



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,  
ELY, CAMBRIDGESHIRE CB7 4EE  
Telephone: 01353 665555

MEETING: **LICENSING COMMITTEE**  
TIME: 09:30am  
DATE: Wednesday 10<sup>th</sup> October 2018  
VENUE: Council Chamber, The Grange, Nutholt Lane, Ely  
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes  
DIRECT DIAL: (01353) 665555 EMAIL: [adrian.scaites-stokes@eastcambbs.gov.uk](mailto:adrian.scaites-stokes@eastcambbs.gov.uk)

## Membership:

### Conservative Members

Cllr Elaine Griffin-Singh (Chairman)  
Cllr Chris Morris (Vice Chairman)  
Cllr Michael Allan  
Cllr Mike Bradley  
Cllr Paul Cox

Cllr Neil Hitchin  
Cllr Julia Huffer  
Cllr Carol Sennitt  
Cllr Alan Sharp  
Cllr Stuart Smith

### Liberal Democrat Member

Cllr Sue Austen  
(Spokesperson)

### Lead Officer:

Liz Knox, Environmental Services Manager

**Quorum:** 5 Members

## A G E N D A

- 1. Apologies**
- 2. Declarations of Interest**  
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
- 3. Minutes**  
To receive and confirm as a correct record the Minutes of the Licensing Committee Meeting held on 12<sup>th</sup> September 2018
- 4. Chairman's Announcements**
- 5. Review of Licensing Fees and Charges**
- 6. Licensing Officers Report [Verbal Update]**

## 7. Forward Agenda Plan

## 8. Exclusion of the Public including members of the Press

That the press and public be excluded during the consideration of the remaining item no. 9 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 there would be disclosure to them of exempt information of Categories 1, 2, 3 and 7 Part I Schedule 12A to the Local Government Act 1972 (as Amended)

## 9. Minutes

To receive and confirm as a correct record the Exempt Minutes of the Special Licensing Committee Meeting held on 12<sup>th</sup> September 2018

### NOTES:

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal hours you should report to main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of approx 60 people. Admittance to the Council Chamber is on a 'first come, first served' basis and public access will be from 15 minutes before the start time of the meeting.

There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question time and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.

2. Fire instructions for meetings:
  - If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out of this area.

3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
5. 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 items no. 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 there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

**LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 12<sup>th</sup> September 2018 at 11:00am.

**P R E S E N T**

Councillor Elaine Griffin-Singh (Chairman)  
Councillor Sue Austen  
Councillor Paul Cox  
Councillor Julia Huffer  
Councillor Chris Morris  
Councillor Alan Sharp  
Councillor Stuart Smith

**O T H E R S**

Stewart Broome – Senior Licensing Officer  
Maggie Camp – Legal Services Manager and Monitoring Officer  
Liz Knox – Environmental Services manager  
Adrian Scaites-Stokes – Democratic Services Officer  
3 members of the public

15. **APOLOGIES**

Apologies for absence were received from Councillors Michael Allan, Mike Bradley and Carol Sennitt.

16. **DECLARATIONS OF INTEREST**

There were no interests declared.

17. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 20<sup>th</sup> June 2018 be confirmed as a correct record and be signed by the Chairman.

18. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman noted that there were some members of the public that wished to speak at this meeting and they would be allowed to at the appropriate time.

19. **HACKNEY CARRIAGE FARES – CONSIDERATION OF COMMENTS RECEIVED FOLLOWING CONSULTATION**

The Committee considered a report, T96 previously circulated, that detailed the responses submitted to the taxi tariff of fares amendment notice published on 29 June.

The Senior Licensing Officer advised the Committee that six objections had been received following the consultation, all of which were from the taxi trade with none from the public.

Table 1 in the report outlined the main points raised together with officer comments and suggestions:

- Changing the switchover time rate for Saturdays and removing the Sunday rate was not intended to negate the incentive for working on Sundays. As this could result in less taxis being available on Sundays it was proposed to include a specific Sunday tariff.
- Changing the time for Rate 2 during 6:30pm to 8pm would reduce fares but it was believed this would be offset by other gains. As there had been objections to this potential loss of income it was suggested that Rate 1 be adjusted to mitigate this issue.
- The initial proposal to only charge extra for four or more passengers would lead to a loss of income, particularly for drivers of larger vehicles, and would have more of an adverse impact than anticipated. Therefore it was now proposed to keep the current charges.
- The proposed change of rates would make it cheaper to hire a taxi after midnight than during the day. This was an anomaly and the table of fares should be adjusted accordingly.
- The suggestion received relating to the additional passenger rate could result in higher charges for passengers, particularly for short journeys. This was considered potentially unfair so the current rates should be kept.
- To overcome the potential loss of income relating to booking fares, Rate 1 should be increased to compensate.
- The proposed maximum Bank Holiday charge was not compulsory, so no change was recommended.
- The comment received concerning petrol costs was incorrect as this factor had been taken into account already.

Additional suggestions, as set out in the report, had been received:

- Suggestion 1 – this would lead to a significant increase in fares.
- Suggestion 2 – this would lead to passengers needing pennies to pay for journeys, which would be annoying.
- Suggestion 3 – this was based on the existing tariffs.

In conclusion, the comments received had highlighted a few anomalies and the suggestions made would result in fare rates well over that originally suggested. The initial report suggested increases between 5.7% to 6%, which was considered realistic. Taking the comments received into account, officers thought there was scope to amend the proposals to arrive at a sensible solution. Table 3 showed the amended figures, which were a balanced approach. The main differences were the inclusion of a Sunday tariff, the

Bank Holiday rate had been amended and the rate for working 11pm to 7am was higher. The impact of adopting the rates in Table 3 would result in the changes of the Rate 1 rate overcoming the losses under Rate 2, there would be more incentive for night-time working and weekend working would be encouraged. Table 4 illustrated the impact of the Table 3 fares. It compared the figures against local neighbouring authorities and showed that the Council would be 'mid-table'.

Reviewing fares was always a difficult business, as if they were too high the public would be tempted to use other forms of transport or if too low the taxi trade would lose income. Some drivers may benefit more than others under the revised proposed rates but this could depend on the shift patterns they worked. So a balanced approach was needed, therefore the rates shown in Table 3 were recommended.

Councillor Julie Huffer asked whether the number of taxi licences for South Cambridgeshire and Cambridge City were known, as a comparison. The Senior Licensing Officer estimated that South Cambridgeshire would have around a similar number, whereas Cambridge City would be expected to have more.

At this point the Chairman invited Mrs Humphrey to address the Committee. Mrs Humphrey made the following comments:

- She queried why the fares were changing, as the current regime was not broken.
- The proposed changes would not benefit anybody.
- From her experience working from the railway station, passengers would not pay the £5.50 Rate 2 fare.
- Passengers would see that rate displayed on the taxi meters.
- Passengers would walk passed the taxis and call Private Hire vehicles instead if the suggested fares were implemented.
- It was only last year that passengers had got used to the current rates.
- It would cost the trade money after 11pm.
- There was nobody in Ely after midnight so no taxis would be ordered.
- She offered alternatives to certain proposed rates which she considered would be acceptable.

The Senior Licensing Officer explained that anecdotal evidence of no service provision had been used to adjust the changeover times/rates. There was a small night-time economy in Ely but getting people away was difficult. It was correct that the suggested fares for working beyond 23:00 would increase but this was due to the anti-social hours being worked and the potential to have to deal with awkward passengers at that time of night. The proposed rates were intended to incentivise and recompense the trade for working during those times. The Committee was reminded that those rates would still only put the Council 'mid-table'.

The rates could not be based in relation to train schedules, as they could vary. The station was only a small part of the trade throughout the district. The meter rate was the maximum that could be charged but drivers had the choice of charging a lower amount if they wished.

The Committee were reminded that the review of rates had been at the prompting of the trade. The Council was concerned that not enough taxis were working at night but the evidence for that could be questioned. Councillor Elaine Griffin-Singh asked whether Mrs Humphrey could see the proposed fare regime working.

Mrs Humphrey queried the point of putting the rates that high, as they should be lower. The fare was shown on the meter and there were plenty of taxis working during the night, particularly Friday and Saturday nights.

The Senior Licensing Officer reported that the Council had received anecdotal complaints related to Ely city centre and the problems of people getting away. It was difficult to ascertain whether this was a problem all the time, as the service varied. The railway station area was only a small part of the overall provision within the district, though many taxi drivers did use the station at times but they had offered no objections to the fare proposals.

Further to the consultation responses, a large portion of the populace had not replied suggesting contentment with the proposals, but it was noted that the responses received had been very useful in picking up a number of anomalies.

The taxi trade had indicated it wanted increases and had not offered any objections to the proposals that had been consulted on. The review had looked holistically at the overall service provided and what was needed to make a good rounded service. There could be winners and losers because of the proposals but a balanced view had been taken to ensure the right rates were selected. It was believed that the proposals would maintain the status quo.

Mr R Lee, taxi firm owner, stated that queries had been raised on the initial proposals but these had been addressed and a well balanced approach had now been suggested. His drivers were prepared to offer discounted rates from the metered rates shown, though this did not necessarily occur at the station.

Councillor Alan Sharp, in considering the charging rates and structure of charges, queried the initial charge as he thought it was too expensive. It was not normal for passengers to haggle over fares but they did have the option of using any vehicle in the taxi rank and not just the first in the queue.

The recommendations within the report were duly proposed, seconded, and upon being put to the vote were declared unanimously carried.

It was resolved:

That the amended table of fares set out in Table 3 at paragraph 5.5 of this report to come into effect on or before the 1 October 2018 deadline be approved.

20. **GAMBLING ACT 2005 – LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, T97 previously circulated, that detailed the revised version of the Council's Gambling Act 2005 – Statement of Principles for Licensing.

The Senior Licensing Officer advised the Committee that it was requested to approve the Statement, as revised following the presentation of the draft version to the Committee on 11<sup>th</sup> April 2018. This was in consequence of the relevant consultation which had received two replies. The first had nothing to do with the consultation so was disregarded. The second was included as Appendix 1 to the report.

*Councillor Chris Morris left the meeting at this point, 12:10.*

The Senior Licensing Officer continued and explained that Table 1 in the report set out the proposed amendments to the draft Statement following the comments received. These amendments included clarifying the 'sufficient evidence of the location' wording, that the reference to 'ethnic profile of residents in the area' be retained as it would not lead to predetermination and it reflected the policy design to consider the society rather than individuals, and accepting that nothing within paragraphs 16.34 to 16.36 overrode the provisions of Section 172 of the Act.

It was resolved:

- (i) That revised version of the Gambling Act 2005 – Statement of Principles for Licensing be approved, including the amendments as stated in Table 1 in the report;

It was resolved TO RECOMMEND TO COUNCIL:

- (ii) That the approved Gambling Act 2005 – Statement of Principles for Licensing be adopted to come into effect on 31 January 2019, following a period of publication to be not less than 28 days.

21. **CHANGES TO ANIMAL WELFARE LICENSING**

The Committee considered a report, T98 previously circulated, that detailed the forthcoming changes to animal licensing and consequential changes to the existing fee structure.

The Senior Licensing Officer reminded the Committee that the Council was responsible for licences for animal welfare establishments and there were currently around 50 such licences in the district. In addition, the County Council Trading Standards had responsibility for 4 performing animal licences and these would be transferring to this Council, as the existing legislation had been repealed and substantially amended. Current licence holders had been invited to the Council to be briefed on the new changes.

The new Regulations introduced a number of changes:

- All activities could be covered on one licence;
- Licences could last up to 3 years;
- Councils could no longer impose discretionary conditions;
- Licences for performing animals would be transferred to the District Council;
- Statutory guidance would be provided for activities and procedures;
- New definitions for licensable activities, with a couple of changes ;
- A new 'star rating' system would be introduced;
- Councils could vary, suspend or revoke licences;
- All officers would be obliged to undergo inspection training.

Animal boarding would be classified as a business, but this would omit home boarding of cats. Companies arranging animal boarding would also have to be licensed. The Star Rating would be used to assess the welfare standards and risk levels. The number of compulsory inspections would depend on the star rating given. The higher standards related to where compulsory and optional standards had been met. A licence holder could appeal against their star rating to the Council, so an Appeal Process would be put in place to authorise officers to consider those appeals. A register recording the star rating would be shared with the Department for Environment Food and Rural Affairs (DEFRA) and would form part of a public register.

There was also a new requirement for officer training and this would be expensive. Ways to manage this expense were being looked at. The current fee structure would not fit with the new obligations required under the legislation or cover the associated additional costs. Therefore the proposed fees, as set out in Table 3, took that into account. Licence holders would have to pay an application fee plus one for their initial rating. The latter could be refunded if they cancelled their application before an inspection took place. The main fees proposed would cover back office costs and had accounted for inflation.

One difficulty with the new inspection regime related to offices located outside the district that arranged the boarding of animals within the district, as it was unclear who would be responsible for their inspections. Clarification was being sought on this issue, as well as for their star rating if they had multiple boarders.

Councillor Julie Huffer wondered whether someone arranging the boarding of an animal had to have a licence or whether it was just the boarders. The Committee was informed that this would depend on whether the establishments came within the scope of the new Regulations. The arrangers rating would depend on the lowest rating of any of their boarders. If those ratings changed it could have a financial implication for the Council, as fees may have to be paid back. All boarding activities were also to have separate conditions, so DEFRA's whole scheme was over-complicated.

It was compulsory for licence holders to comply with the new Regulations, though there were some concerns that some might not be up to the new required standards. Unfortunately the Council could not add any extra conditions. The star ratings would determine the length of the licences and this was expected to adversely impinge on the Council's income, as the three-year



licences were cheaper for the licence holders, which would lead to a decline in fees.

In response to Councillor Paul Cox's queries, the Committee was informed that DEFRA wanted to improve standards. So they wanted officers trained to Level 3, though this would not be of much benefit to more experienced officers. Horse establishments, including livery yards, would fall outside these Regulations.

Councillor Alan Sharp questioned whether the potential decrease in income would affect fee recovery. The Senior Licensing Officer expected a decrease in fees for inspections, as annual inspections would not be done on 3-year licences, but this might be offset by more ratings work and subsequent fees. This could also be balanced by allowing other licensing work to be done instead. After an extended period the level of work could be reviewed and fee levels adjust accordingly.

It was resolved:

- (i) That the proposed fee structure contained in Table 3 be approved to take effect from 1 October 2018;
- (ii) That the draft version of the Animal Licensing Policy at Appendix 1 be approved to take effect from 1 October 2018;
- (iii) That delegated authority be given to the Monitoring Officer to make the necessary amendments to the Council's Constitution (Licensing Committee and Licensing Sub-Committee's terms of reference and Officer Delegation table) to reflect the legal changes from the 1 October 2018 (Appendix 2).

## 22. **LICENSING COMMITTEE FORWARD AGENDA PLAN**

The Committee noted its forward agenda plan.

The meeting closed at 13:30.

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 21 <sup>st</sup> November 2018 9:30am		Meeting on: 20 <sup>th</sup> December 2018 9:30am		Meeting on: 16 <sup>th</sup> January 2019 9:30am	
Deadline for reports/dispatch: 9 <sup>th</sup> November 2018		Deadline for reports/dispatch: 10 <sup>th</sup> December 2018		Deadline for reports/dispatch: 7 <sup>th</sup> January 2019	
<ul style="list-style-type: none"> <li>Chairman’s Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> <li>Charity Collections</li> </ul>	<p>S Broome</p> <p>S Broome</p>	<ul style="list-style-type: none"> <li>Chairman’s Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> <li>Private Hire and Hackney Carriage Fees (if required)</li> </ul>	<p>S Broome</p> <p>S Broome</p>	<ul style="list-style-type: none"> <li>Chairman’s Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul>	<p>S Broome</p>

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 27 <sup>th</sup> February 2019 9:30am		Meeting on: 27 <sup>th</sup> March 2019 9:30am		Meeting on: TBA 2019 9:30am	
Deadline for reports/dispatch: 15 <sup>th</sup> February 2019		Deadline for reports/dispatch: 15 <sup>th</sup> March 2019		Deadline for reports/dispatch: TBA	
<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul>	S Broome	<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul>	S Broome	<ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul>	S Broome

## 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

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

Licence type	2016/2017 fees	2017/2018 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	750	750	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	50	25	0



## Appendix 4 Discretionary fees for general licences

Licence type	2018/2019 fees	2019/2020 proposed fees	Difference (£)
<b>Dangerous Wild Animals (2yr licence)</b>			
New application	588 (v)	648 (v)	60
Renewal application	588	648 (v)	60
<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	2018/2019 fees	2019/2020 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	592	662	70
Renewal application	380	450	70
Variation application	120	120	40
Theft, loss etc of a licence	10.50	10.50	0

<b>Scrap Metal – Collector Licence (3yr licence)</b>			
New application	420	490	70
Renewal application	324	394	70
Variation application	120	120	40
Theft, loss etc of a licence	10.50	10.50	0

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

**Street Trading \***

As per the table below.

**Individual stall fees**

Type of goods	Ely (central zone) daily consent fees		Annual	All other areas (daily consent fees)		Annual	Transfer
	Sun to Wed	Thurs to Sat		Sun to Wed	Thurs to Sat		
Clothing	£20	£30	£1040	£15	£20	£740	£48
Electrical spares							
DIY products							
Hot food and drink							
Furniture							
Records, CD's and DVD	£20	£30	£780	£15	£20	£480	£48
Household cleaning goods							
Books							
Fresh fish	£20	£20	£520	£15	£15	£320	£48
Fresh meat							
Fruit and Veg							
Delicatessen							
Flowers and Plants							
Ice-cream vendors							
Cakes/ Bakery							
Arts and crafts							
All other traders	£20	£30	£1040	£15	£20	£740	£48

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates cost is £10.50.

**Special Events/ Markets/Commercial Events fees**

Number of stalls	Fee per day of the event
10 – 20	£100
21 – 40	£200
41 or more	£500

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

Fee per day of the event
£20

## Appendix 5 Discretionary fees for Animal Welfare Licences

Licensable Activity		Application fee	Initial rating or re-rating inspection fee	Maintenance fee			Variation of a licence requiring a re-inspection	Copy of licence, change of details not requiring an inspection
				1 yr	2 yr	3 yrs		
Boarding of animals	Up to 10 animals	£48.00	£72	£218	£440	£666	£72	£10.50
	11 to 30 animals		£96				£96	
	31 to 60 animals		£120				£120	
	61 to 99 animals		£144				£144	
	100+ animals		£168				£168	
Dog Breeding	N/A		£24 + VET fee	£24 + VET fee				
Hiring of Horses	N/A		£24 + VET fee	£24 + VET fee				
Selling Animals as Pets	N/A		£120	£120				
Exhibiting Animals	N/A		£72	N/A	N/A	£666	£72	

Table of fees above for new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 licences agreed by Members on 12 September 2018 to come into effect 1 October 2018.

## Appendix 6

### Discretionary fees for taxi and private hire licences

Licence type	2018/19 fees	2019/2020 fees	Difference (£)	
<b>Joint Driver Licence</b>				
New application – 1 year (excl. DVLA, and DBS check)	192	217	25	
Renewal application – 1 year (excl. DVLA check)	150	175	25	
New application – 3 year (excl. DVLA, and DBS check)	537	612	75	
Renewal application – 3 year (excl. DVLA check)	495	570	75	
Knowledge test re-sit	20	20	0	
DBS (3 yearly)	49	49	0	
DBS update service check	5	5	0	
DVLA check	5	5	0	
<b>Private Hire Vehicle Licence</b>				
New and renewal 1yr for all	250	250	0	
Variation application	35	35	0	
Transfer application	35	25	-10	
<b>Hackney Carriage Vehicle Licence</b>				
New and renewal 1yr for all	250	250	0	
Variation application	35	35	0	
Transfer application	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	0
	250 – 6 to 10	186	186	0
	300 – 11+	216	216	0
Renewal application – 1 year	150 – 1 vehicle	126	126	0
	200 – 2 to 5	156	156	0
	250 – 6 to 10	186	186	0
	300 – 11+	216	216	0
New application – 5 year	646 – 1 vehicle	627	627	0
	896 – 2 to 5	737	737	0
	1146 – 6 to 10	847	847	0
	1396 – 11+	957	957	0
Renewal application – 5 year	646 – 1 vehicle	627	627	0
	896 – 2 to 5	737	737	0
	1146 – 6 to 10	847	847	0
	1396 – 11+	957	957	0
<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 7 – Extracts from Licensing Legislation  
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—

## Appendix 7 – Extracts from Licensing Legislation

(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

## Appendix 7 – Extracts from Licensing Legislation

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—

## Appendix 7 – Extracts from Licensing Legislation

(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



## Appendix 7 – Extracts from Licensing Legislation

(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

## Appendix 7 – Extracts from Licensing Legislation

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

## Appendix 7 – Extracts from Licensing Legislation

(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.

## Appendix 7 – Extracts from Licensing Legislation

(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.

## Appendix 7 – Extracts from Licensing Legislation

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.

### 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

**Appendix 8 - Projected income 2018/2019 and 2019/2020**

Licence type	Average % of resource used	Income 2017/2018	Costs from finance 2017/2018	Deficit/Surplus	Projected income 2018/2019	Projected costs from finance 2018/2019	Deficit/Surplus	Projected income 2019/2020	Projected costs from finance 2019/2020	Deficit/Surplus
Home Boarding	1.60	2133	3748	-1615	2800	3823.47	-1023.47	3100	3899.94	-799.94
Kennels and Catteries	3.38	6339	7919	-1580	6224	8077.07	-1853.07	7000	8238.61	-1238.61
Dog Breeding	2.58	2250	6044	-3794	3328	6165.34	-2837.34	3800	6288.65	-2488.65
Dangerous Wild Animals	0.00	0	0	0	0	0.00	0.00	0	0.00	0.00
Pet Shop	1.01	1761	2366	-606	1520	2413.56	-893.56	1700	2461.83	-761.83
Riding Establishments	1.01	1560	2366	-806	1280	2413.56	-1133.56	1500	2461.83	-961.83
Zoo	0.79	125	1851	-1726	125	1887.84	-1762.84	125	1925.59	-1800.59
Gambling Act 2005	5.44	6610	12745	-6135	6610	12999.78	-6389.78	6610	13259.78	-6649.78
Licensing Act 2003	31.43	78093	73635	4458	78093	75107.21	2985.79	80000	76609.35	3390.65
Street Trading	2.27	5995	5318	677	5995	5424.54	570.46	5995	5533.03	461.97
Sex Establishments	0.00	0	0	0	0	0.00	0.00	0	0.00	0.00
Scrap - Collector	0.75	197	1757	-1560	197	1792.25	-1595.25	197	1828.09	-1631.09
Scrap - Site	0.60	198	1406	-1208	198	1433.80	-1235.80	198	1462.48	-1264.48
Taxi - Driver	15.48	26455	36267	-9812	30955	36992.03	-6037.03	35605	37731.87	-2126.87
Taxi - PHVL	4.68	9610	10964	-1354	9610	11183.64	-1573.64	10725	11407.31	-682.31
Taxi - HCVL	13.32	30978	31206	-228	31000	31830.35	-830.35	32450	32466.96	-16.96
Taxi - PHOP	2.52	2553	5904	-3351	2553	6021.96	-3468.96	3000	6142.40	-3142.40
Other non-chargeable	13.14	0	30785	-30785	0	31400.21	-31400.21	0	32028.22	-32028.22
<b>Totals</b>	<b>100.00</b>	<b>174857</b>	<b>234281</b>	<b>-28640</b>	<b>180488</b>	<b>237795.22</b>	<b>-27078.40613</b>	<b>192005</b>	<b>241362.14</b>	<b>-19712.73425</b>

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**TITLE: REVIEW OF LICENSING FEES**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 10 OCTOBER 2018**

**AUTHOR: SENIOR LICENSING OFFICER**

[T119]

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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 and the Gambling Act 2005.

1.2 The report also sets out the fees for the period 1 April 2019<sup>1</sup> to 31 March 2020 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 and the Gambling Act 2005 as set out in Appendix 1 and Appendix 2, and agree to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2019.
- ii) instruct Officers to implement, as appropriate, any other statutory fees that may be brought into force during the 2018/19 financial year.
- iii) instruct Officers to include the agreed fees in the 2019/20 annual fees and charges report that is presented to full Council.

2.2 That Members:

- i) agree to implement, with any necessary modification, 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 3 and Appendix 4, on the 1 April 2019.
- ii) agree to implement immediately, with any necessary modification, the proposed fees relevant to scrap metal licences, as set out in Appendix 4, with an understanding that if Council do not approve the measure, refunds will be given.

- iii) note the inclusion of the new Animal Welfare licence fees, which were agreed by Members on Wednesday 12 September 2018 to come into effect on 1 October 2018 in order to comply with the new animal welfare legislation.
- iv) instruct Officers to include the fees in the 2019/20 annual fees and charges report that is presented to full Council.

2.3 That Members:

- i) agree to implement immediately, with any necessary modification, the proposed fees relevant to driver licences, as set out in Appendix 5, with an understanding that if Council do not approve the measure, refunds will be given.
- ii) agree to implement, the proposed fees relevant to hackney carriage vehicle, private hire vehicle and operator licences, as set out in Appendix 5.
- iii) instruct Officers to include the proposed fees, as set out in Appendix 5, in the 2018/19 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 6. Due consideration must also be given to the provisions of the EU Services Directive and the judgement in the Hemming case. 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 such as an animal boarding establishment licence.
- 3.8 To reduce the risk of challenge to the Council, in 2015 officers created a financial modelling tool to help calculate the fees from 2016/2017 onwards.
- 3.9 This tool collated detailed information regarding the costs associated with undertaking the administrative procedures and formalities of each specific licensing procedure, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences.
- 3.10 In November 2015 Members were presented with a report which illustrated that the use of this tool had shown there to be a significant deficit in the Licensing Authority's budget, and that this was due in part to not recovering the true costs where the Licensing Authority had a discretion to set the fees. Having considered the report Members took the decision to follow the Officer's recommendation that the Authority look to recover the financial deficit over the extended 2016 to 2021 period rather than look to increase the fees to full cost recovery in one go.

#### 4.0 FINANCIAL IMPLICATIONS

- 4.1 The licensing procedures are considered from receipt of application to the issue of the final licence or permit with both variable and fixed costs being considered. These costs include officer, management and member time spent on licensing administration and monitoring but excludes time spent on enforcing unlicensed operators/businesses, in the case of joint hackney/private hire drivers' and operators' licences. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, legal 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 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.
- 4.4 The following table shows the total cost of running the Licensing Authority for the three years 2015/2016, 2016/2017, and 2017/2018 and illustrates the impact that raising the fees has had on the deficit.

Year	Income	Expenditure	Balance	% recovered
2015/2016 (part year increase)	£132,387	£209,798	-£77,411	63%
2016/2017 (full year increase)	£163,741	£239,308	-£67,463	69%
2017/2018 (full year increase)	£174,857	£234,281	-£59,424	74.6%

- 4.5 The work undertaken by Officers suggests that approximately 85% of the expenditure level incurred by the service can be legally recovered. Although, the 2016/2017 and 2017/2018 figures in the table above show that the service is heading towards this figure, it is clear that the service is still some way off the 85% cost neutral target. Any shortfall in discretionary fee income has to be covered by the Council’s general fund.
- 4.6 The proposed cost of running the service for the period 2019/2020 has yet to be set, but a 1.5% increase is possible. This would suggest an expenditure figure of £237,795 and therefore, a cost recovery figure of £202,125.
- 4.7 Members will note that the total expenditure figure in 2017/2018 was lower than the previous year. This was the result of looking at ways to reduce costs within the service.

## 5.0 CONCLUSION

- 5.1 The figures for 2017/2018 shows that almost 75% of a possible 85% of recoverable expenditure was recovered. The breakdown of this income (Appendix 7) shows that some of the licence fees are now recovering the cost of the resources they use, and some are very close. Due to this, if the cost neutral timeline contained in the 2015 report (Appendix 8) was to be followed some of the fees may potentially recover more than the cost of resources that they use.
- 5.2 Due to the information contained in paragraph 5.1, Officers recommend that Members continue to follow the decision made by them in 2015 to increase the

fees steadily over the extended 2016 to 2021 period, but Officers also recommend that the cost recovery timeline of proposed increases is amended to reflect the information available. The proposed fees for 2019/2020 period contained in Appendix 3, 4 and 5 reflect these recommendations.

5.3 Officers recommend that if Members agree to implement any increase to the driver fees they should come into effect immediately (as in previous years), subject to refunds being given if Council approve a lesser figure following the consultation period. The reason for this is that we have a large number of licence holders renewing before the close of the consultation period, and Officers believe it would be unfair on those renewing after the end of this period to have to pay significantly more than those renewing before. It would also mean that any proposed increase would come into effect exactly twelve months after the last increase for consistency purposes.

5.4 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 Statutory Fees
6.2	Appendix 2	Gambling Act 2005 Statutory Fees
6.3	Appendix 3	Gambling Act 2005 – Discretionary fees
6.4	Appendix 4	General discretionary fees
6.5	Appendix 5	Discretionary taxi fees
6.6	Appendix 6	Extracts from legislation regarding fee setting
6.7	Appendix 7	2016/17 actual income 2017/2018 projected income (based on current approved fee levels) 2018/2019 projected income (based on Officer fee increase recommendations)
6.8	Appendix 8	Cost neutral timeline table from 2015's report.

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**Background Documents****Location****Contact Officer**

Legislation contained in  
appendix 6

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LGA guidance on local fee  
setting 2015

Hemming v Westminster  
2015

R v Tower Hamlets LBC  
1994