



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 25th January 2016 at 10.00 am

The Members of this Committee are:-

Cllr. Feacey (Chairman)

Cllr. Bradford (Vice-Chairman)

Cllrs. Adby, Apps, Bennett, Britcher, Mrs Heyes, Miss Martin, Pickering, Shorter, Sims,
Smith, Mrs Webb.

Agenda

Page
Nos.

1. **Apologies/Substitutes** – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)
2. **Declarations of Interest:-** To declare any interests which fall under the following categories, as explained on the attached document:
 - a) Disclosable Pecuniary Interests (DPI)
 - b) Other Significant Interests (OSI)
 - c) Voluntary Announcements of Other Interests

i

See Agenda Item 2 for further details

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 19th January 2015.

Matters for Decision

4. Proposed Fee Levels for 2016/17 Applications
 5. Review of the Hackney Carriage Fare Scale 2016/17
-

DS/AEH
15th January 2016



Declarations of Interest (see also “Advice to Members” below)

- (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 meeting for that item (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 meeting 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 disclosed under (a) and (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 either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (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.

Licensing and Health and Safety Committee

Minutes of a Meeting of the Licensing and Health and Safety Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **19th January 2015**.

Present:

Cllr. Feacey (Chairman);
Cllr. Galpin (Vice-Chairman);
Cllrs. Bennett, Davey, Miss Martin, Mrs Martin, Shorter, Sims, Smith.

Apologies:

Cllrs. Aaby, Hodgkinson, Mrs Hutchinson.

Also Present:

Licensing Manager, Senior Member Services & Scrutiny Support Officer.

323 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Announced an 'Other Interest' as he was the Managing Director of Energyshift who worked with members of the taxi trade and he was on the Management Committee of UK LPG.	325, 326

324 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 20th January 2014 be approved and confirmed as a correct record.

325 Proposed Fee Levels for 2015/16 Applications

The Licensing Manager introduced the report which recommended the proposed fees for licences for the financial year 2015/16. It covered: - Gambling Related Fees; Sex Establishment Fees; Hackney Carriage and Private Hire Fees; Scrap Metal Dealers Fees; as well as summary of licences and permissions issued between 1st January and 31st December 2014.

Gambling Related Fees

The report recommended an increase of 1% be made to the fees, which was in line with the current rate of inflation.

Sex Establishment Fees

These fees had been re-evaluated in light of the amount of work necessary for processing applications and compliance and as a consequence the report

recommended that both renewals and transfers be reduced by 40%. However, a 1% increase was proposed for the remaining fees (grant of a licence) in line with the current rate of inflation.

Hackney Carriage and Private Hire Fees

The Licensing Manager tabled a document setting out a comparison of the various fees and fares for Hackney Carriages and Private Hire across Kent and Medway.

There were no increases in fees from 2009 to 2012 and in the financial year 2013/14 due to an increase in the number of drivers which ensured that any inflationary costs were covered by the increased income. In 2012/13 most of the fees remained unchanged apart from two which decreased and the introduction of three year driver licenses at an overall saving. The increases and decreases introduced for 2014/15 were outlined in the report. Licenced drivers and proprietors now had up to five additional costs to pay in relation to the annual licensing process: - Disclosure and Barring Service checks (every three years); vehicle compliance checks (every two years); medicals; the knowledge test for Hackney Carriage drivers; and the Driver Standards Agency taxi driving test.

The report recommended that overall fees be increased by an average of 1% in line with the current rate of inflation, with the following exceptions: - The three year driving licence be increased from £75 to £100 to cover administration and compliance costs over the three year period; and the Hackney Carriage drivers test (the knowledge test) be increased from £45 to £50 to cover administration costs.

In response to questions from Members the Licensing Manager advised that the three year licences had been brought in at the £75 rate to encourage drivers to apply for a longer period and save money in the long run. Now they had reached the end of the first three year cycle it was proposed to increase that to £100, which was still a significant saving on the proposed fee of £50 for an annual licence. The proposed rise was purely in order to cover costs as licensing was a function that had to be non-profit making. He accepted that it did appear to be a significant one time rise, but from their introduction it had been understood that the cost of the three year licence was likely to rise and drivers and operators were aware of the proposed increase and there had been no comments received.

The following responses were given to other questions/comments: -

- All vehicles should be able to carry at least four passengers plus their luggage. There were also 15 disabled accessible vehicles on the fleet.
- Many drivers were employed to take children to and from school in arrangements organised by KCC. Therefore it may sometimes be difficult to get a taxi at school run times. The Licensing Manager endeavoured to find out statistics as to the number of taxis that may be employed in this way, but it was pointed out that these figures may be distorted as grants were often now given to families to make their own arrangements, rather than drivers entering in to contracts with KCC directly.
- One operator had looked in to the possibility of using Toyota Prius vehicles, but it would not have been cost effective. There were currently no plans to

provide grants to promote cleaner and greener vehicles and it would require a major policy change for the Council to incentivise a particular type of vehicle.

Scrap Metal Dealers Fees

The report recommended an increase of 1% be made to the fees, which was in line with the current rate of inflation.

Recommended:

- (i) that the fees used for gambling applications and notices as given below be approved.

RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2015/16

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	6506	3701
New Large Casino	7806	7469
Regional Casino	12299	114533
Bingo Club	2236	697
Betting Premises (excluding Tracks)	2273	449
Tracks	1749	694
Family Entertainment Centres	1749	601
Adult Gaming Centre	1749	697
Temporary Use Notices	202	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	2671	1553	1305	6506	2319	25	50
New large Casino	3530	1822	2055	7806	3831	25	50
Regional Casino	5766	4198	4198	12299	5989	25	50
Bingo Club	1527	849	849	2236	921	25	50
Betting Premises (excluding Tracks)	1289	849	849	2236	921	25	50
Tracks	1170	849	849	1749	921	25	50
Family Entertainment Centres	787	849	849	1749	761	25	50

Adult Gaming Centre	788	849	849	1749	921	25	50
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25	N/A

(ii) that the sex establishment fees as given below be approved.

RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2015/16

Current Fees:

Grant: £3,172

Transfer: £579

Renewal: £579

Taking into account the above, the recommended fee levels for sex establishments for 2015/16 are as follows:

Grant: **£3,204**

Transfer: **£350**

Renewal: **£350**

(iii) that the hackney carriage, private hire and operator applications licence fees as given below be approved for the purposes of public consultation.

PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES 2015/16

	CURRENT FEES	PROPOSED FEES
	2014/15	2015/16
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£49.00	£50.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£75.00	£100.00
Additional driver's licence (adding a licence)	£20.00	£20.00
Hackney Carriage Knowledge Test & Re-test	£45.00	£50.00
Replacement badge/Licence	£10.50	£11.00
Vehicle Licence - New (including vehicle plate) for 1 year	£300.00	£303.00
Vehicle Licence - Renewal (including vehicle plate) for 1 year	£280.00	£283.00
Vehicle Plate Internal/External	£25.00	£25.00
Transfer of Vehicle Licence (with or without vehicle plate)	£25.00	£25.00

<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>Max £28.00</i>	Max £28.00
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No charge</i>	No charge
Private Hire Operators Licence - New or Renewal (for 3 years)	1-3 vehicles : £75 4-10 vehicles : £250 11-20 vehicles : £500	1-3 vehicles : £76 4-10 vehicles : £253 11-20 vehicles : £505
To increase number of vehicles licensed during duration of Operators Licence	1-3 to 4-10 : £175 4-10 to 10-20: £250	1-3 to 4-10 : £177 4-10 to 10-20: £253
Fee for Returned (Bounced) Cheques	£16.00	£16.00

(iv) that the scrap metal, site and collectors fees as given below be approved.

	CURRENT FEES 2014/15	PROPOSED FEES 2015/16
Grant Site Licence	£300	£303
Grant Collectors Licence	£200	£202
Renewal Site Licence	N/A	£202
Renewal Collectors Licence	N/A	£101
Variation	£75	£76
Replacement Licence	N/A	£11

326 Review of the Hackney Carriage Fare Scale 2015/16

The Licensing Manager introduced the report which set out a number of options for the Hackney Carriage fare scale for 2015/16. In December 1996 the Council had agreed that the Hackney Carriage fare scale would be reviewed annually. There had been consultation and discussion with the trade at the September 2014 Taxi Forum and a subsequent internet based survey of drivers and operators. This survey had generated a better response rate than the previous postal questionnaire, but still only represented 46 of the approximately 200 eligible respondents.

The four options proposed were: - no change to the current tariff; an increase of 10p or 20p to the starting fare (drop rate); an increase of 3% to the overall tariff; and an increase of 5% to the overall tariff. The rough implications for the cost of a journey for various distances on the basis of each of these options were outlined in the report and the previously tabled comparison document contained the current figures for a two mile tariff at all Kent and Medway Authorities. The responses of the trade were set out within the papers and a majority would prefer an increase of 10p to the drop rate and an additional 3% overall. In terms of the other questions asked as part of the survey 89.1% of respondents had altered their meter to the 2014/15 rate and 78.3% would not support vehicles carrying six or more passengers to be able to charge the 1.5 tariff.

In terms of other costs, as of December 2014, the average price per litre of unleaded fuel in the South East was 114 pence – a decrease of 16 pence on the previous year. Over the same period diesel prices had decreased by approximately 17 pence, and LPG was currently 69.4p per litre and usually sat around 40% of the cost of unleaded petrol. These figures had continued to fall since the compilation of the report. The Consumer Prices Index of inflation stood at 1% in December 2014, the lowest it had been since 2002.

League tables of Hackney Carriage fares, based on a two mile journey placed Ashford 68th highest out of 364 Districts nationally, and 8th of 12 in Kent and Medway.

The Licensing Manager outlined the changes in fares since 2011 and advised that Members were asked to set the maximum levels for fares, although drivers may charge less if they wished to.

Members generally considered it was difficult to support an increase to the fares in a market where costs were dropping markedly.

One Member said she would support a rise in the fares if that was the price to pay to ensure a good, safe and trustworthy Hackney Carriage service. Falling fuel and insurance costs should be taken into account, but these were not the only overheads that drivers had and she considered it would be a little unfair to ignore those that had responded to the survey.

The Committee as a whole considered that the response rate to the survey and participation of drivers in the process was on the whole disappointing and wanted that point to be relayed back to the drivers. Any arguments for changes to the fares would be looked at far more credibly if supported by higher numbers. At present it should be assumed that the 75% plus of those who had not responded were content with the current fares.

In response to a question about what other Authorities were doing with their Hackney Carriage fares, the Licensing Manager advised that not all Councils reviewed their fares every year like Ashford had agreed to do, and many waited for the trade to approach them and make a case for changes. The Committee agreed that they would like to continue to review the fares annually, but it was up to the trade to make their case for any changes and back that up with a lot more detail and evidence in the future. That message should be made clearly to the trade.

Recommended:

That the Hackney Carriage fare scale for 2015/16 as given in the table below be approved for the purpose of issuing a public notice.

DELIBERATLY LEFT BLANK

PROPOSED FARES FOR 2015/16

FARES FOR DISTANCE OR TIME

	<u>£</u>
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 <u>that the vehicle is licensed to carry</u>, children under 10 years of age should <u>each be counted as a person</u>. 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

After the conclusion of the Meeting the Licensing Manager drew the Committees attention to a 'Licensing Summary' for 2014 summarising the licences/permissions issued from 1st January – 31st December 2014 and a list of the new Premises Licences issued. He further advised of changes to Regulated Entertainment Permissions and a Bill currently going through Parliament on the Planning Use Class for Betting Shops aimed at tackling the rise in fixed odds betting machines. He also advised of the imminent retirement of the Police's local Licensing Officer PC Julian Postlethwaite who had been a great partner for the Council and would be missed. The Licensing Manager also advised that further details on the emerging changes to Policy would be included in the Post-Election training for the new Council.

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



Date: 25 January 2016
Report Title: PROPOSED FEE LEVELS FOR 2016/17 APPLICATIONS
Report Author: Interim Licensing Manager

Summary:	The report proposes fees for licences for the financial year 2016/17.
-----------------	------------------------------------------------------------------------------

Key Decision: NO

Affected Wards: Not applicable

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

- i. The fees used for gambling applications and notices as given in Appendix A to full council.
- ii. The sex establishment fees as given in Appendix B to full council.
- iii. The hackney carriage, private hire and operator licence fees in Appendix C to full council for public consultation.
- iv. The scrap metal site and collectors fees as given in Appendix D to full council.
- v. To note the annual licensing summary in Appendix E.

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: jane.woodford@ashford.gov.uk – Tel: 01233 330578

Report Title: PROPOSED FEE LEVELS FOR 2016/17 APPLICATIONS

Purpose of the Report

1. The report recommends the proposed fees for licences for the financial year 2016/17.

Issue to be Decided

2. Whether to approve the following fees for recommendation to the full council.
 - 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.
 - The scrap metal site and collectors fees as given in Appendix D.
 - To note the annual licensing summary as in Appendix E.

Background

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:
 - Assistance to the applicant (pre-application stage, including telephone advice, sending forms, etc) and the checking of an application for completeness when received.
 - Checking all required documents have been submitted, processing the application fee, banking processes and reconciling payments.
 - Entering the information into our computer system including scanning if appropriate.
 - Contacting the applicant to clarify the application or chase missing information if required.
 - Assess representations for relevance and undertake informal mediation.
 - Carry out compliance visits and checking the operating licence once issued.
 - Determining the licence, arranging a hearing, holding a hearing and notification of the decision if required.
 - Prepare and issue the licence and update the records/register.
 - Appeal preparation and holding an appeal hearing, if necessary.

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 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 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.
9. 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 judgement 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.

Gambling Related Fees

10. 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 them the power to devolve to licensing authorities, in England and Wales, the freedom to set fees for premises licence applications, subject to any constraints they 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.
11. Local authorities are able to set fees for premises licences from within fee bands prescribed by Department for Culture, Media and Sport (DCMS).
12. There will be an initial fee to cover the cost of application and an annual "maintenance" fee.
13. 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.

14. 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.
15. While the council is required to set fees for casino licenses, the Secretary of State determines which districts are able to accept an application for a casino.
16. It is proposed that various small increases of between 0.43% and 0.98% be made to the fees this year. These are set out at Appendix A.

Sex Establishment Fees

17. 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.
18. 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. Council adopted the relevant provisions on 17 February 2011.
19. The fees were re-evaluated last year and as a consequence both renewals and transfers were been reduced by 40%. It is proposed that this year the fees remain the same as the costs of processing these licences have not increased. These are set out at Appendix B.

Hackney Carriage and Private Hire Fees

20. Under Local Government (Miscellaneous Provisions) Act 1982, the provisions controlling the levying of fees are:
 - Local Government (Miscellaneous Provisions) Act 1982, Schedule 53(2), in respect of drivers licences for both hackney carriages or private hire vehicles; and
 - Local Government (Miscellaneous Provisions) Act 1982 Schedule 70 for hackney carriage proprietors' licences, private hire vehicle licences and private hire operators' licences.
21. There were no increases in fees from 2009 to 2012. Neither were there any in the financial year 2013/14 which was due to an increase in the number of drivers, ensuring that any inflationary costs were covered by increased income.
22. In 2012/13 most of the fees remained 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).

23. In 2014/15 there were minor increases and decreases in the fees, with the following exceptions:

- Vehicle licences increased by £10, both new applications and renewals
- Operators licence for 4-10 vehicles, reduced from £310 to £250
- Drivers replacement badge, reduced from £15 to £11
- Transfer and replacement plate increased from £20 to £25
- Hackney drivers knowledge test increased from £30 to £45

24. Licensed drivers and proprietors have up to five additional costs to pay in relation to the annual licensing process; Disclosure and Barring Service checks (every three years and currently £44), vehicle compliance checks (two per year and currently £28), and medicals every three or six years for those under 65. Additional one off costs are; knowledge test for hackney carriage drivers (£50) and Driver Standard Agency Taxi Driving Test (from £80).

25. In 2015/16 the overall fees were increased by an average of 1% inline with inflation, with the following exceptions:

- Three year driving licence increased from £75 to £100 to cover administration and compliance costs over the three year period.
- Hackney carriage drivers test increased from £45 to £50 to cover administration costs.

26. Due to the decrease in the number of new applications coming through it is proposed that there are no changes to the fees with the exception of:

- Vehicle licences are increased by £2 for both a new licence and a renewal.
- Operators licences have been increased proportionally to reflect the fact that they have increased from three to five years in length.

27. The proposed licence fees are set out at Appendix C.

Scrap Metal Dealers Fees

28. The Scrap Metal Dealers Act 2013 received Royal Assent on the 28 February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act provided effective and proportionate regulation of the sector, creating a more robust, local authority run licensing regime that supported legitimate dealers yet provide the powers to effectively tackle unscrupulous operators.

29. Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority. In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury.

30. The power to set fees has been passed to individual local authorities, so that any fees levied in each local area is set by reference to the actual costs to each authority. The EU Services Directive states that a licence fee can only be used to

pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service, application, variation and renewal does not exceed the costs of providing the service.

31. It is proposed that an increase of 1% to 1.5%, be made to the fees this year. These are set out at Appendix D.

Consultation

32. The fees that require formal consultation will be subject to public notices once the fees have been agreed by Council.

Implications Assessment

33. 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

34. The fees as recommended by the Licensing, Health and Safety Committee will be presented to Council on 18 February 2016. This will allow the authority time to publish and apply the gambling and sex establishment fees by the 1 April 2016.
35. 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.
36. If no objections are received in response to the public notice the fee structure would be adopted from 1 April 2016.
37. 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 2016.

Conclusion

38. 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. The fees have generally been increased inline with inflation, which is currently 1%.
39. A licensing summary for the period 1 January 2015 to 31 December 2015 has been prepared and is set out at Appendix E.

Portfolio Holder's Views

40. Cllr Heyes is of the opinion that the council continues to provide a cost effective licensing regime with a minimum increase in costs and therefore supports the proposed fees outlines in this report.

Contact: Email:	Jane Woodford jane.woodford@ashford.gov.uk
--------------------	-------------------------------------------------------------------------------------------------

APPENDIX A: RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2016/17

APPENDIX B: RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2016/17

APPENDIX C: PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES 2016/17

APPENDIX D: RECOMMENDED SCRAP METAL, SITE & COLLECTORS LICENSING FEES 2016/17

APPENDIX E: LICENSING SUMMARY 2015

APPENDIX A: RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2016/17

Premises Type	Current New Application Fee (£)	Proposed New Application Fee (£)
New Small Casino	6506	6570 (8000)
New Large Casino	7806	7860 (10000)
Regional Casino	12299	12380 (15000)
Bingo Club	2236	2250 (3500)
Betting Premises (excluding Tracks)	2273	2290 (3000)
Tracks	1749	1760 (2500)
Family Entertainment Centres	1749	1760 (2000)
Adult Gaming Centre	1749	1760 (2000)
Temporary Use Notices	202	204 (500)

Premises Type	Current Annual Fee (£)	Proposed Annual Fee (£)
New Small Casino	3701	3730 (5000)
New Large Casino	7469	7520 (10000)
Regional Casino	11533	11610 (15000)
Bingo Club	697	700 (1000)
Betting Premises (excluding Tracks)	449	455 (600)
Tracks	694	700 (1000)
Family Entertainment Centres	601	605 (750)
Adult Gaming Centre	697	705 (1000)
Temporary Use Notices	N/A	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	2690 (4000)	1564 (1800)	1314 (1800)	6570 (8000)	2335 (3000)	25 (25)	50 (50)
New large Casino	3555 (5000)	1835 (2150)	2070 (2150)	7860 (10000)	3860 (5000)	25 (25)	50 (50)
Regional Casino	5800 (7500)	4230 (6500)	4230 (6500)	12380 (15000)	6030 (8000)	25 (25)	50 (50)
Bingo Club	1540 (1750)	855 (1200)	855 (1200)	2250 (3500)	930 (1200)	25 (25)	50 (50)
Betting Premises (excluding Tracks)	1300 (1500)	855 (1200)	855 (1200)	2250 (3000)	930 (1200)	25 (25)	50 (50)
Tracks	1180 (1250)	855 (950)	855 (950)	1760 (2500)	930 (950)	25 (25)	50 (50)

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Family Entertainment Centres	795 (1000)	855 (950)	855 (950)	1760 (2000)	770 (950)	25 (25)	50 (50)
Adult Gaming Centre	795 (1000)	855 (1200)	855 (1200)	1760 (2000)	930 (1200)	25 (25)	50 (50)
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 2016/17

	CURRENT FEES 2015/16	PROPOSED FEES 2016/17
Grant	£3204	£3204
Transfer	£350	£350
Renewal	£350	£350

APPENDIX C: PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES 2016/17

	CURRENT FEES 2015/16	PROPOSED FEES 2016/17
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£50	£50
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£100	£100
Additional driver's licence (adding a licence)	£20	£20
Hackney Carriage Knowledge Test & Re-test	£50	£50
Replacement badge / Licence	£11	£11
Vehicle Licence - New (including vehicle plate) for 1 year	£303	£305
Vehicle Licence - Renewal (including vehicle plate) for 1 year	£283	£285
Vehicle Plate Internal / External	£25	£25
Transfer of Vehicle Licence (with or without vehicle plate)	£25	£25
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>Max £28</i>	<i>Max £28</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 5 years –previously for a 3 year period)	1-3 vehicles : £76 (3 years) 4-10 vehicles : £253 (3 years) 11-20 vehicles : £505 (3 years)	1-3 vehicles: £125 (5 years) 4-10 vehicles: £420 (5 years) 11-20 vehicles: £840 (5 years)
To increase number of vehicles licensed during duration of Operators Licence	1-3 to 4-10 £177 4-10 to 10-20 £253	£290 £420
Fee for Returned (Bounced) Cheques	£16	£16

APPENDIX D: RECOMMENDED SCRAP METAL DEALERS FEES FOR 2016/17

	CURRENT FEES 2015/16	PROPOSED FEES 2016/17
Grant Site Licence	£303	£305
Grant Collectors Licence	£202	£205
Renewal Site Licence	£202	£205
Renewal Collectors Licence	£101	£102
Variation	£76	£77
Replacement Licence	£11	£11

APPENDIX E: LICENSING SUMMARY 2015

Licences/Permissions issued 1 Jan 2015 – 31 Dec 2015

Licence/Permission Type	Number Issued	
	2014	2015
Vehicles – new, renewal, transfers	342	325
Drivers / Operators – new, renewals	257	235
TEN's	395	405
Personal Licences	102	118
Premises Licences – new, variations, Vary DPS, Transfers	158	123
Distributing Free Literature	128	43 (permits no longer issued to those with exemptions)
Publicity Displays / Town Centre	30	48
Skin Piercing etc	27	26
Animal Licensing	30	48
House to House	11	14
Street Collections	34	48
Street Trading	57	49
Markets	42	48
Scrap Metal	54	2 (three year licences)
Lotteries (new & renewal)	107	118
Gambling	11	6
Sexual Entertainment Venues	1	1
Total	1837	1652

New Premises Licences in 2015

Charing Sports & Social Club
The French Gourmet, Tenterden
Wilsethan Ltf, Kent Space, Wotton Road
The Phoenix, Tufton Street, Ashford
Lucky Star, Bank Street, Ashford
Flame Grill, High Street, Ashford
Savers Health & Beauty Limited, Park Mall, Ashford
Wise Owl Cider Ltd, Potkiln Oast, High Halden
Woodchurch Wine, Susans Hill, Woodchurch
Tufton Street Stores, Tufton Street, Ashford
Wittersham Village Store, Poplar Road, Wittersham

Number of current licences	
Hackney & Private Hire Vehicles	189
Private Hire & Joint Drivers	375
Private Hire Operators	49
Personal Licences	1509
Premises Licences	412
Dog Breeding	7
Animal Boarding	23
Pet Shops	9
Riding Schools	5
Zoo	2
Ashford Market Traders	21
Tenterden Market Traders	12
Scrap Metal Site	11
Scrap Metal Collector	13
Lottery Registration	109
Sexual Entertainment Venues	1
Bingo	1
Adult Gaming Centre	5 (3 premises)
Betting Shops	12

Agenda Item No: 5
Report To: LICENSING, HEALTH AND SAFETY COMMITTEE



Date: 25 January 2016
Report Title: REVIEW OF THE HACKNEY CARRIAGE FARE SCALE
Report Author: Interim Licensing Manager

Summary:	<p>To recommend to Council one of the following options to the hackney carriage fare scale for 2016/17</p> <ul style="list-style-type: none">• No change to the current tariff• An increase of 3% to the overall tariff
-----------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 Council approval for the purpose of issuing a public notice any change to the hackney carriage fare.**

Policy Overview: In December 1996 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 is 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: jane.woodford@ashford.gov.uk – Tel: 01233 330578

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. To recommend to Council one of the following options to the hackney carriage fare scale for 2016/17.
 - No change to the current tariff
 - An increase of 3% to the overall tariff

Background

3. The council's current taxi policy states that the hackney carriage fare scale will 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 legislation dictates that customers must be advised of the fare beforehand unless the vehicle is fitted with a taximeter set at or below the tariff set by this council.
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.
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 10 pence increase in the drop (initial) rate. Members generally considered Ashford's fares were quite high relative to other areas and said they felt uncomfortable recommending an increase at a time when other costs for drivers were reducing. Subsequently there was no increase to fares for 2015/16.

Comparison with other areas

7. A league table of hackney carriage fares for the country, based on a 2 mile journey, is produced by the Private Hire Drivers Association. Ashford ranks 74th highest out of 365 boroughs as at September 2015.

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/171.8 yards.
10. The table below indicates the approximate cost of a journey for various distances on the basis of the current and proposed 3% fare scale increase. Because there drivers did not request an increase to the drop rate no increase is seen until the two mile point.

Distance	Current rate	No change in proposed drop rate plus an additional 3% overall
1 mile	£4.20	£4.20
2 mile	£6.20	£6.40
5 mile	£12.40	£12.60
10 mile	£22.60	£23.20

11. As of November 2015, the average price per litre of unleaded petrol for the South East was 108.31 pence a litre, a decrease of 21 pence on the previous year. Diesel is currently 110.6 pence per litre and LPG 57.9 pence per litre and usually sits around 40% of the cost of unleaded petrol. Prices have continued to fall since the last AA Fuel Price Report was released and locally prices have been as low as 99.9 pence since the middle of December.
12. According to the Office for National Statistics for the whole of 2015 fluctuated between -0.1% and 0.1% with low oil prices and a fiercely competitive environment for supermarkets keeping prices down for consumers.
13. According to the latest benchmark, in October 2015 the AA British Insurance Premium Index saw the second quarterly increase in car insurance premiums. This means premiums are now on average 9.2% higher than 12 months ago. Members may wish to note that these figures are for general car insurance, rather than specialist private hire or hackney carriage insurance.

Risk Assessment

14. 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.
15. 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.

Consultation

16. 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.
17. At the October 2015 Taxi Forum (which was attended by only 10 drivers) it was agreed that this year's consultation with the trade on fares would continue to be in the form of an online vote. The options to be consulted on were discussed and the forum subsequently agreed. Those present sought an increase of 3% increase to the overall tariff.
18. 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.
19. The survey consisted of two fare proposals, no increase or a 3% increase to the overall tariff. The forum did not wish to consider any other option than a 3% increase.
20. The results of this survey can be seen in Appendix D. Very disappointingly only 15 responses were received which is just 8% of those eligible to vote. 11 respondents (73%) supported a 3% overall increase and 4 (27%) did not want to see any increase.
21. The responses have been posted on the Taxi Forum web page, to which all drivers have access and trade representatives have been informed.

Implications Assessment

22. 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

23. 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.
24. The agreed fare scale will take effect on 1 April 2016.

Conclusion

25. Members may wish to take the following into account:
 - Only a very small percentage (8%) of drivers and operators responded to the consultation. Of those that did, the majority voted for a 3% increase overall.

- In 2012 there was a 5% increase and a 10 pence increase in the drop rate. In 2013 there was a 3% increase and a 10 pence increase in the drop rate and there was no increase in 2014 or 2015.
- Members are asked to set maximum levels for fares, although drivers may charge less if they wish.
- The price of fuel has continued to drop over the last 12 months.
- There has been only a very small fluctuation the rate of inflation in 2015.
- Insurance costs have increased over the last 12 months.

Portfolio Holder's Views

26. Councillor Heyes is of the view that taxi fares should not go up this year considering the following reasons: Inflation has been extremely low and has even dipped into deflation at one stage. Also, fuel has dropped in price substantially.

Contact:	Jane Woodford
Email:	jane.woodford@ashford.gov.uk

APPENDIX A: No increase 2016/17

AAPENDIX B: 3% increase for 2016/17

APPENDIX B: Fare option responses from hackney carriages drivers and operators

APPENDIX A: No fare increase for 2016/17

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: 3% fare increase for 2016/17

FARES FOR DISTANCE OR TIME

£

Rate 1

If the distance does not exceed 680.00 yards, for the whole distance or for the first 216 seconds of waiting time

2.80

For each subsequent 166.70 yards or uncompleted part thereof

0.20

Or for each subsequent period of 52.90 seconds of waiting time or uncompleted part thereof

0.20

SURCHARGES FOR CERTAIN TIMES AND DAYS:-

Rate 2

h) For each hire commenced between 12 midnight and 7 am

1½ x Rate 1

i) 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

j) 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

k) 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.

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

0.05

m) for perambulators

0.05

n) for dogs

0.10

APPENDIX D: 2015/16 Fare option responses from hackney carriages drivers and operators

Percentage Increase	Reponses		%
No change	4	No change	26.7%
3% increase	11	3% increase	73.3%
	15		100%