

16 March 2020 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks  
Despatched: 06.03.20



# Licensing Committee

## Membership:

Chairman, Cllr. Clack; Vice-Chairman, Cllr. Pett  
Cllrs. Abraham, Dr. Canet, Carroll, Coleman, Esler, Hunter, Layland, Parkin and Raikes

## Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 7 January 2020 and of the Licensing Hearing held on 6 February 2020, as a correct record	(Pages 1 - 18)	
2. <b>Declarations of interest</b> Any interests not already registered		
3. <b>Actions from the previous meeting (if any)</b>		
4. <b>Hackney Carriage and Private Hire Licensing: Licence Fees from April 2020</b>	(Pages 19 - 26)	Sharon Bamborough Tel: 01732227325
5. <b>Work Plan</b>	(Pages 27 - 28)	

## EXEMPT INFORMATION

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.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

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LICENSING COMMITTEE

Minutes of the meeting held on 7 January 2020 commencing at 7.00 pm

Present: Cllr. Clack (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Abraham, Dr. Canet, Coleman, Esler, Hunter, Layland, Parkin, Pett and Raikes

Cllrs. McArthur and Osborne-Jackson were also present.

15. Minutes

Resolved: That the Minutes of the Licensing Committee held on 19 September 2019, and the Licensing Hearing held on 11 September 2019 be approved and signed by the Chairman as a correct record.

16. Declarations of interest

For reasons of transparency Cllr Raikes declared that he knew one of Taxi Drivers.

17. Actions from the previous meeting

There were none.

18. Licensing Act 2003 - Statement of Licensing Policy

Members considered the report which detailed that the current Statement of Licensing Policy would expire at the end of March 2020 and a new Statement of Licensing Policy was required from 1 April 2020. The policy, as set out in Appendix A defined how the Council's responsibilities under the Licensing Act 2003 would be carried out and administered by the Council as the Licensing Authority. Public consultation on the draft policy took place over an 8 week period between 21 October 2019 and 13 December 2019. Feedback, suggestions and comments within the scope of the Licensing Act 2003, were presented in Appendix B to the report.

The Licensing Partnership Manager advised that formatting and typographical errors had been brought to his attention by the Chairman and this would be changed in the final Policy. He also highlighted to Members the comment received in Appendix B regarding CCTV, and the proposed wording as detailed in paragraph 17.14 in the Policy. Members discussed the pros and cons of CCTV and the proposed wording.

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### Licensing Committee - 7 January 2020

As a result of the debate, the Chairman put to the vote whether the suggested wording in paragraph 17.4 should be kept in the policy and it was agreed.

Members further discussed some of the changes in the policy and suggested that the final two bullet points in paragraph 12.4 should be removed.

Members asked questions of clarification, and were informed that at the beginning of December 2019 there were 342 premises licences. Members were advised that the late night levy, if introduced, it would mean all premises who operated late night across the district would be charged an additional fee regardless of whether they were in problem areas, as required by law. The levy income was distributed so that a percentage would go to the Police for dealing with the crime and disorder and anti-social behaviour caused by the late night licence. It was suggested by the Head of Licensing that if and when the law changed to allow the levy to be targeted only in problem areas that would be the time to consider it.

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council, that the ‘Statement of Licensing Principles 2020-2025’ as revised policy be adopted subject to

- a) formatting and typographical corrections; and
- b) the removal of the final two bullet points in paragraph 12.4.

#### 19. Sexual Establishments - Statement of Licensing Policy

Members considered the report which detailed amendments to the ‘Sex Establishment Statement of Licensing Policy’ following an 8 week consultation. The policy set out how the Council would exercise and administer applications under the policy for Sex Shops, Sex Cinemas and Sexual Entertainment Venues submitted under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by The Policing and Crime Act 2009). The Licensing Partnership Manager advised that the additions to the Policy included equalities and human rights.

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the Sexual Establishments Statement of Licensing Policy 2020-2023 be recommended to Full Council as revised Policy to come into effect from 1 April 2020.

#### 20. Statement of Hackney Carriage & Private Hire Policy

Members considered a report which set out an amended ‘Statement of Hackney Carriage and Private Hire Policy’, following an 8 week consultation. The policy defined how the Council would exercise and administer applications submitted

under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The policy set out the expectations of the Council when licensing drivers, vehicles and operators.

The Licensing Partnership Manager advised that the key changes to the policy included: the addition of dual driver licence, clarification of Executive Vehicles, Immigration, removal of engine size, amendments to Penalty Points, declarations of cautions, human rights, VOSA right-off categories, and tinted windows.

Members discussed the comments that had been made regarding tinted windows by the Council's appointed garage and a representation of the Taxi Trade as set out in Appendix B of the report. Consideration was given to the needs of the trade, regulations and the ability to benchmark the different grades of tinting. Members were in agreement that Dunbrik's comments should be included within the Policy.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council, that the approval of the 'Statement of Hackney Carriage and Private Hire Policy 2020-2023' as revised policy be adopted as of 1 April 2020.

21. Gambling Act 2005: Licence Fees from April 2020

Members considered the report which set out the proposed fees for the Gambling Act 2005 for charges for licences, permits and associated items issued under the Gambling Act as set out in Appendix A. The fees ensured that the Council complied with its statutory duty and ensured that the Gambling Licensing service remained self-financing in accordance with the Council's Service and Budget Plan. The Licensing Partnership Manager reported that in the District there were only Betting premises. He advised Members that there was an error in the report and paragraph 10 should have stated slight increase rather than decrease.

Public Sector Equality Duty

Members noted that consideration had been given to impact equality assessments.

Resolved: That the level of fees and charges as set out below be approved from 1 April 2020.

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	<b>7960</b>	(8,000)	7820	<b>4418</b>	(5000)	4340
New Large Casino	<b>9162</b>	(10,000)	9000	<b>7131</b>	(10000)	7005
Bingo Club	<b>2260</b>	(3500)	2220	<b>794</b>	(1000)	780
Betting Premises (excluding Tracks)	<b>2840</b>	(3000)	2790	<b>575</b>	(600)	565

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Tracks	<b>1771</b>	(2500)	1740	<b>794</b>	(1000)	780
Family Entertainment Centres	<b>1771</b>	(2000)	1740	<b>652</b>	(750)	640
Adult Gaming Centre	<b>1771</b>	(2000)	1740	<b>750</b>	(750)	780
Temporary Use Notice	<b>229</b>	(500)	225	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	<b>3889</b> (4000) 3820	<b>1675</b> (1800) 1645	<b>1649</b> (1800) 1620	<b>8000</b> (8000) 7875	<b>2860</b> (3000) 2810	<b>12</b> (25) 12	<b>29</b> (50) 28
New Large Casino	<b>4352</b> (5000) 4275	<b>2128</b> (2150) 2090	<b>2128</b> (2150) 2090	<b>9167</b> (10000) 9005	<b>4199</b> (5000) 4125	<b>12</b> (25) 12	<b>29</b> (50) 28
Bingo Club	<b>1700</b> (1750) 1670	<b>1200</b> (1200) 1200	<b>412</b> (1200) 405	<b>2260</b> (3500) 2220	<b>1200</b> (1200) 1200	<b>12</b> (25) 12	<b>29</b> (50) 28
Betting Premises (excluding tracks)	<b>1500</b> (1500) 1480	<b>1200</b> (1200) 1200	<b>392</b> (1200) 385	<b>1771</b> (3000) 1740	<b>1200</b> (1200) 1200	<b>12</b> (25) 12	<b>29</b> (50) 28
Tracks	<b>1250</b> (1250) 1250	<b>950</b> (950) 950	<b>392</b> (1200) 385	<b>1726</b> (2500) 1695	<b>950</b> (950) 950	<b>12</b> (25) 12	<b>29</b> (50) 28
Family Entertainment Centres	<b>1000</b> (1000) 1000	<b>950</b> (950) 950	<b>397</b> (1200) 390	<b>1766</b> (2000) 1735	<b>950</b> (950) 950	<b>12</b> (25) 12	<b>29</b> (50) 28
Adult Gaming Centre	<b>1000</b> (1000) 1000	<b>1200</b> (1200) 1200	<b>397</b> (950) 390	<b>1766</b> (2000) 1735	<b>1200</b> (1200) 1200	<b>12</b> (25) 12	<b>29</b> (50) 28
Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	12 (25) 12	29 (50) 28

## 22. Sexual Entertainment Licensing Fees

Members considered the report which set out the proposed fees for Sexual Entertainment Licensing as set out in Appendix A. The fees ensured that the Council complied with its statutory duty and as there had been a decrease in the rate of inflation of 1.8% following the previously set fees in 2018 this was reflected in the proposed fees. The Licensing Partnership Manager advised that the fees set

out in Appendix A set out the base fees rather than the proposed fees and referred Members to Paragraph 13 of the report.

Public Sector Equality Duty

Members noted that consideration had been given to impact equality assessments.

Resolved: That the level of fees and charges as set below be approved from 1 April 2020

Type of Application	Fee
New Application	£3641
Renewal Application	£3641
Transfer Application	£1825

23. Hackney Carriage 'Table of Fares'

Members considered a report which detailed the outcome of the recent Hackney Carriage Fare consultation, and asked whether Members were minded to revise the existing fares as set out in Appendix A. Members were advised that the fares had been amended in 2019, and if they were minded to revise the existing Table of Fares, the changes would need to go out for advertisement with the public and Hackney Carriage Trade. 19 responses were received from the Hackney Carriage trade, with 18 responses in support.

Members discussed the report and compared the response rate to the previous year of which 85 responses had been received. Members considered that although all members of the Hackney Carriage Trade had been consulted there was a lack of response received and thought it was not a majority requesting a change to the fares.

Resolved: That the existing fare chart remain for the year 2020/21 as set out in Appendix A to the report.

24. Work Plan

Members were advised that the revision of the Taxi Licensing application fees would be coming to a future meeting following an in-depth analysis of costings.

THE MEETING WAS CONCLUDED AT 8.13 PM

CHAIRMAN

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**LICENSING HEARING**

Minutes of the meeting held on 6 February 2020 commencing at 2.00 pm

Present: Cllrs. Dr. Canet, Hunter and Pett

Also Present:	Daniel Dos Santos	Applicant
	Trudy Burgess	Respondent
	Mike Paterson	Respondent
	Simon Jay	Respondent
	Trevor Beeson	Respondent
	Cllr Dickins	Councillor
	Cllr McArthur	Councillor
	David Lagzdins	Legal Advisor (SDC)
	Michael Moss	Licensing Partnership Manager (SDC)
	Charlotte Sinclair	Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr Pett be elected as Chairman of the meeting.

2. Declarations of interest

There were no additional declarations of interest.

3. Report to Licensing Sub-Committee, following receipt of representations in relation to an application for a new Premises Licence made under The Licensing Act 2003 for Chartwell Barns (The Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND (19/04703/LAPRE)

The Hearing gave consideration to a report by the Chief Officer Planning & Regulatory Services giving details of an application for a new Premises Licence application under the Licensing Act 2003 in respect of Chartwell Barns (The Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND. It was noted that 13 representations had been received but not withdrawn and that accordingly the application had been referred to the Sub-committee for determination.

The Licensing Partnership Manager advised that the applicant had put forward 7 conditions and the Environmental Pollution Team also requested 2 additional conditions should the application be granted. The Hearing was also reminded that under the 2015 deregulations, any premises award to a premises licence which authorised the sale of alcohol, was automatically permitted to provide live and / or recorded music between 08:00 - 23:00hrs which in respect to this application, would authorise the regulated entertainment between 11am to 11pm). The original

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### Licensing Hearing - 6 February 2020

application requested the provision of Late Night Refreshments, however this activity was removed prior to the application being validated. Members were also reminded that planning concerns could not be considered as part of the Licensing Application as there was a different process for dealing with planning and consideration could not be given to the issues raised.

In response to questions the Council's Legal Advisor confirmed that Licensing and Planning were two separate regimes and it was not set out in law which application should be submitted first. If there were breaches of planning or licensing activities then there were processes in each regime to address the problems. Planning considerations were outside of the remit of the Licensing Committee and therefore, by law could not be considered for the determination of the premises licence application.

The Hearing heard from the Applicant, he summarised that the alcohol licence would be to provide a small glass of wine or beer at the restaurant and his target audience within the restaurant was for families, it was not to be a night club or a pub. There would be loudspeakers inside only.

In response to Members' questions the applicant advised that there would not be live music from 8am, but rather background music, and would be happy for the licence to be amended, if granted.

In response to questions from the respondents, the Legal Advisor informed the Hearing that should an alcohol licence be granted then the playing of live or recorded music, as well as background music was not a licensable activity. If there were excessive noise concerns arising from the music then this could be reported to the Council, and a review could be undertaken.

In response to further questions the Applicant responded that there would not be loudspeakers or live amplified music outside. It was not intended that any music would cause a public nuisance and any functions at the premises would be for no more than 50 people, which would be a standard trading day at the premises.

At 2:05 p.m. the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 3:15 p.m. the Hearing Members, Council's Legal Advisor and Clerk to the Hearing returned to the Conference room.

The Chairman informed the Hearing that the sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing Objectives, the Statutory Guidance issued under Section 182 and the Council's Statement of Licensing Policy. The Chairman moved that the licensing application be granted subject to licensable activities for music to start from 11am and additional conditions.

Resolved: That a Premises Licence in respect of Chartwell Barns (The Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND, subject to licensable

Licensing Hearing - 6 February 2020

activities for music to start from 11am, the mandatory and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 3.17 PM

CHAIRMAN

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**LICENSING ACT 2003 - Section 23**

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**Notice of determination for application premises licence**

**To:** Daniel Dos Santos

**of:** Chartwell Barns (the Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND

**Ref:** 19/04703/LAPRE

Sevenoaks District Council being the licensing authority, on the 6 December 2019 received an application for a premises licence in respect of premises known as Chartwell Barns (the Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND

On the 6 February 2020 there being valid representations which were received 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 E:** To allow the performance of live music both indoors and outdoors Monday to Saturday from 12:00 to 23:00 hours.

On Sundays from 12:00 until 19:00 hours.

**Section F:** To allow recorded music both indoors and outdoors Monday to Saturday from 11:00 to 23:00 hours.

On Sundays from 11:00 until 19:00 hours.

**Section J:** To allow the supply of alcohol for consumption on the premises from Monday to Saturdays from 11:00 to 23:00 hours.

On Sundays from 11:00 until 19:00 hours.

**To add the conditions on the Licence as follows:**

1. No speakers involved in the transmission of live or recorded amplified music are to be installed to the external decking/ patio area.
2. Deliveries and collections from the restaurant, including refuse and bottle collections, should be restricted to Monday to Saturday 08:00 - 18:00hrs and Sundays 09:00 - 17:00hrs. Outside of these times there shall be no goods loaded or unloaded and no commercial vehicles shall arrive, depart or wait for access to the restaurant.
3. All staff will be made aware of the Licensing Act 2003 and encouraged to conduct themselves in a professional manner when dealing with the sale and consumption of alcohol to customers on and around the premises.
4. Challenge 25 Scheme will be in operation.

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5. CCTV will be installed around the premises.
6. The entrance gate to the premises will be closed during non-operative hours.
7. The premises exterior and car park will be illuminated with outdoor lighting.
8. Staff will be required to keep the premises free of litter.
9. Signage displayed asking customers and staff to keep noise to a minimum when entering or leaving the premises.

**Mandatory conditions** - the following conditions will be added to the premises licence when it is issued.

### 1. 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.

### 2. Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula—  $P = D + (D \times V)$   
where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4.
- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **3. Mandatory Conditions in force from 01 October 2014**

- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an 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—

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- (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 in a manner which carries a significant risk of undermining a licensing objective;
  - (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 in a manner which carries a significant risk of undermining a licensing objective;
  - (d) 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;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

4. The responsible person must 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;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

This licence granted at the Hearing is effective from the 6 February 2020.

Dated: 6 February 2020

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.

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**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES FROM APRIL 2020**

**Licensing Committee - 16 March 2020**

Report of Chief Officer Planning and Regulatory Services

Status: For Decision

Key Decision: No

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**This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy**

**Portfolio Holder** Cllr. Margot McArthur

**Contact Officer(s)** Sharon Bamborough, Ext. 7325

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**Recommendation to Licensing Committee:**

That the Licensing Committee recommend that the fee levels as set out in paragraph 8 of the report are appropriate for consultation with the taxi trade.

If following consultation there are no adverse comments to the proposed levels the recommendation is that the proposed fees and charges are implemented from 1 May 2020 and no further meeting is required to confirm the fees.

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**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.

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**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 Council's Service and Budget Plan. A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to calculate the fees and charges. The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet to calculate costs for each type of activity.

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- 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. There are minimal changes to the fees this year due to efficiency savings that have been made within the Licensing Partnership. Only an inflationary increase of 2.5% is proposed.
- 4 The type of tasks involved in taxi licensing applications include assistance to applicant, checking of an application upon receipt, processing the application. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing. Compliance tests of drivers, vehicles and operators. Training of Officers and Members has also been included, as well as the cost of consumables.
- 5 In September 2016 all Council Chief Executives were contacted by the Driving Standards Agency (DVSA) to advise them that they were withdrawing the service of testing the driving standards for new drivers. The Council found alternative tests which cost applicants less money but maintain the standards of the previous test. All new drivers are required to take the test in accordance with the Council's 'Taxi Licensing Policy'. The fee is paid by the applicant directly to the provider. They can now choose between TG Training, Green Penny or Blue Lamp Trust. The cost varies from providers and depends on what day they wish to be tested.
- 6 From 1 April 2019 drivers needed to obtain their required medical certificate from their own GP (or other GP if their own GP could not do it) and pay them directly. This fee will vary and is out of our control. One of the reasons for drivers to use their own GP for the medical is that they will have their full medical history.
- 7 The fee for the Disclosure Barring Service (DBS) Enhanced Search has reduced to £40. However, applicants can 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 £1 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. The Licensing Team promotes the uptake of the online checking service as it assists in streamlining the online form application process.

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	Application for a new HC driver licence	Renewal of a HC driver's licence	Application for a new PH driver licence	Renewal of a PH driver's licence
Computerised Knowledge test	£50.00	Not applicable	£50.00	Not applicable
Application	£199.00	£109	£162	£109
DBS enhanced search	£40.00	£40.00	£40.00	£40.00
Driving Standards Assessment test (Price dependant on provider driver chooses)	£72 to £130	Not applicable	£72 to £130	Not applicable
<b>Total</b>	<b>£361 to £419</b>	<b>£149</b>	<b>£324 to £382</b>	<b>£149</b>

	Existing Fees	New Fees from May 2020
<b>Hackney Carriage Driver Licence</b>		
<b>Computerised Knowledge test</b>	£47	£50 * (Higher than inflationary increase as more time spent on knowledge test bookings)
<b>On initial application</b>	£194 (excluding knowledge test fee) for three years	£199 (excluding knowledge test fee) for three years
<b>Disclosure Barring Service search fee</b>	£40 every three years or £13 per year if they sign up to the DBS online service	£40 every three years or £13 per year if they sign up to the DBS online service

## Agenda Item 4

	Existing Fees	New Fees from May 2020
<b>Total (including DBS fee and Knowledge test fee)</b>	£281 for three years	£289 for three years
<i>On renewal</i>	£106 for three years	£109 for three years
<b>Disclosure Barring Service search fee</b>	£40 every three years or £13 per year if they sign up to the DBS online service	£40 every three years or £13 per year if they sign up to the DBS online service
<b>Total (including DBS fee)</b>	£146 for three years	£149 for three years
<b>Dual Driver Licence</b>		
<b>Computerised Knowledge test</b>	£47	£50 * (Higher than inflationary increase as more time spent on knowledge test bookings)
<b>On initial application</b>	£194 (excluding knowledge test fee) for three years	£199 (excluding knowledge test fee) for three years
<b>Disclosure Barring Service search fee</b>	£40 every three years or £13 per year if they sign up to the DBS online service	£40 every three years or £13 per year if they sign up to the DBS online service
<b>Total (including DBS fee and Knowledge test fee)</b>	£281 for three years	£289 for three years
<i>On renewal</i>	£106 for three years	£109 for three years
<b>Disclosure Barring Service search fee</b>	£40 every three years or £13 per year if they sign up to the DBS online service	£40 every three years or £13 per year if they sign up to the DBS online service
<b>Total (including DBS fee)</b>	£146 for three years	£149 for three years
<b>Hackney Carriage Vehicle Licence</b>	£341 for one year	£350 for one year

	Existing Fees	New Fees from May 2020
<b>Private Hire Operator Licence</b>		
<b>On initial application - 5 year licence</b>	£504 for five years	£517 for five years
<i>On renewal - 5 year licence</i>	£489 for five years	£501 for five years
<b>On initial application - 3 year licence</b>	£346 for three years	£355 for three years
<i>On renewal - 3 year licence</i>	£331 for three years	£339 for three years
<b>On initial application - 1 year licence</b>	£190 for one year	£195 for one year
<i>On renewal - 1 year licence</i>	£178 for one year	£182 for one year
<b>Private Hire Driver Licence</b>		
<b>Computerised knowledge test</b>	£47	£50
<b>On initial application</b>	£158 (excluding knowledge test fee) for three years	£162 (excluding knowledge test fee) for three years
<b>Disclosure Barring Service search fee</b>	£40 every three years or £13 per year if they sign up to the DBS online service	£40 every three years or £13 per year if they sign up to the DBS online service
<b>Total (including DBS fee and Knowledge test fee)</b>	£240 for three years	£252 for three years
<i>On renewal</i>	£106 for three years	£109 for three years
<b>Disclosure Barring Service search fee</b>	£40 every three years or £13 per year if they sign up to the DBS online service	£40 every three years or £13 per year if they sign up to the DBS online service
<b>Total (including DBS fee)</b>	£146 for three years	£149 for three years

## Agenda Item 4

	Existing Fees	New Fees from May 2020
Private Hire Vehicle Licence	£341 for one year	£350 for one year
<b>Additional Costs</b>		
Change from Hackney Carriage to Private Hire	£74	£76
Change from Private Hire to Hackney Carriage	£94	£96
Replace vehicle plate	£25	£26
Replace driver badge	£10	£11
Vehicle re-test	£54.85	£56
Vehicle partial re-test	£27.43	£28
Change of ownership of licensed vehicle	£73	£75
Failure to attend in time for the vehicle test (10 minutes prior to the test start time)	£54.85	£56
Failure to attend with correct documentation	£54.85	£56
Copy of existing paper licence	£12	£13
Change of address details for a replacement licence	£12	£13
Change of name for a vehicle or operator licence	£12	£13
Change of name and address for a driver badge	£22	£23

	Existing Fees	New Fees from May 2020
<p><b>Replacement Vehicles</b></p> <p>If a licensed vehicle is replaced during the valid licence period then the cost of licensing the replacement vehicle will be £350. However, if the vehicle is replaced within six months of the issue of the licence then the fee will be reduced by £60.</p> <p>If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £109 to test and licence the replacement vehicle and a further £109 to test and re-licence the original vehicle.</p>		

- 9 The figures provided for the types of licence are as a result of using the spreadsheets as detailed above. This provides us with a far more accurate method of determining whether the Council is covering its costs for the Taxis and Private Hire Licensing service.
- 10 The Licensing Partnership will email those Hackney Carriage Proprietors, Private Hire Operators and Drivers where we have their email addresses to advise them of the proposed fees. Should adverse comments be received regarding the fees a further Licensing Committee meeting will be held to provide them the opportunity to make comment. A Notice will also be available on the Council’s website.

**Other Options Considered and/or Rejected**

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 Implications and Risk Assessment Statement.

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 proceedings’. 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

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.



Licensing Committee Work Plan 2019/20 (as at 7/01/2020)

16 March 2020	18 June 2020	22 September 2020	5 January 2021
Hackney Carriage and Private Hire Licensing Fees			

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