

AGENDA

LICENSING COMMITTEE MEETING



Date: Thursday 30 March 2017

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Garten, Mrs Grigg, Mrs Hinder, Joy
(Chairman), McLoughlin, B Mortimer,
Naghi (Vice-Chairman), Newton,
Mrs Robertson, J Sams and Springett

Page No.

1. Apologies for Absence
2. Notification of Visiting Members
3. Disclosures by Members and Officers
4. Disclosures of Lobbying

Continued Over/:

Issued on Wednesday 22 March 2017

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Caroline Matthews on 01622 602743**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

5. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
6. Minutes of the Meeting Held on 26 January 2017 1 - 3
7. Report of the Head of Housing and Community Services - Hackney Carriage and Private Hire Licensing: Licence Fees and Charges Fees 2017/2018 4 - 10
8. Report of the Head of Housing and Community Services - Sexual Entertainment Venues - Licence Fees 2016/2017 11 - 14
9. Report of the Head of Housing and Community Services - Gambling Fees 2017 - 18 15 - 23
10. Report of the Head of Housing and Community Services - Animal Establishment fees 2017 - 18 24 - 28

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 26 JANUARY 2017

Present: Councillor Joy (Chairman), and
Councillors Garten, Mrs Grigg, Mrs Hinder, B
Mortimer, Naghi, Newton, Revell, Mrs Ring, Mrs
Robertson, J Sams and Springett

50. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillor McLoughlin.

51. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Ring was substituting for Councillor McLoughlin.

52. **NOTIFICATION OF VISITING MEMBERS**

There were no Visiting Members.

53. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

54. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

55. **TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.**

RESOLVED: That all items on the agenda be taken in public as proposed.

56. **MINUTES OF THE MEETING HELD ON 1 DECEMBER 2016**

RESOLVED: That the minutes of the meeting held on 1 December 2016 be approved as a correct record and signed.

57. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY**

The Head of Housing and Community Services introduced the Draft Statement of Principles for the Gambling Act 2005, and advised the Committee that no responses had been received in reply to the public consultation.

RESOLVED: That:

1. It be noted that no responses to the consultation on the draft Statement of Principles for the Gambling Act 2005 were received.
2. It be agreed that the draft Statement of Principles for the Gambling Act 2005 be recommended to Council for adoption.

For – 12 Against – 0 Abstain – 0

58. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -
SUMMARY OF LICENSING ENFORCEMENT ACTIONS BY OFFICER**

The Head of Housing and Community Services introduced the report advising Members of the number and type of compliance and enforcement actions undertaken by Licensing Officers.

In response to questions the Licensing Partnership Manager explained that:

- Kent County Council (KCC) was party to the contract for the provision of private hire vehicles during the school run and set the standards required. Joint operations by KCC and MBC were undertaken several times a year to ensure compliance.
- Enforcement actions were reported by Licensing Officers to Line Managers on a monthly basis, and were reported by Line Managers to the Licensing Board quarterly. Each of the Partnership's Licensing Committees received a summary of enforcement actions in the Licensing Partnership Annual Report, however more detail could be provided if requested.
- A press release would be issued with regard to the prosecution detailed in the report.

Following discussion Members were in agreement that the Committee should have the numerical information contained within the report presented to Committee on a quarterly basis.

RESOLVED: That:

1. The Committee be provided with numerical data on compliance and enforcement actions on a quarterly basis.

For – 9 Against – 3 Abstain – 0

2. The report be noted.

For – 12 Against – 0 Abstain – 0

59. DURATION OF MEETINGS

6.30 p.m. to 7.05 p.m.

Agenda Item 7

Licensing Committee

30 March 2017

Is the final decision on the recommendations in this report to be made at this meeting?

No

Hackney Carriage and Private Hire Licensing: Licence Fees and Charges Fees 2017/2018

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Claire Perry, Licensing Partnership Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the proposed fees and charges and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators, as set out in paragraph 2.9, be approved for formal consultation with the trade and with the public; and
2. That subject to the consideration of any written objections, these be implemented with effect from 15 May 2017.

This report relates to the following Five Year Plan Key Objectives:

- A Great Place

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

Meeting	Date
Licensing Committee	30 March 2017

Taxis and Private Hire Fees and Charges 2017/18

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Taxis and Private Hire Licensing. This ensures the Council complies with its statutory duty and that the licensing of Taxis and Private Hire vehicles, Dual, Hackney Carriage or Private Hire Drivers and Private Hire Operators continues being self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to determine the proposed fees for 2017/2018.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Taxi Licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 2.2 Careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated costs, together with expenditure, has been in accordance with the objectives laid out in the budget plan and the inflation rate. All other increases in cost of providing the service have been absorbed by efficiency savings as a result of the Licensing Partnership.
- 2.3 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to calculate the proposed fees and charges. The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by the national support body for local authority regulators, LACORS, to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.4 The type of tasks involved in taxi licensing applications include: assistance to the applicant, checking of an application upon receipt, and processing the application. Once processed, types of tasks include: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation and holding an appeal hearing, as well as compliance tests of drivers, vehicles and operators. Training of Officers and Members has also been included, as well as the cost of consumables.
- 2.5 In September 2016 all Council Chief Executives were contact by the Driving Standards Agency (DVSA) to advise them that they were withdrawing the service of testing the driving standards for new drivers. The Council found an alternative test which costs applicants less money but maintains the standards of the previous test. The fee is now £70. All new drivers are required to take in accordance with the Council's 'Taxi Licensing Policy'. The fee is paid directly to

TGTraining. The Senior Licensing Officer for Maidstone Borough Council is currently considering other providers to ensure they meet the criteria determined by the Licensing Partnership. Should providers meet this criteria they will be added to the Council's approved list.

2.6 The fee for the Disclosure Barring Service (DBS) Enhanced Search remains the same at £44. However, applicants can now register online when they apply for a DBS search. The registration lasts for one year and costs £13 per year going forward. This would save an applicant £5 over a three year period. It allows applicants to take their search certificate from one job to the next and removes the need for an enhanced search to be carried out upon renewal. The Licensing Team promotes the uptake of the online checking service as it assists in streamlining the online form application process.

2.7 The fee for the Hackney Carriage vehicles includes the surcharge for year 2 of the cost of the Demand Survey that took place in 2016. The cost of the survey will continue to be spread over 3 years for the Council to recoup the cost.

Public Notice to advertise proposed variation to licence fees

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

2.9 Proposed Hackney Carriage and Private Hire Licensing fees from 15 May 2017 are:

	Existing Fees	Proposed Fees
<u>Dual Driver Licence (Hackney Carriage and Private Hire) and Hackney Carriage Driver Licence</u>		
On initial application	£315 for three years £185 for one year	£370 for three years (which includes £22.04 towards the Demand Survey & £29.43 for monitor and maintenance) £190 for one year
Disclosure Barring Service search fee	£44 every four years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£359 for three years £229 for one year	£414 for three years £234 for one year
On renewal	£260 for three years	£325 for three years

	Existing Fees	Proposed Fees
	£130 for one year (due to age or medical)	(which includes £22.04 towards the Demand Survey & £29.43 for monitor and maintenance) £135 for one year (due to age or medical)
Disclosure Barring Service search fee	£44 every four years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£304 for three years	£369 for three years
<u>Private Hire Diver's Licence</u>		
On initial application	£255 for three years £170 for one year	£275 for three years £180 for one year
Disclosure Barring Service search fee	£44 every four years or £13 per year if they sign up to the DBS online service	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£309 for three years £165 for one year	£319 for three years £224 for one year
On renewal	£299 for three years £214 for one year	£240 for three years £125 for one year (due to age or medical)
Disclosure Barring Service search fee	£220 for three years £120 for one year (due to age or medical) Not being charged	£44 every three years or £13 per year if they sign up to the DBS online service
Total (including DBS fee)	£264 for three years	£284 for three years
<u>Hackney Carriage Vehicle Licence</u>		
On application	£295 for one year (which includes £30 towards the Unmet Demand Survey)	£365 for one year (which includes £22.04 towards the Demand Survey & £29.43 for monitor and maintenance)
<u>Private Hire Operator Licence</u>		
On initial application – 5 year licence	£475 for five years	£485 for five years
On renewal – 5 year licence	£400 for five years	£405 for five years

	Existing Fees	Proposed Fees
On initial application – 3 year licence	£335 for three years	£340 for three years
On renewal – 3 year licence	£275 for three years	£275 for three years
On initial application – 1 year licence	£190 for one year	£195 for one year
On renewal – 1 year licence	£130 for one year	£130 for one year
<u>Private Hire Vehicle Licence</u>		
On initial application	£250 for one year	£315 for one year
<u>Other Costs</u>		
Change of ownership of licensed vehicle	£69	£70
Replace external vehicle plate	£23	£23
Replace driver badge	£9.50	£10
Replace internal plate holder	£1.75	£1.75
Copy of existing paper licence	£12	£12
Change of address details for a replacement licence	£12	£12
Change of name for a vehicle or operator licence	£12	£12
Change of name and address for a driver badge	£21	£21
Vehicle exemption certificate or general administration fee	£44	£45
Vehicle re-test	£48	£48

3. AVAILABLE OPTIONS

The fees and charges need to be reviewed to ensure that they are set at appropriate levels to recover the costs associated with providing the service. Having reviewed the income and expenditure the options available are:

- 3.1 To propose no changes or reductions to the existing fees. This would mean there would be a shortfall in income against the budget set for the function.
- 3.2 To approve the fees as set at in paragraph 2.9.
- 3.3 To propose, where possible and appropriate, fees higher than the cost of delivering the service. However, if the Council were subject to Judicial Review it would not be in a position to justify the fees that have been set.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To approve the fees set out in paragraph 2.9 to ensure that the fee income reflects the cost of providing the service.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Officers from the licensing department will consult with members of the public and the trade via public consultation process e.g. an email to all drivers and vehicle proprietors where we have their email address. A Notice will also be placed in a local paper and will be available on the Council's website. The decision will be published on Maidstone Borough Council's website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

None

8. BACKGROUND PAPERS

None

Licensing Committee

30 March 2017

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Sexual Entertainment Venues - Licence Fees 2016/2017

Final Decision-Maker	Licensing Committee
Lead Director	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Claire Perry, Licensing Partnership Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Licensing Committee approve the fee levels as set out in paragraph 2.4 of the report for implementation on 1 April 2017.

This report relates to the following Five Year Plan Key Objectives:

- Great Place

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

Meeting	Date
Licensing Committee	30 March 2017

Sexual Entertainment Venues - Licence Fees 2017/2018

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the licensing of Sexual Entertainment Venue premises is self financing, in accordance with the Council's Medium Term Financial Plan.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to determine the proposed fees for 2017/2018.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spreadsheet (original produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.2 The type of tasks involved in Sexual Entertainment Venue premises application include: assistance to applicant, checking of an application upon receipt, processing the application, assessing representations for relevance, undertaking informal mediation, and undertaking site visits where necessary. Once processed, tasks then involve: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation and holding an appeal hearing.
- 2.3 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring, which has been entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of the Licensing Partnership.

Proposed Fees

- 2.4 The result of the calculations is that a fee of £4,180 is proposed to cover the cost for a new application or a renewal application. The existing fee is £4,100. The fee for an application to transfer a licence is proposed as £2,040.

3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not increase the fees to cover the full cost of delivering this function. This would mean there would be a shortfall in income against the budget set for the function. The

shortfall would have to be covered from other areas of income within the Licensing Team.

- 3.2 Members may approve the fees as set at in paragraph 2.4.
- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are asked to approve the proposed fees set out in paragraph 2.4 of the report.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged with respect to new applications and existing premises. Existing licensees will be notified at the time of renewal and the new fees will be displayed on the Council's website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader (Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]

Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

None

8. BACKGROUND PAPERS

None

Licensing Committee

30 March 2017

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Gambling Act 2005: Licence Fees 2017/2018

Final Decision-Maker	Licensing Committee
Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Claire Perry, Licensing Partnership Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Licensing Committee approve fee levels as set out in Appendix A of the report for implementation on 1 April 2017.

This report relates to the following Five Year Plan Key Objectives:

- Great Place

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

Meeting	Date
Licensing Committee	30 March 2017

Gambling Act 2005: Licence Fees 2017/2018

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Gambling Act 2005. This ensures the Council complies with its statutory duty and that the licensing of Gambling premises is self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to determine the proposed fees for 2017/2018.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The Gambling Act 2005, Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe, which includes a maximum fee level.
- 2.2 The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licence but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
- 2.3 The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous year's fees are printed in italics for your information. Those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.
- 2.4 There is an initial fee to cover the cost of application and an annual fee due every year.
- 2.5 Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.
- 2.6 Fees must be set for all types of premises licences and Temporary Use Notices (TUN's).

Premises type

- Casinos
- Bingo

- Betting (off-course)
- Tracks (on-course betting)
- Adult Gaming Centres
- Family Entertainment Centres

2.7 Fees must be set by each Licensing Authority for the following:

- Application for a (new) premises licence
- Application to vary a premises licence
- Application to transfer the licence
- Application for re-instatement of the premises licence
- Application for a provisional statement
- Application for a premises licence for a premises which already has a provisional statement
- Fee to accompany a request for a copy of the premises licence
- Fee to accompany a notification of change of circumstances (only relevant change is that of address)
- Fee to accompany a temporary use notice

2.8 The Borough currently has eighteen gambling premises that will be affected by the proposed fee increases. The premises are:

1	Jenningsbet 15/00839/GAPRE	6 Senacre Square, Maidstone	Betting Premises
2	Paddy Power 12/01198/GAPRE	9 Gabriel's Hill, Maidstone	Betting Premises
3	William Hill WK/200908732	70 - 72 Week Street, Maidstone	Betting Premises
4	Coral Racing Ltd. 10/01329/GAPRE	97 High Street, Maidstone	Betting Premises
5	Betfred	2 - 4 Middle Row, Maidstone	Betting Premises

	WK/200908867		
6	Betfred WK/200908865	Flat 3, Mid Kent Shopping Centre, Castle Road, Maidstone	Betting Premises
7	Ladbrokes WK/200908729	Subway Unit 3 Hermitage Walk, Hermitage Lane, Maidstone	Betting Premises
8	Jenningsbet 10/03092/GAPRE	78 Week Street, Maidstone	Betting Premises
9	William Hill WK/200908731	429 Willington Street, Maidstone	Betting Premises
10	Coral WK/200905740	Granada House, Gabriel's Hill, Maidstone	Betting Premises
11	Coral WK/200905739	1 The Parade, Staplehurst	Betting Premises
12	Coral WK/200905737	1 Church Road, Tovil	Betting Premises
13	Coral WK/200905735	Valence House, Sutton Road, Maidstone	Betting Premises
14	Cashino 11/01123/GAPRE	74 Week Street, Maidstone	Adult Gaming Centre
15	Cashino 11/01122/GAPRE	74 Week Street, Maidstone	Adult Gaming Centre
16	Road Chef 10/01379/GAPRE	Maidstone Motorway Service Area, M20 J8 Slip Coastbound Off	Adult Gaming Centre

17	Palace Amusements 15/03244/GAPRE	59 Week Street, Maidstone, Kent ME14 1QU	Adult Gaming Centre
18	Gala Club 11/01980/GAPRE	Lower Stone Street, Maidstone, Kent ME15 6JX	Bingo Club

2.9 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spreadsheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.

2.10 The type of tasks involved in Gambling premises application include: assistance to applicant, checking of an application upon receipt, processing the application, assessing representations for relevance, undertaking informal mediation, undertaking site visits where necessary. Once processed, types of task include: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation, holding an appeal hearing and visits to ensure compliance.

2.11 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring, which has been entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of the Licensing Partnership.

Proposed Fees

2.12 The result of the calculations is set out in Appendix A of the report. There are three figures for each licence type/fee. The figure in bold font is the new proposed fee, the figure in brackets is the maximum fee set by the legislation and the figure in italics is the existing fee. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

3. AVAILABLE OPTIONS

3.1 Members may decide to leave the fee levels as they are and not increase the fees to cover the full cost of delivering this function. This would mean there would be a shortfall in income against the budget set for the function. The shortfall would have to be covered from other areas of income within the Licensing Team.

3.2 Members may approve the fees as set at in Appendix A.

- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To approve the fees set out in Appendix A to ensure that the fee income reflects the cost of providing the service.
-

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged from 1st April 2017 with respect to new applications, and existing premises will be sent invoices prior to the date the annual fee for the premises is due. They will be published on our website.
-

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader (Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]

Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Maidstone Borough Council's Gambling Act 2005 – Fees
1 April 2017 – 31 March 2018

8. BACKGROUND PAPERS

<http://www.culture.gov.uk>

<http://www.gamblingcommission.gov.uk>

**MAIDSTONE BOROUGH COUNCIL'S
GAMBLING ACT 2005 - FEES
1 April 2017 – 31 March 2018**

Premises Type	New Application £			Annual Fee £		
Existing Casinos	n/a			n/a		
New Small Casino	7855	(8,000)	7700	4360	(5000)	4275
New Large Casino	9020	(10,000)	8845	7040	(10000)	6900
Bingo Club	2785	(3500)	2730	790	(1000)	770
Betting Premises (excluding Tracks)	2805	(3000)	2750	595	(600)	555
Tracks	1710	(2500)	1675	790	(1000)	770
Family Entertainment Centres	1710	(2000)	1675	640	(750)	630
Adult Gaming Centre	1710	(2000)	1675	790	(750)	770
Temporary Use Notice	225	(500)	220	N/A		

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino	3820 (4000) 3760	1645 (1800) 1620	1645 (1800) 1620	7875 (8000) 7760	2825 (3000) 2770	12 (25) 12	28 (50) 28
New Large Casino	4275 (5000) 4210	2090 (2150) 2060	2090 (2150) 2060	9005 (10000) 8870	4125 (5000) 4065	12 (25) 12	28 (50) 28
Bingo Club	1670 (1750) 1615	1200 (1200) 1045	405 (1200) 400	2220 (3500) 2225	1200 (1200) 960	12 (25) 12	28 (50) 28
Betting Premises (excluding tracks)	1500 (1500) 1440	1200 (1200) 1045	385 (1200) 400	1740 (3000) 1660	1200 (1200) 960	12 (25) 12	28 (50) 28
Tracks	1250 (1250) 1250	950 (950) 945	385 (950) 380	1900 (2500) 1900	950 (950) 945	12 (25) 12	28 (50) 28
Family Entertainment Centres	1000 (1000) 925	950 (950) 945	390 (950) 370	1735 (2000) 1675	950 (950) 855	12 (25) 12	28 (50) 28
Adult Gaming Centre	1000 (1000) 925	1200 (1200) 1045	390 (950) 370	1735 (2000) 1620	1200 (1200) 960	12 (25) 12	28 (50) 28

**MAIDSTONE BOROUGH COUNCIL'S
GAMBLING ACT 2005 - FEES
1 April 2017 – 31 March 2018**

Temporary Use Notice	n/a	n/a	n/a	n/a	n/a	12 (25) <i>12</i>	28 (50) <i>28</i>
---------------------------------	------------	------------	------------	------------	------------	--------------------------------	--------------------------------

The proposed fees as shown in **bold type** in the table above.

For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets and the previous year's fees are in *italics*.

Agenda Item 10

Licensing Committee

30 March 2017

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Animal Establishment Fees 2017/2018

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Claire Perry, Licensing Partnership Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendation:

1. That the Licensing Committee approve the fee levels as set out in paragraph 2.6 of the report for implementation on 1 April 2017.

This report relates to the following Five Year Plan Key Objectives:

- A Great Place

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

<i>Meeting</i>	<i>Date</i>
Licensing Committee	30 March 2017

Animal Establishment Fees 2017/2018

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority should regularly review the fees set for the administration and compliance checks of the Animal Establishments. This ensures the Council complies with good practice and that the licensing of Animal Establishments is self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used to determine the proposed fees for 2017 onwards.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 It is the Council's policy that the Animal Establishment Licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 2.2 Where possible careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated costs, together with expenditure, has been in accordance with the objectives laid out in the budget plan and the inflation rate.
- 2.3 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to calculate the proposed fees and charges. The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by the national support body for local authority regulators, LACORS, to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.4 The type of tasks involved in animal establishment licensing applications include: assistance to the applicant, checking of an application upon receipt, compliance checks and processing the application. Once processed, types of tasks include: preparation and issuing of the licence and updating the records/register. Training of Officers and Members has also been included, as well as the cost of consumables.
- 2.5 At the Licensing Committee meeting on 16 June 2016 Members set fees which removed the veterinary surgeon's fees from the Council's fees for riding establishments. This was done following a request from a riding establishment. The establishments are now invoiced separately by the Environmental Enforcement team for the veterinary costs.

2.6 Proposed Animal Establishment fees from 1 April 2017 are:

	Fees from 4 th July 2016	Fees from 1 April 2017
Animal Boarding		
Cats only		
Up to 30	£175	£180
31 - 60	£290	£295
Dogs only		
Up to 50	£340	£350
51 - 100	£430	£440
Cats and Dogs		
Up to 50	£285	£290
51 - 90	£410	£430
91 - 125	£555	£565
126+	£605	£615
Performing Animals	£160	£165
Dangerous Wild Animals	£440	£450
Zoo	£555 (plus deposit of £2,150)	£565 (plus deposit of £2,150)
Breeding of Dogs		
Up to 5 bitches	£275	£290
6 - 10	£405	£415
11 - 15	£530 for 11+ bitches	£540 for 11+ bitches
16 - 20	N/A	N/A
Pet Shops		
Initial licence	£400	£410
For additional licences, charge higher fee first	£85	£85
Horse Riding Establishments		
Up to and including 10 horses	£310 (excl. Vet's fees)	£315 (excl. Vet's fees)
11 horses and above	£415 (excl. Vet's fees)	£425 (excl. Vet's fees)

3. AVAILABLE OPTIONS

- 3.1 The fees and charges need to be reviewed to ensure that they are set at appropriate levels to recover the costs associated with providing the service. Having reviewed the income and expenditure the options available are:

- 3.2 To propose no changes or reductions to the existing fees. This would mean there would be a shortfall in income against the budget set for the function.
- 3.3 To approve the fees as set at in paragraph 2.6.
- 3.4 To propose a fee regime higher than the cost of delivering the service. However, if the Council were subject to challenge it would not be in a position to justify the fees that have been set.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The option set out at Paragraph 3.3 to approve the fees set out in Paragraph 2.6 to ensure that the fee income reflects the cost of providing the service.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged with respect to new, existing and renewal applications from 1 April 2017 and published on our website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader(Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or

		Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

None

8. BACKGROUND PAPERS

None