

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting:</b>	<b>Licensing Committee</b>
<b>Date and Time:</b>	<b>Tuesday 7 February 2023 7.00 pm</b>
<b>Place:</b>	<b>Council Chamber</b>
<b>Enquiries to:</b>	<b>Committee Services committeeservices@hart.gov.uk</b>
<b>Members:</b>	<b>Wildsmith (Chairman), Farmer (Vice-Chairman), Butler, Coburn, Collins, Crisp, Delaney, Forster, Harward, Lamb and Smith</b>

Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## AGENDA

**This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.**

**Please download all papers through the Modern.Gov app before the meeting.**

- At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

### **1 MINUTES OF THE PREVIOUS MEETING (Pages 3 - 4)**

The minutes of the meeting held on 4 October 2022 are attached for confirmation and signature as a current record.

## **2 APOLOGIES FOR ABSENCE**

To receive any apologies for absence from Members\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

## **3 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary, and any other, interests\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

## **4 CHAIRMAN'S ANNOUNCEMENTS**

## **5 PROPOSED LICENSING FEES AND CHARGES 2023/24 (Pages 5 - 13)**

The purpose of this report is for Licensing Committee to consider the proposed changes in the fees and charges for licensing services, including hackney carriage and private hire vehicles and operators.

### **RECOMMENDATION**

Licensing Committee are recommended to

- approve the proposed fees and charges for consultation as set out in Appendix 1,
- agrees that should there be no objections to the fees and charges, or any objections are subsequently withdrawn, then the fees and charges set out in Appendix 1 are set,
- note the statutory fees and charges as set out in Appendix 2.

**Date of Publication: Monday, 30 January 2023**

## LICENSING COMMITTEE

**Date and Time:** Tuesday 4 October 2022 at 7.00 pm

**Place:** Council Chamber

**Present:**

Wildsmith (Chairman), Butcher, Butler, Collins, Coburn and Smith

**In attendance:** Councillor Lamb

**Officers:**

Mark Jaggard, Executive Director Place

Emma Coles, Licensing Team Leader, Shared Licensing Services

Louise Misselbrook, Shared Legal Services

Andrew Wake, Senior Licensing Officer, Shared Legal Services

Neil Hince, Environmental Health & Licensing Manager

Rebecca Borrett, Committee Services and Members Officer

### 12 MINUTES OF THE PREVIOUS MEETING

The minutes of 2 August 2022 were agreed and confirmed and signed as a correct record.

### 13 APOLOGIES FOR ABSENCE

Apologies were received from:

Councillor Delaney

Councillor Farmer

Councillor Forster (substituted by Councillor Butcher)

### 14 DECLARATIONS OF INTEREST

None declared.

### 15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked officers for enforcement visits undertaken with members. Members confirmed they felt it was a very worthwhile, useful and positive exercise.

The Chairman confirmed the cancellation of the November meeting.

## **16 APPROVAL OF CHARITY COLLECTION POLICY**

Officers updated members of the outcome of the public consultation on the draft Shared Licensing Service Charity Collections Policy.

### **DECISION**

Licensing Committee agreed to:

1. adopt the Shared Licensing Service Charity Collections Policy, as set out in Appendix B to this report; and
2. authorise the Executive Director - Place to make minor alterations and typographical corrections to the Policy.

The meeting closed at 7.06 pm

## LICENSING COMMITTEE

**DATE OF MEETING: 7 FEBRUARY 2023**

**TITLE OF REPORT: PROPOSED LICENSING FEES AND CHARGES 2023/24**

**Report of: Executive Director - Place**

**Cabinet Portfolio: Regulatory**

**Key Decision: Yes**

**Confidentiality: Non-Exempt**

### PURPOSE OF REPORT

1. The purpose of this report is for Licensing Committee to consider the proposed changes in the fees and charges for licensing services, including hackney carriage and private hire vehicles and operators.

### RECOMMENDATION

Licensing Committee are recommended to

- approve the proposed fees and charges for consultation as set out in Appendix 1,
- agrees that should there be no objections to the fees and charges, or any objections are subsequently withdrawn, then the fees and charges set out in Appendix 1 are set,
- note the statutory fees and charges as set out in Appendix 2.

### BACKGROUND

2. Licensing Committee are required to set certain fees and charges relating to licensing activities.
3. The licensing fees are a mixture of fees which are set nationally (statutory charges) and those where the Council has the discretion to set the fees. Appendix 2 sets out the statutory fees and charges
4. For the areas where the Council has discretion, the Council is proposing to apply an inflationary uplift of 10% to the majority of existing fees and charges to reflect the annual increase staffing and associated costs. The February full Council will consider all the Council's fees and charges alongside the budget papers.

### MAIN ISSUES

5. For the licensing fees, where there is discretion, it is proposed to increase the existing fees by 10%. These are set out in Appendix 1.
6. Hackney carriage and private hire fees can only be used for cost recovery of the licensing service under Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976. The cost recovery is restricted to the issuing of licences and some enforcement costs.
7. The driver's fees have increased to reflect the changes in legislation that are now in place, e.g. the NR3 check (for licensing offences committed in other council areas) and tax check which came into force on the 4 April 2022.
8. The licensing fees and charges reflect the Councils' costs incurred through the provision of certain services. This relates to the costs of Basingstoke & Deane providing the Shared Licensing Service, plus the management and oversight of Hart District Council and associated costs.

9. Some fees are set by external partners (DBS, medical advisor etc).
10. A legal ruling (Rehman v Wakefield) is likely to have a significant impact upon how fees are calculated in the future. The ruling will allow councils to pass on the costs of enforcement for licensed drivers, which are not currently included in the charges.

### **Correction to administrative error in 2022/23**

11. The fees relating to private hire vehicle and hackney carriage vehicle licences were incorrectly published in 2022/23 Fees and Charges.
12. The rate in 2021/22 was £250.00. The correct figure for 2022/23 adjusted to reflect inflation should have been £258.00. However, the actual figure quoted in the published fees and charges was £239.00.
13. The proposed fee for 2023/24 is £284.00 which corrects the administrative error last year and applies the 10% inflationary uplift.

### **Consultation on the hackney carriage / private hire vehicles fees and charges**

14. Where a Council proposes to amend fees and charges relating hackney carriage / private hire vehicles and private hire operator licences the fees must be advertised for 28 days in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
15. If Licensing Committee approves the proposed fees and charges for 2023/24 set out in Appendix 1, they will be advertised for a period of 28 days.
16. If no public objections are received within the consultation period, or any objections are later withdrawn, then (on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later) the fees would come into effect.
17. If objections are received during the consultation period, or any objections are not later withdrawn, then the Licensing Committee will receive a report setting out the objections received. The Licensing Committee can then set the fees and charges in light of those objections.

### **Other licences (where the fee is set by the Licensing Committee)**

18. Appendix 1 also lists out a number of other licenced activities where the Licensing Committee has the discretion to set the fees and charges.
19. These fees and charges have been updated to include establishments which were previously omitted from the list, and others where the Shared Licensing team have recalculated and updated the fees.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

20. Failure to increase fees in line with inflation will result in a financial loss to the Council and effectively result in a subsidy of the licensing service.

### **CORPORATE GOVERNANCE CONSIDERATIONS**

#### **Relevance to The Hart Vision 2040**

Setting appropriate fees and charges for the Shared Licensing Services is integral to the following section of the Corporate Plan; to explore options to increase financial self-sustainability by:

- a) To realise our ambitions to deliver more for less
- b) Maximising Council income through effective asset management and collection activities
- c) Continuing to work closely with partners to deliver joint services

### **Service Plan**

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?  
Yes

### **Legal and Constitutional Issues**

21. The Licensing Committee has the legal responsibility for the setting of the Council's fees and charges with respect to the Gambling Act, Licensing Act, Hackney Carriage and Private Hire and Street Trading.

### **Financial and Resource Implications**

22. The licensing fees and charges can only reflect the Councils' costs incurred through the provision of certain services. This related to the costs of Basingstoke & Deane providing the Shared Licensing Service, plus the management and oversight of Hart District Council and associated costs. The Shared Licensing Service does not operate on a full cost recovery basis because of legal restrictions.

### **Risk Management**

23. Significant under-recovery of fees and charges poses a risk to finances as the Council will still have to provide statutory services and functions. Over recovery of fees by charging in excess of the statutorily recoverable elements may result in legal action from the affected parties. This can cause reputational and/or financial risk.

### **EQUALITIES**

24. This report has no impact upon equalities.

### **CLIMATE CHANGE IMPLICATIONS**

25. There are no direct carbon/environmental impacts arising from the recommendations.

### **ACTION**

26. Subject to the Licensing Committee approving the proposed fees and charges set out in Appendix 1, the Shared Licensing Service will undertake the statutory consultation.

**Contact Details:** Mark Jaggard – Executive Director Place

**Appendices:**

**Appendix 1 – Current and Proposed Licensing Fees and Charges for Hackney Carriage / Private Hire and Other Licences (set by Licensing Committee)**

**Appendix 2 – Current and Proposed Licensing Fees and Charges set by statute**



## Appendix 1 – Current and Proposed Licensing Fees and Charges

### Hackney Carriage and Private Hire

All fees rounded to the nearest pound

<b>Vehicles</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2023/24 £</b>
Private Hire Vehicle (New)	239.00*	284.00
Hackney Carriages Vehicle (New)	239.00*	284.00
PH Vehicle (Renewal)	239.00*	284.00
HC Vehicle (Renewal)	239.00*	284.00
PH Exemption Vehicle - New	239.00*	284.00
PH Exemption Vehicle - Renewal	239.00*	284.00
Wheelchair Accessible Vehicle New	120.00	132.00
Wheelchair Accessible Vehicle Renewal	120.00	132.00
PH Temporary Vehicle Licence	106.00	117.00
HC Temporary Vehicle Licence	106.00	117.00
PH/HC Replacement Rear Plate	30.00	33.00
Change of Licence Type PH to HC	41.00	45.00
Change of Licence Type HC to PH	41.00	45.00
PH Transfer of Vehicle Ownership. Per vehicle.	83.00	91.00
HC Transfer of Vehicle Ownership. Per vehicle.	83.00	91.00
PH Transfer of Licence to New Vehicle	239.00	275.00
HC Transfer of Licence to New Vehicle	239.00	275.00
Replacement Paper Licence	20.00	22.00
Change of Vehicle Registration (Private Reg)	41.00	45.00

\*Note: These figures were incorrectly published in 2022. The rate in 2021/22 was £250.00. The correct figure for 2022/23 adjusted to reflect inflation should have been £258.00

<b>Drivers</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2023/24 £</b>
PH Drivers - 3 Year - New	240.00	315.00
HC Drivers - 3 Year - New	240.00	315.00
Combined Private and Hackney Carriage licence - 3 Year - New	240.00	315.00
PH Drivers - 3 year - Renewal	240.00	272.00
HC Drivers - 3 year - Renewal	240.00	272.00

## Appendix 1 – Current and Proposed Licensing Fees and Charges

Combined Private and Hackney Carriage licence - 3 Year - Renewal	240.00	272.00
Driver Awareness / Knowledge Test (DAT)	27.00	36.00
DBS Fee	44.00	44.00
Medical Advisor Fee	33.00	33.00
Replacement Driver Badge	20.00	22.00
Replacement Paper Licence	20.00	22.00

<b>Operators</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2023/24 £</b>
PH Operators - 5 Year (5 Vehicles or Less)	350.00	385.00
PH Operators - 5 Year (6 Vehicles or More)	610.00	671.00

### Other Licences (where the fee is set by Licensing Committee)

<b>Other Licences and Permits</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2023/24 £</b>
Sex establishments (initial)**	N/A	6,532.00
Sex establishments (renewal)**	N/A	4,937.00
Sex establishments transfer**	N/A	1,301.00
Sex establishments variation**	N/A	1,301.00
Annual Street Trading Consents - New	513.00	886.00**
Annual Street Trading Consents - Renewal	513.00	564.00
Short Term Consents / Seasonal Trader (Christmas Trees)	91.00	284.00**

\*\*Note: Costings recalculated and updated

**Appendix 2 – Current and Proposed Licensing Fees and Charges set by statute**

<b>Gambling Act 2005 Licences (at Maximum levels)</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2022/24 £</b>
Bingo Premises - New	3,500.00	3,500.00
Adult Gaming Centre - New	2,000.00	2,000.00
Betting Premises (Track) - New	2,500.00	2,500.00
Betting Premises (Other) - New	3,000.00	3,000.00
Family Entertainment Centre - New	2,000.00	2,000.00
Bingo Premises - Annual Fee	1,000.00	1,000.00
Adult Gaming Centre - Annual Fee	1,000.00	1,000.00
Betting Premises (Track) - Annual Fee	1,000.00	1,000.00
Betting Premises (Other) - Annual Fee	600.00	600.00
Family Entertainment Centre - Annual Fee	750.00	750.00
Bingo Premises - Variation	1,750.00	1,750.00
Adult Gaming Centre - Variation	1,000.00	1,000.00
Betting Premises (Track) - Variation	1,250.00	1,250.00
Betting Premises (Other) - Variation	1,500.00	1,500.00
Family Entertainment Centre - Variation	1,000.00	1,000.00

<b>Provisional Statements (set by licensing committee)</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2022/24 £</b>
Bingo Premises	3,500.00	3,500.00
Adult Gaming Centre	2,000.00	2,000.00
Betting Premises (Track)	2,500.00	2,500.00
Betting Premises (Other)	3,000.00	3,000.00
Family Entertainment Centre	2,000.00	2,000.00

<b>Licence Fee for Holders Of Provisional Statements (set by licensing committee)</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2022/24 £</b>
Bingo Premises	1,200.00	1,200.00
Adult Gaming Centre	1,200.00	1,200.00
Betting Premises (Track)	950.00	950.00
Betting Premises (Other)	1,200.00	1,200.00
Family Entertainment Centre	950.00	950.00

**Appendix 2 – Current and Proposed Licensing Fees and Charges set by statute**

<b>Transfer or Reinstatement of: (set by licensing committee)</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2022/24 £</b>
Bingo Premises	1,200.00	1,200.00
Adult Gaming Centre	1,200.00	1,200.00
Betting Premises (Track)	950.00	950.00
Betting Premises (Other)	1,200.00	1,200.00
Family Entertainment Centre	950.00	950.00
Temporary Use Notice (TUN)	386.00	386.00
Copy of TUN	24.00	24.00
Change in Circumstances	56.00	56.00
Copy of Licence/Permit	29.00	29.00

<b>Licensing Act 2003 Licences</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2022/24 £</b>
Band A – RV up to 4,300 (New)	£100.00	£100.00
Band B – RV 4,300 to 33,000 (New)	£190.00	£190.00
Band C – RV 33,001 to 87,000 (New)	£315.00	£315.00
Band D – RV 87,001 to 125,000 (New)	£450.00	£450.00
Band E – RV 125,001 and above (New)	£635.00	£635.00
Band A - Annual Fee (Class B – Statutory Fee)	£70.00	£70.00
Band B - Annual Fee (Class B – Statutory Fee)	£180.00	£180.00
Band C - Annual Fee (Class B – Statutory Fee)	£295.00	£295.00
Band D - Annual Fee (Class B – Statutory Fee)	£320.00	£320.00
Band E - Annual Fee (Class B – Statutory Fee)	£350.00	£350.00

**Appendix 2 – Current and Proposed Licensing Fees and Charges set by statute**

<b>Other Licensing Act 2003 Fees</b>	<b>Approved Charge for 2022/23 £</b>	<b>Proposed charge for 2022/24 £</b>
Personal Licence - (Class B – Statutory Fee)	£37.00	£37.00
Temporary Event Notices (TENs) - (Class B – Statutory Fee)	£21.00	£21.00
Application for copy licence	£10.50	£10.50
Application to vary DPS/transfer licence/interim notice	£23.00	£23.00
Application for making a provisional statement	£315.00	£315.00
Minor variation	£89.00	£89.00
Application to disapply mandatory DPS condition	£23.00	£23.00