22)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### **Scrap Metal Dealers Act 2013**

#### Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance\* issued from time to time by the Secretary of State with the approval of the Treasury.

\*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

### **Licensing Act 2003**

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees.

In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

### **Caravan Sites and Control of Development Act 1960**

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

### **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

13.—(1) A local authority may charge such fees as it considers necessary for—

(a) the consideration of an application for the grant, renewal or variation of a Licence including any inspection relating to that consideration, and for the grant, renewal or variation,

(b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in subparagraph (a) including any inspection relating to that consideration,

(c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and

(d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

### **Business and Planning Act 2020**

Applications

(1)An application for a pavement licence made to a local authority must—

(a)be made in writing and in such form as the authority may specify,

(b)be sent to the authority using electronic communications in such manner as the authority may specify, and  
(c)be accompanied by such fee not exceeding £100 as the local authority may require.

**Licences for which the licensing authority is NOT permitted to charge**

- House-to-house collections: House to House Collections Act 1939
- Street collections: Police, Factories, etc. (Miscellaneous Provisions) Act 1916

**LICENSING COMMITTEE  
FORWARD AGENDA PLAN**

**AGENDA ITEM NO 7**

**LEAD OFFICER: Liz Knox, Environmental Services Manager**

**DEMOCRATIC SERVICES OFFICER: Hannah Walker**

<b>28<sup>th</sup> June 2023</b>	<b>10:00am</b>	<b>19<sup>th</sup> July 2023</b>	<b>10:00am</b>	<b>4<sup>th</sup> September 2023</b>	<b>10:00am</b>
<b>CANCELLED</b>		<b>CANCELLED</b>			
Report deadline		Report deadline		Report deadline	<b>21<sup>st</sup> Aug 2023</b>
Agenda despatch	<b>20<sup>th</sup> June 2023</b>	Agenda despatch	<b>11<sup>th</sup> July 2023</b>	Agenda despatch	<b>24<sup>th</sup> Aug 2023</b>
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer	CCTV in taxis consultation	S Broome Senior Licensing Officer
Forward Agenda Plan	DSO	Forward Agenda Plan	DSO	Taxi licensing policy - update	S Broome Senior Licensing Officer
				Licensing Officers Update	S Broome Senior Licensing Officer
				Forward Agenda Plan	DSO
<b>11<sup>th</sup> October 2023</b>	<b>10:00am</b>	<b>8<sup>th</sup> November 2023</b>	<b>10:00am</b>	<b>13<sup>th</sup> December 2023</b>	<b>10:00am</b>
<b>CANCELLED</b>					
Report deadline		Report deadline	<b>27<sup>th</sup> Oct 2023</b>	Report deadline	<b>1<sup>st</sup> Dec 2023</b>
Agenda despatch		Agenda despatch	<b>31<sup>st</sup> Oct 2023</b>	Agenda despatch	<b>5<sup>th</sup> Dec 2023</b>
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Licensing Officers Update	S Broome Senior Licensing Officer	Review of Licensing Fees	S Broome Senior Licensing Officer	Hackney Carriage and Private Hire Licensing Policy Review consultation responses	S Broome Senior Licensing Officer
Forward Agenda Plan	DSO	Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
		Forward Agenda Plan	DSO	Forward Agenda Plan	DSO

**Notes:**

1. Agenda items which are likely to be "urgent" and therefore not subject to call-in are marked \*
2. Agenda items in italics are provisional items / possible items for future meetings.

**LICENSING COMMITTEE**  
**FORWARD AGENDA PLAN**

**AGENDA ITEM NO 7**

**LEAD OFFICER: Liz Knox, Environmental Services Manager**

**DEMOCRATIC SERVICES OFFICER: Hannah Walker**

<b>17<sup>th</sup> January 2024</b>		<b>14<sup>th</sup> February 2024</b>		<b>13<sup>th</sup> March 2024</b>	
<b>10:00am</b>		<b>10:00am</b>		<b>10:00am</b>	
<b>Report deadline</b>	<b>5<sup>th</sup> Jan 2024</b>	<b>Report deadline</b>	<b>2<sup>nd</sup> Feb 2024</b>	<b>Report deadline</b>	<b>1<sup>st</sup> March 2024</b>
<b>Agenda despatch</b>	<b>9<sup>th</sup> Jan 2024</b>	<b>Agenda despatch</b>	<b>6<sup>th</sup> Feb 2024</b>	<b>Agenda despatch</b>	<b>5<sup>th</sup> March 2024</b>
Chairman's Announcements		Chairman's Announcements		Chairman's Announcements	
Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer	Licensing Officers Update	S Broome Senior Licensing Officer
Forward Agenda Plan	DSO	Forward Agenda Plan	DSO	Forward Agenda Plan	DSO

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