



Licensing and Health and Safety Committee

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Monday 7th January 2013 at 10.00 am

The Members of this Committee are:-

Cllr. Feacey (Chairman)

Cllr. Marriott (Vice-Chairman)

Cllrs. Mrs Bell, Buchanan, Chilton, Davey, French, Galpin, Mrs Hutchinson, Hodgkinson,
Mrs Martin, Shorter, Smith.

Agenda

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1. **Apologies/Substitutes** – To receive Notification of Substitutes in
accordance with Procedure Rule 1.2(iii)

2. **Declarations of Interest (see “Advice to Members” overleaf)**

- (a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011
relating to items on this agenda. The nature as well as the
existence of any such interest must be declared, and the agenda
item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to
leave the Council Chamber for the whole of that item, and will not
be able to speak or take part (unless a relevant Dispensation has
been granted).

- (b) Other Significant Interests (OSI) under the Kent Code of Conduct
as adopted by the Council on 19 July 2012, relating to items on this
agenda. The nature as well as the existence of any such interest
must be declared, and the agenda item(s) to which it relates must
be stated.

A Member who declares an OSI in relation to any item will need to
leave the Council Chamber before the debate and vote on that item
(unless a relevant Dispensation has been granted). However, prior
to leaving, the Member may address the Committee in the same
way that a member of the public may do so.

- (c) Voluntary Announcements of Other Interests not required to be declared under (a) or (b), i.e. announcements made for transparency reasons alone, such as:
- membership of outside bodies that have made representations on agenda items, or
 - where a Member knows a person involved, but does not have a close association with that person, or
 - where an item would affect the well-being of a Member, relative, close associate, employer, etc, but not his/her financial position

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute an OSI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at <http://www.communities.gov.uk/documents/localgovernment/pdf/2193362.pdf>
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found with the papers for that Meeting.
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 9th January 2012. 1 – 7

Part I – For Decision

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Part II – Information Items

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KL 191212



Licensing and Health and Safety Committee

Minutes of a Meeting of the Licensing and Health and Safety Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the 9th January 2012

Present:

Cllr. Goddard (Chairman);
Cllr. Feacey (Vice-Chairman);
Cllrs. Adby, Mrs Bell, Buchanan, Chilton, Davey, Hodgkinson, Marriott, Rutter, Shorter.

Also Present:

Licensing Manager, Licensing Officer, Member Services & Scrutiny Support Officer.

Taxi Trade Representatives:

Mrs Whybrow, Mrs Ruck, Mr Faldon.

Prior to the commencement of the Meeting the Chairman advised of a change to the order of business of the Meeting.

286 Declarations of Interest

Councillor	Interest	Minute No.
Adby	Code of Conduct – Personal but not Prejudicial – worked for Southeastern.	288 and 289
Feacey	Code of Conduct - Personal but not Prejudicial – as the Managing Director of Energyshift Ltd who worked with members of the taxi trade.	288 and 289

287 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 17th January 2011 be approved and confirmed as a correct record.

288 Review of the Hackney Carriage Fare Scale 2012/13

The Chairman explained that representatives from the taxi industry had been invited to attend and introduced Mr Faldon, Mrs Ruck and Mrs Whybrow who were in attendance at the meeting.

The Licensing Manager introduced his report which reviewed the hackney carriage fare scale and recommended a 10 pence increase to the starting fare (drop rate) and a 3 percent increase to the fare scale for 2012/13. The recommendations had arisen following debate at the September Taxi Forum and a questionnaire of hackney

carriage drivers and selected operators and the responses to that questionnaire were set out in the report. The proposed increases were modest and had come about due to an increase in fuel prices and the largest increase in car insurance premiums in history which in turn meant that operational costs had risen.

In October 2011 the average price per litre of unleaded fuel for the South East was 135.3 pence. Diesel for the South East was an average of 140.1 pence per litre. Compared with average of 128.9 pence per litre of unleaded petrol in January 2011 and the price per litre of diesel at this time was 133.1 pence for the South East. This represented an increase in price, from January 2011 to December 2011 in the South East, of 5% for unleaded fuel and 5.25% for diesel.

In response to questions from Members the Licensing Manager advised that the Council set the maximum fare that a hackney carriage proprietor could charge, the proprietor could charge less than this however but not more. In response to a question, it was believed that approximately 10% of hackney carriages ran on gas. In future years the agenda papers would detail the price of gas and any increases or decreases in the price.

Mrs Ruck, a Taxi Trade Representative, advised the Committee that a number of taxis had not changed their rates due to the costs involved to change the meters in each vehicle. She supported the proposed increase in the drop rate however felt that a 5 percent increase in the fare scale would help to ease the pressure on the Trade. Too high an increase in the drop rate would discourage the public.

Mrs Whybrow, a Taxi Trade Representative, advised the Committee that there had been a 16 percent increase in insurance premiums which came directly out of drivers' wages. She reminded Members that the recession was continuing and drivers were struggling to make a living, she felt that the Council needed to be fair to all parties, not just the paying public. She felt that a 5 percent increase in the fare scale would be appropriate.

Members felt that an increase of 10 pence to the drop rate and 5 percent to the fare scale took into account the issues raised by the Taxi Trade Representatives, the rate of inflation and the increase in both fuel and insurance costs.

Recommended:

That the hackney carriage fares as amended at the meeting and set out below be approved for the purposes of issuing a public notice: -

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(a) Fares for distance or time

	<u>£</u>
<u>Rate 1</u>	
If the distance does not exceed 695.6 yards, for the whole distance or for the first 220.5 seconds of waiting time	2.70
For each subsequent 177 yards or uncompleted part thereof	0.20
Or for each subsequent period of 56.1 seconds of waiting time or uncompleted part thereof	0.20

(b) Surcharges for certain times and days:-

Rate 2

- | | |
|---|-------------|
| a) For each hire commenced between 12 midnight and 7 am | 1½ x Rate 1 |
| b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only. | 1½ x Rate 1 |

Rate 3

- | | |
|--|------------|
| c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEARS DAY
Note: When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable. | 2 x Rate 1 |
|--|------------|

Extras - up to a maximum of £1.20

- | | |
|--|------|
| d) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance. | 0.20 |
|--|------|

Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.

- | | |
|---|------|
| e) for each article of luggage conveyed outside the passenger compartment of the carriage | 0.05 |
| f) for perambulators | 0.05 |
| g) for dogs | 0.10 |

289 Review of the Hackney Carriage and Private Hire Driver, Vehicle and Operator Fees 2012/13

The Licensing Manager introduced his report which recommended the proposed fees for the hackney carriage and private hire service for the financial year 2012/13. The report recommended that changes to some fee levels be applied for 2012/13. For three consecutive years fees had been frozen with the last fee increase taking place in 2008 which at 3 percent had been below the rate of inflation.

There was a proposal to move to a three year private hire and hackney carriage driver's licence in place of the current yearly licence. This was currently subject to consultation as part of the revised Taxi Licensing Policy. Costs for labour and materials had been reviewed and this had resulted in a number of changes for the fee levels, it was important to bear in mind that not all of these changes were an increase. There had been an increase in the number of drivers that were licensed in the Borough. This was common during a recession; however this was now levelling off. The fees proposed included a reduction in the cost of a driver's licence for three years from £147 to £75 and a reduction in vehicle renewals from £290 to £270. The majority of the fees were remaining at the same levels as those in 2009, with increases on low cost applications.

Mrs Whybrow, a Taxi Trade Representative, advised the Committee of the process and costs involved when a taxi was involved in an accident. Applying for the transfer of a vehicle licence was costly and needed to be carried out at short notice. Once the vehicle was repaired this process would have to be reversed, which was costly to the driver. However these costs would be repaid once the claim with the insurance company was settled. It was the short term costs to drivers that concerned her.

In response to a question from a Member the Licensing Manager said that the Council had to ensure that the operational costs were recovered and that they were not passed on to the rate payer. Enhanced Criminal Records Bureau (CRB) checks were carried out three yearly, which would be carried out at the same time a driver applied for a three year licence. For operational reasons it was proposed that when a driver was due for a CRB check they could then apply for a three year licence.

The Licensing Officer advised the Committee that private hire and hackney carriage drivers were defined as notifiable occupations, which meant that should a driver be arrested it was the duty of the Police to report this arrest/conviction to the Licensing Authority.

Members felt that the cost of transferring a vehicle licence should be bought in line with the costs for a replacement licence and the transfer of a licence (without plate or badge).

Recommended:

That the hackney carriage and private hire vehicle, driver and operator licence fees structure as amended at the meeting and as given in the table below be approved.

**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2012/13**

	CURRENT FEES	PROPOSED FEES
	2011/12	2012/13
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£49.00	£49.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	N/A	£75.00
Additional driver's licence (adding a licence)	£16.00	£20.00
Hackney Carriage Knowledge Test & Re-test	£30.00	£30.00
Replacement badge	£15.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£290.00	£290.00 – New £270.00 - Renewal
Vehicle Plates or Brackets	£17.00	£20.00
Internal Vehicle Plate	£15.00	£15.00
Transfer of Vehicle Licence (including vehicle plate)	£25.00	£20.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>max £32.00</i>	<i>Max £28.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No charge</i>	<i>No charge</i>
Private Hire Operators Licence - New or Renewal (for 3 years)	1-3 vehicles : £73 4-10 vehicles : £310 11-20 vehicles : £620	1-3 vehicles : £73 4-10 vehicles : £310 11-20 vehicles : £620
To increase number of vehicles licensed during duration of Operators Licence		Differences between the categories (£237 & £310)
Replacement Licence	£16.00	£20.00
Transfer of any Licence (without plate or badge)	£16.00	£20.00
Fee for Returned (Bounced) Cheques	£16.00	£16.00

290 Proposed Fee Levels for 2012/13 Gambling Act 2005 Related Applications

The Licensing Manager introduced his report which proposed fees for premises licences and temporary use notices in connection with premises used for gambling for the financial year 2012/13. There were no proposals to build a casino in Ashford.

In response to a question from a Member, the Licensing Manager advised of the new applications for betting premises that had opened within the Borough within the last three years. No new applications for betting premises were anticipated in 2012/13.

Recommended:

That the fees used for gambling applications and notices as given below be approved.

RECOMMENDED PREMISES LICENCE FEES

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	6285	3575
New Large Casino	7540	7215
Regional Casino	11880	11140
Bingo Club	2160	670
Betting Premises (excluding Tracks)	2160	430
Tracks	1690	670
Family Entertainment Centres	1690	580
Adult Gaming Centre	1690	670
Temporary Use Notices	200	N/A

DELIBERATELY LEFT BLANK

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
New Small Casino	2580	1500	1260	6285	2240	25	50
New Large Casino	3410	1760	1985	7540	3700	25	50
Regional Casino	5570	4055	4055	11880	5785	25	50
Bingo Club	1475	820	820	2160	890	25	50
Betting Premises (excluding Tracks)	1245	820	820	2160	890	25	50
Tracks	1130	820	820	1690	890	25	50
Family Entertainment Centres	760	820	820	1690	735	25	50
Adult Gaming Centre	760	820	820	1690	890	25	25
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25	N/A

Ashford Borough Council's Licensing Authority proposes the following fees as shown in bold type in the table above.

Queries concerning these minutes? Please contact Kirsty Liddell:
 Telephone: 01233 330499 Email: kirsty.liddell@ashford.gov.uk
 Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

Agenda Item No: 4
Report To: LICENSING, HEALTH AND SAFETY COMMITTEE



Date: 7th January 2013

Report Title: PROPOSED FEE LEVELS FOR 2013/14 APPLICATIONS

Report Author: Licensing Manager

Summary:	The report proposes fees for licences for the financial year 2013/14.
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Key Decision: NO

Affected Wards: Not applicable

Recommendations: That the Licensing, Health and Safety Committee recommends:

1. the fees used for gambling applications and notices as given in Appendix A to the Cabinet.
2. the sex establishment fees as given in Appendix B to the Cabinet.
3. the hackney carriage, private hire and operator licence fees in Appendix C to the Cabinet for public consultation.

Policy Overview: The process of setting the fees for licences is essential to ensure that operational costs are recovered and that Council budgetary objectives are met.

Financial Implications: The process of setting the fees is necessary to ensure that fees are set at a level that will enable the authority to recover the costs associated with the service provision.

Risk Assessment Yes

Equality Impact Assessment The setting of fees in relation to these functions is not considered to cause any discrimination. The fees are set in accordance with Government guidance and each application is processed on its individual merits.

Other Material Implications: Members should note generally that licences issued by the Council may be considered possessions and therefore Article 1 to Protocol 1 of the Human Rights Act 1998, the peaceful enjoyment of possessions, is relevant.

Exemption Clauses: Not applicable

**Background
Papers:** None

Contacts: james.hann@ashford.gov.uk – Tel: 01233 330721

Report Title: PROPOSED FEE LEVELS FOR 2013/14 APPLICATIONS

Purpose of the Report

1. The report recommends the proposed fees for licences for the financial year 2013/14.

Issue to be Decided

2. Whether to approve the following fees for recommendation to the Cabinet.
 - the fees used for gambling applications and notices as given in Appendix A.
 - the sex establishment fees as given in Appendix B.
 - the hackney carriage, private hire and operator licence fees in Appendix C for public consultation.

Background

Fees and Income

3. The fees have been calculated by examining how long is spent processing an application and who in the authority is likely to carry out the various processes.
4. The type of tasks involved in a premises application for example, include, assistance to applicant (pre-application stage, include telephone advice, sending forms, etc), 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 if appropriate, contacting the applicant to clarify application or chase missing information if required, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary, checking operating licence once issued, determining the licence, 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.

Risk Assessment

5. The process of setting the proposed fees for licences fees is essential to ensure that operational costs are recovered and if no decision is taken, the Council budgetary objectives are unlikely to be met.
6. If trade bodies or applicants believes 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 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.

7. Case law relating to fee levels in various licensing areas has agreed a general principle that licensing fees should not be used as a method of creating revenue. For example:
 - *R v Manchester City Council ex parte King (The Times, 3 April 1991)* – established that local authorities may only charge reasonable fees for licences and not use them to raise revenue; and
 - *R v Westminster City Council ex parte Hutton (1985) LGR* – established the need to only take into account relevant material when setting the fees.
8. Under the recently adopted EU Services Directive licence fees set must be proportionate to the effective cost of the licensing procedure and must not be used as an economic deterrent or to raise funds. Councils must set fees that cover the costs directly associated with the licensing function. It is important therefore that Council's fees are defensible and based on actual costs incurred. It is also important to ensure that our fees do not include potential enforcement costs.

Gambling Related Fees

9. 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 her the power to devolve to licensing authorities, in England and Wales, the freedom to set fees for premises licence applications, subject to any constraints she may prescribe. The Government decided that for England and Wales, licensing authorities will determine their own fees for gambling premises licences and temporary use notices but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
10. Local authorities are able to set fees for premises licences from within fee bands prescribed by Department for Culture, Media and Sport (DCMS).
11. There will be an initial fee to cover the cost of application and an annual "maintenance" fee.
12. The DCMS asked licensing authorities 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 (Gambling Act Section 212 (2)(d)) and are required to review their fee levels on an annual basis to ensure this.
13. The table below indicates the income, expenditure and profit or deficit since the implementation of the Gambling Act 2005.

Year	Expenditure	Income	Outturn	
2007/8	£20,196	-£22,590	-£2,394	
2008/9	£24,673	-£22,590	£2,083	
2009/10	£12,394	-£15,575	-£3,181	
2010/11	£12,224	-£23,715	-£11,491	
2011/12	£23,269	-£15,741	£7,527	
2012/13	£23,269	-£15,741	£1,820	Expected outturn
2013/14	£19,070	-£15,360	£3,710	Budget for 2013/14

14. The income fluctuates depending on whether new applications are made for betting shops and adult gaming centres. No new premises applications are expected in 2013/14.
15. The expenditure fluctuates largely due to the amount of staff time allocated to gambling related process. Complicated applications, requests for information, policy preparation and staff changes have impacted on the staff time allocated to gambling related matters.
16. Over the last seven years the Council has generated a surplus in some years and a deficit in others. The total gambling deficit totals £15,140 and the surplus totals £17,066.
17. It is proposed that no changes are made to the fees associated with gambling related applications for 2013/14.
18. On the DCMS's website all licensing authorities' fees are displayed and Ashford's fees sit in a mid range between those authorities looking to keep fees to a minimum and those that have set them at the maximum level.
19. The power to set fees is held by the Council, so it is appropriate that the Licensing, Health and Safety Committee recommend the fees to the Cabinet.
20. While the licensing authority can set fees for the applications in Appendix A, permit fees are prescribed by the Government and therefore licensing authorities have no discretion to set fees on these applications.

Sex Establishment Fees

21. The licensing of sex establishments is governed by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3. Under these adoptive provisions local authorities can require any sex shops or sex cinemas in their area to obtain a licence. Ashford Borough Council adopted Schedule 3 effective from 1 May 1983.
22. Members will be aware that the Council carried out a consultation about whether to adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sexual Entertainment Venues, such as lap dancing clubs. The Full Council adopted the relevant provisions on February 17th February 2011.

23. A recent High Court case (*Hemming (t/a Simply Pleasure Ltd) & Ors v Westminster City Council [2012] EWHC 1260 (Admin)*) confirmed that it was unlawful for a local authority to charge lawful licensees for the cost of enforcement action against unlicensed operators. In addition the judgment contained an important decision relating to the setting of sex establishment application fees, stating that licensing authorities cannot simply rollover its licensing fees without determining the licence fee.
24. The fees for 2013/14 (Appendix B) are therefore brought before members for consideration

Hackney carriage and private hire service for the financial year 2013/14.

25. In 2006/7 the fee structure for hackney carriage and private hire applications was revised, due to the removal of the limitation on hackney carriage plates and the drivers paying the vehicle test costs direct to the MOT garage. This resulted in a fall in the combined driver and vehicle licensing costs from £432 to £317, a reduction of £115 in licence fees.
26. In 2007/8 and in 2008/9 the fees were increased by 3%, which was below the relevant rate of inflation. The fees for 2009/10, 2010/11 and 2011/12 were unchanged, due to an increase in the number of drivers, ensuring that inflationary costs were covered by increased income.
27. In 2012/13 most of the fees remain unchanged, with the following exceptions:
 - Application fee to renew vehicle licences was reduced from £290 to £270
 - Application fee to transfer vehicles (due to a proprietor changing their vehicle) was reduced from £25 to £20.
 - Three-year driver licences were introduced at £75 (compared to £49 for an annual licence).
28. Licensed drivers and proprietors have up to five additional costs to pay in relation to the annual licensing process; Criminal Record Bureau checks (every three years and currently £44), compliance checks (two per year and currently £28), knowledge test for hackney carriage drivers (£30), Driver Standard Agency Taxi Test (from £79.66) and medicals every three or six years for those under 65.
29. Income has remained above budget and a surplus has been generated in previous years. The introduction of a three-year drivers licence has, for one year, increased income, but income from drivers licence will decrease from 2013/14.
30. On the basis of estimated expenditure for 2013/14 the following licence fee recommendation are presented to Members in Appendix C.

Consultation

31. The fees for 2013/14 have not been sent out for consultation.

Implications Assessment

32. As previously stated the recommendations do not represent key decisions. The consideration assessment indicates low impact in terms of human rights, legal and staffing implications.

Handling

33. The fees as recommended by the Licensing, Health and Safety Committee will be presented to the Cabinet on 14th February 2013 and the Full Council on 21st February 2013. This will allow the authority to publish and apply the gambling and sex establishment fees by the 1st April 2013.
34. The hackney carriage and private hire licence fees are subject to a public consultation in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A Public Notice will be placed in the local press.
35. If no objections are received in response to the Public Notice the fee structure would be adopted from 1st April 2013.
36. If relevant objections are received in response to the Public Notice, these would be reported back to the Licensing, Health and Safety Committee in April 2013.

Conclusion

37. The impact on income to the Council of these changes must be carefully monitored and annual reviews of fees must be continued to ensure that the service remains self-financing but avoids raising excessive revenue.

Portfolio Holder's Views

38. The views of the Portfolio Holder are being sought and will be presented to members at the meeting.

Contact:	James Hann
Email:	james.hann@ashford.gov.uk

APPENDIX A: RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2013/14

APPENDIX B: RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2013/14

APPENDIX C: PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES 2013/14

APPENDIX A: RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2013/14

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	6285 (8000)	3575 (5000)
New Large Casino	7540 (10000)	7215 (10000)
Regional Casino	11880 (15000)	11140 (15000)
Bingo Club	2160 (3500)	670 (1000)
Betting Premises (excluding Tracks)	2160 (3000)	430 (600)
Tracks	1690 (2500)	670 (1000)
Family Entertainment Centres	1690 (2000)	580 (750)
Adult Gaming Centre	1690 (2000)	670 (1000)
Temporary Use Notices	200 (500)	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 £
New Small Casino	2580 (4000)	1500 (1800)	1260 (1800)	6285 (8000)	2240 (3000)	25 (25)	50 (50)
New large Casino	3410 (5000)	1760 (2150)	1985 (2150)	7540 (10000)	3700 (5000)	25 (25)	50 (50)
Regional Casino	5570 (7500)	4055 (6500)	4055 (6500)	11880 (15000)	5785 (8000)	25 (25)	50 (50)
Bingo Club	1475 (1750)	820 (1200)	820 (1200)	2160 (3500)	890 (1200)	25 (25)	50 (50)
Betting Premises (excluding Tracks)	1245 (1500)	820 (1200)	820 (1200)	2160 (3000)	890 (1200)	25 (25)	50 (50)
Tracks	1130 (1250)	820 (950)	820 (950)	1690 (2500)	890 (950)	25 (25)	50 (50)
Family Entertainment Centres	760 (1000)	820 (950)	820 (950)	1690 (2000)	735 (950)	25 (25)	50 (50)
Adult Gaming Centre	760 (1000)	820 (1200)	820 (1200)	1690 (2000)	890 (1200)	25 (25)	25 (25)
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25 (25)	N/A

Ashford Borough Council's Licensing Authority proposes the following 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.

APPENDIX B: RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2013/14

Current Fees:

Grant: £2,994

Transfer: £546

Renewal: £546

Taking into account the above, the recommended fee levels for sex establishments for 2013/14 are as follows:

Grant: **£3,095**

Transfer: **£565**

Renewal: **£565**

APPENDIX C: PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES 2013/14

	CURRENT FEES	PROPOSED FEES
	2012/13	2013/14
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£49.00	£49.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£75.00	£75.00
Additional driver's licence (adding a licence)	£20.00	£20.00
Hackney Carriage Knowledge Test & Re-test	£30.00	£30.00
Replacement badge	£15.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£290.00	£290.00 – New £270.00 - Renewal
Internal Vehicle Plate	£15.00	£15.00
Transfer of Vehicle Licence (with or without vehicle plate)	£20.00	£20.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>Max £28.00</i>	<i>Max £28.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No charge</i>	<i>No charge</i>
Private Hire Operators Licence - New or Renewal (for 3 years)	1-3 vehicles : £73 4-10 vehicles : £310 11-20 vehicles : £620	1-3 vehicles : £73 4-10 vehicles : £310 11-20 vehicles : £620
To increase number of vehicles licensed during duration of Operators Licence		Differences between the categories (£237 & £310)
Replacement Badge	£15.00	£15.00
Fee for Returned (Bounced) Cheques	£16.00	£16.00

Agenda Item No: 5
Report To: LICENSING, HEALTH AND SAFETY COMMITTEE
Date: 7th January 2013
Report Title: REVIEW OF THE HACKNEY CARRIAGE FARE SCALE 2013/14
Report Author: Licensing Manager



Summary: The report reviews the hackney carriage fare scale and recommends that an increase of 10p be made to the starting fare (drop rate) and an increase of 3% be made for 2013/14. This recommendation has been made following consultation with the taxi trade.

Key Decision: NO

Affected Wards: Anyone who uses a taxi will be affected and therefore there are indirect implications for all wards. There is also an effect on those who visit the Borough.

Recommendations: **That the Licensing, Health and Safety Committee recommends to the Cabinet approval for the purpose of issuing a public notice the hackney carriage fare shown at Appendix A.**

Policy Overview: In February 2008 it was agreed by the Council that the hackney carriage fare scale would be reviewed annually. In setting this fare scale a balance needs to be struck between the legitimate aims of the hackney carriage trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.

Financial Implications: Fares relate to the charges levied by the hackney carriage trade and as such have no financial impact on the Council.

Risk Assessment YES

Equality Impact Assessment The setting of fares in relation to this statutory function are not considered to cause any discrimination. The fees are set in accordance with Government guidance. The Council's Taxi Policy is subject to a separate Equality Impact Assessment.

Other Material Implications: There are no direct legal implications. The procedure for setting fares and public notice requirements are stipulated within Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. Members should note generally that hackney carriage and private hire licences are considered

possessions and therefore Article 1 to Protocol 1 of the Human Rights Act 1998, the peaceful enjoyment of possessions is relevant.

Exemption Clauses: Not applicable.

Background Papers: None

Contacts: james.hann@ashford.gov.uk – Tel: 01233 330721

Report Title: REVIEW OF THE HACKNEY CARRIAGE FARE SCALE

Purpose of the Report

1. The report reviews the hackney carriage fare scale and outlines the consultation with the trade on this issue.

Issue to be Decided

2. Whether to recommend to the Cabinet that the hackney carriage fare scale be increased through a 10p addition to the starting fare (drop rate) and an additional 3% increase be made to fares for 2013/14.

Background

3. In February 2008 the Council agreed the Licensing Policy for Hackney Carriages and Private Hire Vehicles which stated the hackney carriage fare scale would be reviewed annually.
4. Members are reminded that the fares relate to the charges levied by the taxi trade as opposed to the fees that are essentially the licence charges levied by the Borough Council. It should also be remembered that the legislation governing taxi and private hire vehicles does not allow Councils to set fares for private hire vehicles. Private hire proprietors may charge what they wish, although customers should normally agree the fare beforehand.
5. It should also be noted that the tariff is the maximum fare that can be charged and discounts can be given should the proprietor wish. It is known that such discounts are applied within the Borough especially in the case of pre-booked longer journeys and for regular bookings.
6. Last year the proposal put to the Licensing, Health and Safety Committee, following a consultation of the hackney carriage drivers and selected operators, was for a 3% increase in the fares and 10p increase in the drop (initial) rate. Members however decided agreed to recommend a 5% increase and a 10p increase in the drop rate and the proposals. Following a Public Notice the increase came into affect on 1st April 2012.

Comparison with other areas

7. A request has been sent out to all the licensing authorities in Kent and Medway for their fare rates. The information from this request was not available at the time of writing this report and will be presented to Members at the committee in January.

Proposed Fares

8. The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
9. Fare increases are implemented by changing the mileage at which the fare increases e.g. the present tariff charges 20p/177 yards.
10. The 3% increase plus 10p on the start fare (drop rate) will equate to an initial fee of £2.80 and a two mile journey would cost approximately £6.20. Full details of the proposed fares are in Appendix A.
11. The table below indicates the cost of a journey for various distances on the basis of the current (and proposed) fare scale as listed in Appendix A.

Distance	Current rate	Proposed rate
1 mile	£4.10	£4.20
2 mile	£5.90	£6.20
5 mile	£11.90	£12.40
10 mile	£21.90	£22.60

12. As of October 2012, the average price per litre of unleaded fuel for the South East was 135.7 pence. This is approximately the same price for unleaded fuel as of October 2011 and diesel prices remain approximately the same as of October 2011. Prices did rise in the last 12 months, but have fallen recently.
13. The consumer prices index of inflation Consumer Price Indices stood at 2.7% in October 2012, up from 2.2% in September. The Retail Prices Index annual inflation stood at 3.2% per cent in October 2012, up from 2.6% in September.
14. According to the latest benchmark AA British Insurance Premium Index for the three months ending 30 September 2012, car insurance premiums are showing a downward trend. Members may wish to note that these figures are for general car insurance, rather than specialist private hire or hackney carriage insurance.
15. The Shoparound Index – an average of the cheapest five premiums from directly sold policies for each 'customer' in a nationwide basket of risks – suggests that over the third quarter the average quoted cost for an annual comprehensive car insurance policy fell by 2.9% to £844. However over 12 months quotes have risen by 5.6%.
16. Using the same Shoparound basket of risks on price comparison sites suggests that the average premium has fallen by 1.0% to £612, a drop over 12 months of 2.3%.

Risk Assessment

17. The Council's Taxi Licensing Policy states the Council will review fares on an annual basis. This report is the mechanism by which this is achieved.
18. Approval of a fare below the expectations of the hackney carriage trade may result in dissatisfaction. The setting of a fare much above the rate of inflation may result in complaints from members of the public.

Other Options Considered

19. Other fare increases have been considered and consulted on but it is believed that the option proposed most effectively balances the taxi trade need to maintain profitability whilst protecting the public from excessive fares.
20. The other options are discussed below.

Consultation

21. At the Taxi Forum in May 2008 members of the taxi trade discussed the mechanisms for consulting with the trade on the process of setting fares. It was agreed that officers would, as part of the annual review of fares, issue a questionnaire to trade members and seek views on how they would like to see fares changed.
22. At the September 2012 Taxi Forum the options to be consulted on were discussed and subsequently a questionnaire was sent to hackney carriage drivers and selected operators in November 2012 asking for their comments on a range of fare options.
23. Although an operator's licence is not required to receive bookings for hackney carriages, four of the private hire operators also operate hackney carriage vehicles and were asked to contribute to the survey.
24. Three start (drop rate) proposals were presented to the taxi trade. The results of this feedback can be seen in Appendix B, but in summary 100% supported no change to the drop rate. Disappointingly less than 10% of the drivers responded to the questionnaire.
25. The responses were presented to members of the trade at a meeting of the Taxi Forum in November 2012.
26. The results were discussed and the Minutes are available on the Council's website. There was unanimous approval for a 10p increase in the drop rate from the consultation responses and the Taxi Forum. The majority of the respondents wanted to see a 3% increase in fares and this was supported at the Taxi Forum.
27. Drivers were asked during the consultation if any other changes to the fares should be considered and four respondents asked for vehicles that could carry five or more passengers to be able to charge a higher fare. This was not supported by the majority of respondents during the consultation and the matter was not supported by the majority of the Taxi Forum.

Implications Assessment

28. As previously stated the recommendation does not represent a key decision. The consideration assessment indicates low impact in terms of human rights, the environment, legal and staffing implications.

Handling

29. The fares approved by the Council must be advertised via a Public Notice in the local press in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. If relevant objections are received in response to this Notice a further report would be required.
30. The agreed fare scale will take effect on 1st April 2013.

Conclusion

31. The 3% increase is in line with the Retail Price Index measure of inflation, but above the Consumer Price Index method of measuring inflation. Members may wish to take the following into account:
- The price of fuel has remained relatively stable during the last 12 months.
 - In 2010, the Council decided on no increase. In 2011 there was a 3% increase in maximum fares and a 20p increase in the drop rate. In 2012 there was a 5% increase and a 10p increase in the drop rate.
 - Only a small percentage of drivers and operators responded to the consultation. Of those that did, there was a unanimous vote for a 10p increase in the drop rate and all those that responded wanted to see a percentage increase in the fares they could charge,
 - Members are asked to set maximum levels for fares, although drivers may charge less if they wish to.

Portfolio Holder's Views

32. The views of the Portfolio Holder are being sought.

Contact: Email:	James Hann james.hann@ashford.gov.uk
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APPENDIX A: Proposed fares for 2013/14

APPENDIX B: 2013/14 Fare Option Responses from hackney carriages drivers and operators

APPENDIX A: Proposed fares for 2013/14

FARES FOR DISTANCE OR TIME

Rate 1

If the distance does not exceed 700 yards, for the whole distance or for the first 220.5 seconds of waiting time £
2.80

For each subsequent 171.8 yards or uncompleted part thereof 0.20

Or for each subsequent period of 54.5 seconds of waiting time or uncompleted part thereof 0.20

SURCHARGES FOR CERTAIN TIMES AND DAYS:-

Rate 2

a) For each hire commenced between 12 midnight and 7 am 1½ x Rate 1

b) For each hire undertaken on **GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY** or any other specifically declared Bank Holiday only. 1½ x Rate 1

Rate 3

c) For each hire undertaken on a **CHRISTMAS DAY, BOXING DAY** or **NEW YEARS DAY** 2 x Rate 1

Note: When the holiday charge (b) or (c) is payable the Night Charge (a) is **NOT** payable.

Extras - up to a maximum of £1.20

d) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance. 0.20

Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.

e) for each article of luggage conveyed outside the passenger compartment of the carriage 0.05

f) for perambulators 0.05

g) for dogs 0.10

APPENDIX B: 2013/14 Fare Option Responses from hackney carriages drivers and operators

Drop	Total	Drop	Total
£2.70 (current)	0	£2.70 (current)	0%
£2.80	19	£2.80	100%
	19		100%

Percentage Increase	Total	Percentage Increase	Total
No change	0	No change	0%
3% increase	13	3% increase	68%
5% increase	6	5% increase	32%
	19		100%

Have you altered your meter to the 2012/13 rate?			
	Total	Percentage	Total
Yes	11		58%
No	0		0%
Failed to comment	8		42%
	19		100%

Any other matter to be considered			
	Total	Percentage	Total
Allow extra charges for 5 or more passengers	4		21%
No comment	15		79%
	19		100%

Agenda Item No: 6
Report To: LICENSING, HEALTH AND SAFETY COMMITTEE
Date: 7th January 2013
Report Title: DELEGATED AUTHORITY REPORT
Report Author: Licensing Manager



Summary: The report summarises the licences issued under delegated authority 1st December 2011 to 30th November 2012.

Key Decision: NO

Affected Wards: All

Recommendations: **That the Licensing, Health and Safety Committee notes the report.**

Policy Overview: Authority is granted to officers under delegation from the Licensing, Health and Safety Committee for the grant of certain licences. Under the Licensing act 2003 and the Gambling Act 2005 officers must grant certain applications if no representations are received.

Financial Implications: Application fees are either set nationally or locally to cover the cost of each application and as such have no financial impact on the Council.

Risk Assessment No

Equality Impact Assessment The Council's Gambling Policy and Statement of Licensing Policy are both subject to separate Equality Impact Assessments.

Other Material Implications: There are no direct legal implications. Licences are issued under authority of the Licensing Act 2003 and the Gambling Act 2005. Members should note generally that licences can be considered possessions and therefore Article 1 to Protocol 1 of the Human Rights Act 1998, the peaceful enjoyment of possessions is relevant.

Exemption Clauses: Not applicable.

Background Papers: None

Contacts: james.hann@ashford.gov.uk – Tel: 01233 330721

Report Title: DELEGATED AUTHORITY REPORT

Purpose of the Report

1. The report summarises the licences issued under delegated authority for the period 1st December 2011 to 30th November 2012.

Issue to be Decided

2. No action is required by the Licensing, Health and Safety Committee, but Members are asked note the contents.

Background

3. The licensing authority receives hundreds of applications for licences, notices, permits and requests for registration every year.
4. The Licensing Act 2003 and the Gambling Act 2005 both require officers to grant applications for certain applications if no representations are received during consultation periods.
5. The Chair of the Committee has requested that an annual report be produced to give Members an indication of the licences granted by delegated authority in the previous 12 months.

Other Options Considered

6. If no representations are received then officers must grant applications. Only those applications which have received representations are brought before Members for consideration in the form of Sub-Committee hearings.

Conclusion

7. Members are asked to note the contents of the report.

Portfolio Holder's Views

8. The views of the Portfolio Holder are being sought.

Contact:	James Hann
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APPENDIX A: APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GRANTED 01/12/11 TO 30/11/12

APPENDIX B: APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005 AND GRANTED 01/12/11 TO 30/11/12

**APPENDIX A: APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003
AND GRANTED 01/12/11 TO 30/11/12**

Application to transfer a licence	37
Application to vary a designated premises supervisor	91
Temporary Event Notices	438
Applications for personal licences	80
Applications for a premises licence review	2

New Premises Licences	
Gordon Jones Playing Field, Biddenden	
Family Bargains, Simone Weil Avenue, Ashford	
Ashford News, County Square	
St Michaels Post Office	
Indian Diner, High Street, Ashford	
Players, New Street, Ashford	
Charing Sports & Social Club	
Namuna Café, High Street, Ashford	
Bilsington Village Hall	
Nisa Local, High Halden	
Gurkha Spice, Middle Street, Ashford	
Yummy, High Halden	
Tzar Bar, Charing	Withdrawn
Bar Nineteen, Charing	
Gibbet Oak Farmshop, Tenterden	
Eastern Corner Ltd, Torrington Road, Ashford	Still in consultation
Tesco Express, High Street, Ashford	
Wagamama, Designer Outlet	
Pound Leas Sports Ground, Hamstreet	
Wildlife Heritage Foundation, Smarden	Was in consultation
Whitfield Farm B & B, Biddenden	
St Michaels Village Hall	
Designer Outlet	
Tenterden Public Realms	
21 granted, 1 withdrawn, 2 still in consultation period	

Full Variation	
The Pheasant, Eureka Park, Ashford	
Blacksmiths Arms, Willesborough	
Pizza Express, Designer Outlet	
Waitrose, Ashford	
J D Wetherspoon, High Street, Ashford	
Co-Operative Food, Wye	
	6

Minor Variation	
Chiquito, Eureka Park	
Hustle Nightclub, Station Road, Ashford	
The Flying Horse Inn, Boughton Aluph	
Pizza Express, Designer Outlet	
Platform 5, Station Road, Ashford	
Hustle Nightclub, Station Road, Ashford	
Three Zero, Bank Street, Ashford	
Eureka Park Beefeater	
The Bybrook Barn Harvester	
Westwell Parish Hall	
French Connection, Orbital, Ashford	
Smarden Charter Hall	
Liquid & Envy, East Hill, Ashford	
	12

APPENDIX B: APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005 AND GRANTED 01/12/11 TO 30/11/12

New Premises:

Ladbrokes, 62 High Street, Ashford, Kent, TN24 8TB.

Coral, Unit 2, Moat Field Meadow, Kingsnorth, Ashford, Kent, TN23 3LU (awaiting grant)