



DISTRICT COUNCIL

Despatched: 27.01.14

LICENSING COMMITTEE

04 February 2014 at 5.30 pm

Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Morris Vice-Chairman: Cllr. Clark
Cllrs. Abraham, Ayres, Mrs. Ayres, Cooke, Davison, Mrs. George, Orridge, Mrs. Parkin,
Piper, Raikes and Walshe

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes	(Pages 1 - 14)	
Minutes of the meetings of the Committee held on 16 October 2013 and of the Sub-Committees held on 28 October 2013 and 2 December 2013.		
2. Declarations of interest		
Any interests not already registered		
3. Actions from the previous meeting (if any)		
None		
4. Hackney Carriage and Private Hire Licensing: License Fees 2014/15	(Pages 15 - 20)	Claire Perry 01732 227325
5. Gambling Act 2005 and Local Government (Miscellaneous Provision) Act 1982: Licence Fees 2014- 2015	(Pages 21 - 26)	Claire Perry 01732 227325

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

LICENSING COMMITTEE

Minutes of the meeting held on 16 October 2013 commencing at 6.00 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllr. Clark (Vice-Chairman)

Cllrs. Abraham, Davison, Mrs. George, Orridge, Mrs. Parkin, Raikes and Walshe

Apologies for absence were received from Cllrs. Ayres, Mrs. Ayres, Cooke and Piper.

8. Minutes

Resolved: That the Minutes of the meeting of the Committee held on the 25 July 2013 and of the Sub-Committees held on 19 August, 2 September, 3 September, 9 September, 13 September 2013 be approved and signed by the Chairman as a correct record.

9. Declarations of interest

No additional declarations of interest were made.

10. Actions from the previous meeting

Actions from the previous meeting were noted.

11. Scrap Metal Dealers Act 2013

The Committee noted the updated recommendations to the report issued in the supplementary agenda. The Licensing Partnership Manager explained that the reports had been considered and recommendations on to Cabinet for approval by the Housing and Community Safety Advisory Committee the night before.

Resolved: That it be noted that

- a) the revised regulatory regime for the scrap metal recycling and vehicle dismantling industries was an Executive function and therefore not within the Committee's terms of reference; and
- b) an amended fees report had now been considered by the Housing and Community Safety Advisory Committee and had been recommended to Cabinet for approval.

12. Amendments to the Constitution relating to the Licensing function

Members noted the further amendments made to Part 8 and 13 of the Constitution as circulated in the supplementary agenda, in light of scrap metal dealers licensing being an Executive function and being removed.

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Licensing Committee - Wednesday, 16 October 2013

It was further noted that an amendment was required to Part 8, paragraphs 2.1 and 3.1, as the Licensing Committee had at its meeting on 25 July 2013 established 'four' Licensing Hearing Sub-Committees.

Resolved: That it be recommended to Council that the amendments to Part 8 and Part 13 of the Council's Constitution attached as Appendices A and B to the supplementary agenda, including the above amendment to Part 8, paragraphs 2.1 and 3.1, be approved.

THE MEETING WAS CONCLUDED AT 6.20 PM

CHAIRMAN

LICENSING HEARING

Minutes of the meeting
held on 28 October 2013 commencing at 10.30 am

Present:	Cllrs. Abraham, Mrs. Morris and Orridge	
Also present	Ms Glynis Burton	Applicant
	Mr David Leeke	Applicant
	Ms Mary Pearman	Applicant
	Cllr. Mrs Purves	Local Member, Objector
	Mr Peter Ashwell	Objector
	Mr James Bampton	Objector
	Cllr Anthony Clayton	Town Councillor, Objector
	Mr Roger Fitzgerald	Objector
	Mr Geoff Howson	Objector
	Mr Jim Purves	Objector
	Mr David Warry	Objector
	Cllr. Mrs George	Observer
	Mrs Jessica Bolton	SDC, Licensing Officer
	Mrs Philippa Gibbs	SDC, Democratic Services Manager
	Mr David Lagzdins	SDC, Legal Advisor

1. Appointment of Chairman

Resolved: That Councillor Mrs Morris be appointed Chairman of the meeting.

2. Declarations of interest.

There were no additional declarations of interest.

3. Application for a Premises Licence Sevenoaks Indoor Bowls Centre, Hollybush Close, TN13 3UX

The Hearing gave consideration to a report by the Chief Officer Environmental & Operational Services giving details of an application for a new Premises Licence under the Licensing Act 2003. The application was made by Sevenoaks IBC Ltd, Sevenoaks Indoor Bowls Centre, Hollybush Close, Sevenoaks, Kent TN13 3UX to allow licensable activities at the premises. It was noted that objections had been received and that accordingly the application had been referred to the Sub Committee for determination.

The Hearing heard from Mr Leeke (Finance Director), Ms Pearman (Chairman of the Indoor Bowls Club) and Ms Glynis Burton (Bowls Centre Manager) on behalf of the applicant, Sevenoaks Indoor Bowls Club, as well as from a number of local residents, a District Councillor and a Parish Councillor, who were the objectors to the application.

Mr Leeke advised the Hearing that the options had been discussed with the Licensing Authority over a number of months. The Club had also worked with Kent Police to review

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Licensing Hearing Monday, 28 October 2013

the hours and the application was now for the sale of alcohol up to 11pm. The licence would enable the Club to hold additional non bowls functions throughout the year and the majority of attendees at these functions would be former members of the Club. Mr Leeke stressed that the Club had been holding functions for a number of years and these functions needed to continue for commercial reasons. The sound system within the Club was regularly tested and none of the tests that had been carried out by Environmental Health had raised any concerns. The majority of functions that were held at the Club were dinners that did not require the use of the dance floor.

In response to a question, Mr Leeke confirmed that the number of people that could be accommodated at the Club under Fire Regulations was 150. It was also confirmed that the Club had a Child Protection policy.

Responding to questions surrounding whether it would be possible for the Club to introduce different classes of membership such as Associate Member to allow individuals to take part in social events, Mr Leeke reported that he did not think the Club was able to offer different levels of membership.

Representing a number of local residents objecting to the application, Councillor Mrs Purves stressed that there were a number of residential roads in the vicinity that would be affected if the application were to be approved. The large numbers of people that could be leaving the club and the sale of alcohol in a residential area from 9am to 11pm could cause a public nuisance. Residents were also disappointed that the Club had not consulted with the local Hollybush Residents Association before submitting the application.

Town Councillor Tony Clayton stressed that local people did support the Bowls Club but were disappointed that there had been no consultation with the Residents Association, neighbouring households or parents that used the playground who would all be affected by the application. The increased volume of traffic to and from the Club could discourage parents from allowing their children to use the local park and there was concern that granting the application would set a precedent for any future users of the site.

Mr Ashwell suggested that the application that had been made did not meet Sevenoaks District Council's policy requirements as it did not appear that suitable safeguards were in place. There was also no indication of the number of additional users of the site or how many extra events would be held. Mr Ashwell expressed concerns that the building was not designed to contain high noise levels and that there would be a significant increase in public nuisance.

In response to a question surrounding the concerns that had been raised in relation to child protection issues, one of the objectors clarified that there were no concerns with the existing club licence, however residents had concerns surrounding what could happen in the future as the increase in traffic could endanger children.

At 11:55 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 12:45 p.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman informed the Hearing that the Sub Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. They agreed to grant the licence subject to the inclusion of three additional conditions:

- (a) A sign will be placed in a visible location reminding any patrons leaving the premises that they need to respect neighbours and leave quietly.
- (b) A telephone number will be made available for local residents to contact the premises during opening hours.
- (c) The premises will maintain a child protection policy that will be publically displayed.

The following informatives were added to the Licence as follows:

- (a) The Environmental Health Team should be sensitive to any concerns raised by local residents.
- (b) It is recommended that the Premises Supervisor have regular liaison meetings with the Residents' Association.

The conditions were imposed with particular regard to the licensing objective of the prevention of public nuisance.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of Sevenoaks Indoor Bowls Centre, Hollybush Close, Sevenoaks, Kent TN13 3UX subject to the conditions contained in the licence attached as an appendix to these minutes and with the informatives so stated be granted

THE MEETING WAS CONCLUDED AT 12.46 pm

Chairman

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LICENSING ACT 2003 Section 23

Notice of determination for application premises licence

To: SEVENOAKS IBC LTD.

of: HOLLYBUSH CLOSE, SEVENOAKS, KENT. TN13 3UX

Ref: 13/02319/LAPRE

Sevenoaks District Council being the licensing authority, on 30th July 2013 received an application for a premises licence in respect of premises known as Sevenoaks Indoor Bowls Centre, Hollybush Close, Sevenoaks, Kent. TN13 3UX.

On the 28th October 2013 there being valid representations which were received and had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub Committee determined as follows:

To grant the Premises Licence:

Section A: To allow exhibition of plays indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section B: To allow the exhibition of films indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section C To allow indoor sporting events every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section E To allow live music indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section F To allow recorded music indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section G To allow performances of dance indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section H To allow anything similar to E, F or G indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section L To allow late night refreshment indoors on Christmas Eve, New Year's Eve until 01:00 hours the following day.

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Minute Annex

Section M To allow sale of alcohol for consumption on the premises every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section O Hours premises are open to the public from 09:00 until 23:30 hours

Christmas Eve, New Year's Eve until 01:00 hours the following day.

To add the conditions on the Licence as follows:

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

No supply of alcohol may be made under the premises licence

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 6 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period

of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

To add conditions to the Licence as follows:

- (a) A sign will be placed in a visible location reminding any patrons leaving the premises that they need to respect neighbours and leave quietly.
- (b) A telephone number will be made available for local residents to contact the premises during opening hours.
- (c) The premises will maintain a child protection policy that will be publically displayed.

To add the following informative to the Licence as follows:

- (a) The Environmental Health Team should be sensitive to any concerns raised by local residents.
- (b) It is recommended that the Premises Supervisor have regular liaison meetings with the Residents' Association.

The reason for the additional conditions is the prevention of public nuisance.

This licence granted at the Hearing is effective from the 28th October 2013.

Dated: 28 October 2013.

Signed

Chair Licensing Hearing

Signed

Licensing Officer

Please address any communications to:

Licensing Partnership
 Sevenoaks District Council
 Council Offices
 PO Box 182
 Argyle Road
 Sevenoaks
 Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

LICENSING HEARING

Minutes of the meeting
held on 2 December 2013 commencing at 10.30 am

Present: Cllrs. Mrs. George, Orridge and Mrs. Parkin

Also present Mr. S. Patel - Applicant
 Mr. A. Burton - Objector (Sevenoaks School)
 Miss. H. Tebay - Objector (Sevenoaks School)
 Mrs. L. Leeds - Licensing Officer (SDC)
 Mr. D. Lagzdins - Legal Advisor (SDC)
 Miss. C. Shacklock - Acting Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr. Orridge be appointed Chairman of the meeting.

2. Declarations of Interest

There were no additional declarations of interest.

3. Application For A Premises Licence From (The) Old Post Office, 13 High Street, Sevenoaks, Kent. TN13 1HZ

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under the Licensing Act 2003 for a premises licence at The Old Post Office, 13 High Street, Sevenoaks, Kent, TN13 1HZ. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the Applicant who explained that the application was made due to economic circumstances and other options such as groceries and stationery had been tried previously but they were not viable. Business had slowed down since the closure of the Post Office section.

In response to a question from the Sub Committee, the Applicant confirmed that the alcohol would be stored behind the counter.

The hearing heard from a representative from Sevenoaks School who reported that there were 1,200 students whose ages were between 11 and 18. 300 of the students boarded at the school. Even if they were over the age of 18 they were not allowed to consume alcohol on the school's sites as they were under the school's protection. There was a good relationship between the Applicant and the Objectors as many of the students were regular users of the shop. Concerns had been raised with the school's Pastoral Deputy Head about alcohol being sold at such proximity to the site which would expose the children to risk. There had been reports of the use of fake IDs. There had also been incidents with members of the public of physical and verbal abuse from other licensed premises in Sevenoaks.

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Licensing Hearing - Monday, 2 December 2013

The Hearing heard from the Applicant who explained that he had been running the shop since 1993, that he knew most of the students and did not sell cigarettes to students from the school.

The Sub Committee noted that there was a good relationship between both parties.

At 10.58 a.m. the Sub-Committee agreed to an adjournment to allow the Applicant and Objectors to discuss whether a solution acceptable to all parties could be put to the Sub-Committee.

At 11:12 a.m. the Hearing Members, Council's Legal Advisor and Clerk to the Hearing returned to the Council Chamber.

The Objectors explained that there had not been an agreement. The applicant was concerned that if the sale of alcohol were restricted to after school hours it mean the loss of passing trade and so would be detrimental to his business.

At 11.15 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11.30 a.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Objectors explained that a new proposal had been reached that the premises would be licensed to sell alcohol on Monday to Saturday from 09.00 hours to 13:00 hours, 14:30 hours until 16:15 hours and 16:45 hours until 23:00. There would be no amendments to the proposed Sunday hours. Mr Patel agreed with the change of hours.

The Chairman informed the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. It was moved that the licence be granted subject to the agreed changes and it was unanimously,

Resolved: That a Premises Licence in respect of The Old Post Office, 13 High Street, Sevenoaks, Kent, TN13 1HZ subject to the conditions contained in the licence attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 11.35 am

Chairman

LICENSING ACT 2003 – Section 23

Notice of determination for application premises licence

To: OLD POST OFFICE (THE)
of: 13 HIGH STREET, SEVENOAKS, KENT, TN13 1HZ
Ref: 13/01611/LAPRE

Sevenoaks District Council being the licensing authority, on 4 October 2013 received an application for a premises licence in respect of premises known as Old Post Office (The), 13 High Street, Sevenoaks, Kent, TN13 1HZ

On the 2 December 2013 there being a valid representation which was received and had not been withdrawn, a hearing was held to consider the representation, and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

Section M: To allow sale of alcohol for consumption off the premises on Monday to Saturday from 09:00 hours until 13:00 hours, 14:30 hours until 16:15 hours and 16:45 hours until 21:00 hours. On Sunday from 07:00 hours until 15:00 hours.
 On Christmas Eve until 23:00 hours.

Section O: Hours premises are open to the public on Monday to Saturday from 07:00 until 21:00 hours. On Sunday from 07:00 hours until 15:00 hours.
 On Christmas Eve until 23:00 hours.

To add the conditions on the Licence as follows:

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 6 April 2010

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request,

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before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

This licence granted at the Hearing is effective from the 2 December 2013

Dated:

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES 2014/2015

Licensing Committee – 4 February 2014

Report of the: Chief Officer Environmental and Operational Services

Status: For Decision

Key Decision: No

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Ms Lowe (Housing and Community Safety)

Contact Officer(s) Claire Perry Ext: 7325 / 07970 731616

Recommendation to the Licensing Committee: That the Licensing Committee agree that the fee levels as set out in paragraph 7 of the report are appropriate for consultation with the Taxi trade.

Reason for recommendation: to ensure that the Council complies with its Statutory duty and ensure that the 'Taxi Licensing' service remains self-financing, in accordance with the Council's Service and Budget Plan.

Introduction and background

1. This taxi licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
2. The licence fees and associated costs of 'taxi' licensing are proposed to be increased in line with the 3.5% inflation rate in accordance with the Council's Service and Budget Plan. All other increases in cost of providing the service have been absorbed by efficiency savings as a result of the Licensing Partnership.
3. Careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated costs, together with expenditure has been in accordance with the objectives laid out in the budget plan.
4. The Driving Standards Agency (DSA) fee for its 'taxi driver test', that new applicants are required to take in accordance with the Council's 'Taxi Licensing Policy', is currently £79.66 payable (weekday fee) directly to the DSA by the applicant.
5. The Cedars Surgery at Swanley is the current approved Centre for medical examinations with respect to Driver Licence applications in accordance with the

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Taxi Licensing Policy. Cedars Surgery won the tender early in 2012 with a reduced fee payable by the applicant of £50, previously the cost was £55.

6. The fee for the Disclosure Barring Service (DBS) Enhanced Search remains the same at £44. However, applicants can now register online when they apply for a DBS search. The registration lasts for one year and costs £13 per year. This would save an applicant £5 over three years. It allows applicants to take their search certificate from one job to the next and removes the need for an enhanced search to be carried out upon renewal.
7. The three costs mentioned in the two preceding paragraphs, which a new applicant has to pay, means, that in addition to the licence fee set by Members, a new applicant for a driver licence will have to pay, if the recommended licence fee increase is approved, a total of £342.66 from 1 April 2014 whilst an applicant for a renewal of a licence will pay a total of £216 from the same date.

	New applicant for driver licence	Renewal of a drivers licence
Application	£169.00	£122.00
DBS enhanced search	£44.00	£44.00
Medical	£50.00	£50.00
DSA driving test	£79.66	Not applicable
Total	£342.66	£216.00

	Existing Fees	New Fees for 2014/15
Hackney Carriage Driver Licence		
On initial application	£163 for three years	£169 for three years
Disclosure Barring Service search fee	£44 every three years	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£207 for three years	£213 for three years
On renewal	£118 for three years	£122 for three years
Disclosure Barring Service search fee	£44 every three years	£44 every three years or £13 per year if they sign up to the DBS online service

Total (including DBS fee)	£207 for three years	£213 for three years
Hackney Carriage Vehicle Licence	£290 for one year	£300 for one year
Private Hire Operator Licence		
On initial application	£300 for three years	£300 for three years
On renewal	£96 for three years	£100 for three years
Private Hire Driver Licence		
On initial application	£163	£169
Disclosure Barring Service search fee	£44 every three years	£44 every three years or £13 per year if they sign up to the DBS online service
On renewal	£118 for three years	£122 for three years
Disclosure Barring Service search fee	£44 every three years	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£207 for three years	£213 for three years
Private Hire Vehicle Licence	£290 for one year	£300 for one year
Additional Costs		
Change from Hackney Carriage to Private Hire	£68	£70
Change from Private Hire to Hackney Carriage	£90	£90
Replace vehicle plate	£23	£23
Replace driver badge	£9	£9
Vehicle re-test	£54.85	£54.85
Vehicle partial re-test	£27.42	£27.43
Change of ownership of licensed vehicle	£67	£69
Attempting "Knowledge Test" after one failure	£49	£50

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Failure to attend in time for the vehicle test (10 minutes prior to the test start time)	£27.42	£27.43
Failure to attend with correct documentation	£27.42	£27.43
Copy of existing paper licence	£8	£11
Change of address details for a replacement licence	£10.50	£11
Change of name for a vehicle or operator licence	£10.50	£11
Change of name and address for a driver badge	£20	£20
Medical fee for a new and renewal driver licence for Hackney Carriage and Private Hire payable directly to The Cedars Surgery	£50 for three years payable directly to the surgery	£50 for three years payable directly to the surgery
<p>Replacement Vehicles</p> <p>If a licensed vehicle is replaced during the valid licence period then the cost of licensing the replacement vehicle will be £290. However, if the vehicle is replaced within six months of the issue of the licence then the fee will be reduced by £100 in the first of those six months; £90 in the second; £80 in the third; £70 in the fourth; £60 in the fifth and £50 in the sixth month.</p> <p>If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £99 to test and licence the replacement vehicle and a further £99 to test and re-licence the original vehicle.</p>		

8. The Licensing Partnership will email those Hackney Carriage Proprietors, Private Hire Operators and Drivers where we have their email addressed after this Licensing Committee meeting to give them the opportunity to make comment. A Notice will also be placed in a local paper and will be available on the Council's website.

Other Options Considered and/or Rejected

9. If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the Taxi Licensing Service was self-financing.

Key Implications

Financial

The cost of licence fees takes into account the need to maintain a ‘self financing’ position for the service. The proposals contained in this report will achieve this.

Legal, Human Rights etc.

Should parts of industry believe the authority’s fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Appendices None

Background Papers: None

Mr Richard Wilson
Chief Officer Environmental and Operational Services

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GAMBLING ACT 2005 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: LICENCE FEES 2014/2015

Licensing Committee – 4 February 2014

Report of the: Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Council – 18 February 2014

Key Decision: No

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Ms Lowe (Housing and Community Safety)

Contact Officer(s) Claire Perry Ext: 7325 / 07970 731616

Recommendation to the Licensing Committee: That Full Council be recommended to approve the appropriate fee levels as set out in appendix A.

Recommendation to Council: That subject to the comments of the Licensing Committee, the fees set out in appendix A are approved.

Reason for recommendation: to ensure that the Council complies with its statutory duty and ensure that the Gambling licensing service remains self-financing, in accordance with the Council's Service and Budget Plan. The Gambling Act fees were first set at the Licensing Committee on 30 May 2007, (with the same fee model being used to work out the proposed fee for the forthcoming year using a 3.5% inflation factor in accordance with the Council's Budget Plan with rounding to "5" and "9" for the respective fee).

Introduction and background to Gambling Fees

1. The Gambling Act 2005 Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe which includes a maximum fee level. The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
2. The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous years fees are printed in italics for your information.

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3. There is an initial fee to cover the cost of application and an annual “maintenance” fee.
4. Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.
5. Fees must be set for all types of premises licences and Temporary Use Notices (TUN’s).

Premises type

- Casinos
 - Bingo
 - Betting (off-course)
 - Tracks (on-course betting)
 - Adult Gaming Centres
 - Family Entertainment Centres
6. Fees must be set by each Licensing Authority for the following:
 - Application for a (new) premises licence
 - Application to vary a premises licence
 - Application to transfer the licence
 - Application for re-instatement of the premises licence
 - Application for a provisional statement
 - Application for a premises licence for a premises which already has a provisional statement
 - Fee to accompany a request for a copy of the premises licence
 - Fee to accompany a notification of change of circumstances (only relevant change is that of address)
 - Fee to accompany a temporary use notice
 7. The District currently has seven Betting Premises that will be affected by the proposed fee increases. There are no other gambling premises currently operating in the District.

Sexual Entertainment Venue Fees

8. The fees have been calculated by examining the 'time' it takes to carry out the various tasks and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity. For each application the processes involved are identified and the costs of each process are calculated and entered in to the spread sheet, which produces an average cost for each type of application and an annual fee.
9. The type of tasks involved in premises application for example, include, assistance to applicant, the checking of an application for completeness when received, checking all required documents are attached, processing the application fee, check, process, bank and reconcile payments, entering the information into our computer system (including scanning), contacting the applicant to clarify application or chase missing information if required, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing, holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.
10. The costs associated with appeals and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring is entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of our partners within the Licensing Partnership.
11. The result of the calculations is that it is recommended a fee of £2,960 is set for an initial application, a transfer or a renewal application. This Authority has not been increased since 2010. The existing fee is £2,300.

Other Options Considered and/or Rejected

12. If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Gambling and Sexual Entertainment Venue premises was self-financing.

Key Implications

Financial

The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this. The current number of premises that will be subject to Gambling Act 2005 fees is seven betting shops, whose annual fees will generate £3,640. There are no Sexual Entertainment Venues within the District.

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Legal, Human Rights etc.

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Appendices None

Background Papers: None

Mr Richard Wilson
Chief Officer Environmental and Operational Services

**SEVENOAKS DISTRICT COUNCIL'S
GAMBLING ACT 2005 - FEES
1 April 2014 – 31 March 2015**

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	7260	(8,000)	7015	4025	(5000)	3890
New Large Casino	8340	(10,000)	8060	6500	(10000)	6280
Bingo Club	2660	(3500)	2570	745	(1000)	720
Betting Premises (excluding Tracks)	2660	(3000)	2570	520	(600)	500
Tracks	1615	(2500)	1560	745	(1000)	720
Family Entertainment Centres	1615	(2000)	1560	610	(750)	590
Adult Gaming Centre	1615	(2000)	1560	745	(750)	720
Temporary Use Notice	210	(500)	205	N/A		

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino	3450	1530	1530	7310	2610	11	27
	(4000) 3330	(1800) 1480	(1800) 1480	(8000) 7060	(3000) 2525	(25) 11	(50) 27
New Large Casino	4100	1940	1940	8360	3830	11	27
	(5000) 3960	(2150) 1870	(2150) 1870	(10000) 8080	(5000) 3700	(25) 11	(50) 27
Bingo Club	1550	1200	1200	2660	1200	11	27
	(1750) 1500	(1200) 1200	(1200) 1200	(3500) 2570	(1200) 1200	(25) 11	(50) 27
Betting Premises (excluding tracks)	1530	1200	1200	1590	1200	11	27
	(1500) 1480	(1200) 1200	(1200) 1200	(3000) 1540	(1200) 1200	(25) 11	(50) 27
Tracks	1250	950	950	1615	950	11	27
	(1250) 1250	(950) 950	(950) 950	(2500) 1560	(950) 950	(25) 11	(50) 27
Family Entertainment Centres	1000	950	950	1580	950	11	27
	(1000) 1000	(950) 950	(950) 950	(2000) 1525	(950) 950	(25) 11	(50) 27
Adult Gaming Centre	1000	1200	1200	1615	1200	11	27
	(1000) 1000	(1200) 1200	(1200) 1200	(2000) 1560	(1200) 1200	(25) 11	(50) 27

**SEVENOAKS DISTRICT COUNCIL'S
GAMBLING ACT 2005 - FEES
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Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	11 (25) <i>11</i>	27 (50) <i>27</i>
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The proposed new fees as shown in bold type in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets and last year's fees are in italics.