

Date: Wednesday, 6 January 2016  
Time: 10.00 am  
Venue: Shrewsbury Room - Shirehall  
Contact: Shelley Davies, Committee Officer  
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## **STRATEGIC LICENSING COMMITTEE**

### **TO FOLLOW REPORT (S)**

#### **8 Licensing Fees and Charges - 2016 - 2017 (Pages 1 - 38)**

Report of the Operations Manager - Business Support and Regulatory Services.

Contact: Karen Collier (01743 251711)

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## Committee and Date

Strategic Licensing Committee

6<sup>th</sup> January 2016

## Item

8

Public

## LICENSING FEES AND CHARGES 2016-17

**Responsible Officer** Karen Collier (Operations Manager Business Support and Regulatory Services)

e-mail: Karen.collier@shropshire.gov.uk Tel: 01743 251711

### 1. Summary

- 1.1 This report proposes revised fees for the period 1 April 2016<sup>1</sup> to 31 March 2017 for licences and licensing related activities where the authority has the discretion to determine the relevant fees, this includes hackney carriage and private hire vehicle and drivers' licences, private hire operator licences, public health licences, animal licensing and other miscellaneous licences.
- 1.2 This report also sets out the statutory fees that Shropshire Council is required to charge for specific licences under the Licensing Act 2003 and the Gambling Act 2005.

### 2. Recommendations

- 2.1 That the Committee notes the statutory fees that Shropshire Council is required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Part 1 of Appendix A and agrees to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2016 and instructs the Head of Public Protection to include the fees in the 2016/17 annual fees and charges report that is presented to the Council and further instructs the Head of Public Protection to implement, as appropriate, any other statutory fees that may be brought into force during the 2016/17 financial year.

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<sup>1</sup> The fees applicable to hackney carriage, private hire vehicle and operator licences may become effective on a date prior to the 1 April 2016. This is because the Council must follow the process prescribed by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to vary these fees and the actual date that the fees become legally effective is dependent on whether or not objections are made as part of the prescribed process. Whilst not legally required to so, the Council has historically applied the same process to hackney carriage and private hire vehicle drivers licences.

- 2.2 That the Committee agrees to implement, with any necessary modification, the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees on the 1 April 2016 and instructs the Head of Public Protection to publish, on the Council's website, the intention of the Committee to revise the fees as set out in Part 2 of Appendix A and further instructs the Head of Public Protection to include the fees in the 2016/17 annual fees and charges report that is presented to the Council.
- 2.3 a) That the Committee agrees to implement, with any necessary modification, the proposed fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Part 3 of Appendix A and instructs the Head of Public Protection, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish in the Shropshire Star a notice setting out those fees that it is proposed will be varied and specifying a period from 11 January 2016 to 14 February 2016 (this being not less than 28 days) within which and the manner in which objections to the proposed fees can be made.

AND

- b) Where no objections to the proposed variation in fees are received by 14 February 2016 or if all objections so made are withdrawn by the said date the Committee agrees to implement the proposed variation to the fees on 15 February 2016 or where objections to the proposed variation to the fees are received by 14 February 2016 and are not withdrawn by the said date, the Committee consider the objections at a meeting on the 30 March 2016 with a view to setting the date of 1 April 2016 (being a date not later than 2 months after the 15 February 2016) when the proposed variation to the fees shall come into force with or without further modification.
- 2.4 That the Committee instructs the Head of Public Protection to include the proposed fees, as set out in Part 3 of Appendix A, in the 2016/17 annual fees and charges report that is presented to the Council and that in respect of those fees that are subject to a proposed variation that these are recorded in the said annual report as 'provisional fees under consultation between 11 January 2016 and 14 February 2016; fees to be confirmed by 30 March 2016'.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review.
- 3.2 A case of huge importance to licensing authorities is that of *R (on the application of Hemming and Others) v Westminster City Council*. On 29 April 2015 the Supreme Court delivered a unanimous decision which overturned the Court of Appeal ruling on licensing enforcement charges.

Timothy Hemming, who owns and operates a sex shop in Soho and holds a sex establishment licence entitling him to do so, and six of his fellow sex shop operators from Westminster challenged Westminster City Council for charging for licensing

enforcement in its fees. Their case was that it was unlawful under European Law to include costs of enforcement activities against unlicensed operators in determining the licence fees payable by licensed operators.

The Supreme Court ruled that licensing authorities could include the costs of regulatory and enforcement activities in determining the licence fees to be paid by licensed operators. The costs charged for the clerical and administrative aspects must be reasonable and proportionate to the actual costs of those procedures.

This recognises the commercial benefit of enforcement measures taken against unlicensed operators or licensed operators trading outside the terms of their licences to law abiding licensees. Competition they would otherwise face from rogue operators is minimised by effective enforcement. It is common sense that fees should comprise a sum to cover the administrative cost of issuing the licence and a sum representing the licensees' share of the cost to the licensing authority of regulation and enforcing the licensing scheme in question.

There should still be caution as the matter is not completely resolved. The Supreme Court requires the European Court of Justice to determine whether only successful applicants can be required to make a contribution towards regulatory and enforcement costs.

- 3.3 To reduce the risk of challenge to the Council, a new financial modelling tool was introduced in 2013 to calculate licensing fees from 2014/15 onwards. The 2014/15 financial year is the baseline year against which fees and charges, in the following two years of a three year cycle, are being compared.
- 3.4 The modelling tool developed in 2013 has been further updated, modified and refined to take account of changes recommended by the Council's finance officers and to reflect the way in which the licensing function is now being resourced. Overall, the tool remains based on drawing together detailed information regarding the costs associated with undertaking the administrative procedures and formalities associated with all licensing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences. It also aims to demonstrate that the cost of enforcing the licensing regime against unlicensed operators has been considered and will be included in licence fees in line with the judgement of the Hemmings case but it will not be included for joint hackney and private hire drivers' badges and Private Hire Operators in line with the Local Government (Miscellaneous Provisions) Act 1976.
- 3.5 An Equalities Impact Needs Assessment has not been undertaken as the report does not concern the implementation of a new policy.
- 3.6 There is no anticipated environmental impact associated with the recommendations in this report.
- 3.7 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in relevant licensing legislation and takes into consideration the provisions of the Services Directive and the implications of the Hemming case judgement.

- 3.8 There is no statutory duty on the Council to consult when setting or revising licensing fees with the exception of those fees relating to hackney carriage, private hire vehicles and operators' licences under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976. This duty is reflected in the recommendation set out at paragraph 2.3 above. Historically, the Council has also consulted on driver licence fees and consequently officers recommend that this practice continues. In relation to hackney carriages, the fees for each zone are considered separately. With respect to the remaining discretionary fees, it is suggested that publishing the Committee's intentions, prior to the fees coming into force, will be sufficient and this reflects previous practice.
- 3.9 The Committee's legal authority to agree the recommendations is based within a range of specific licensing legislation together with the delegated functions set out in the Council's constitution. Extracts from the relevant legislation are provided in Appendix B. However, due consideration must also be given to the provisions of the Services Directive and the judgement in the Hemming case.

#### **4. Financial Implications**

- 4.1 A task, to capture the detail involved in all licensing procedures where the Council has the discretionary power to set fees, has been undertaken and this continues to evolve through an iterative process to further develop, improve and refine the processes involved. Managers, licensing officers and finance officers have collaborated in this work. The licensing procedures are considered from receipt of application to the issue of the final licence or permit with both variable and fixed costs being considered. These costs include officer, management and member time spent on licensing administration and monitoring compliance of those operators and vehicles already licensed but excludes time spent on enforcing unlicensed operators/businesses in the case of joint hackney/private hire drivers' licence and operators' licences. In addition, a proportion of all indirect costs that can reasonably be attributed to licensing procedures have been included; for example, office accommodation, ICT, travelling, advertising, postage & printing, subscriptions, telephone costs, training and other corporate recharges.
- 4.2 In relation to the consideration of applications, it is reasonable to recover the costs of running the relevant Committees and the Licensing Panel from licensing fees and consequently these costs have been incorporated into the overall figures.
- 4.3 As a result of this work, the proposed fees have been calculated and are set out in Parts 2 and 3 of Appendix A.
- 4.4 It is accepted that costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees have to be adjusted every year (although they can be) to reflect immediately previous deficits or surpluses; however, it must be demonstrable over a period of time that only legitimately incurred costs are recovered. The Hemming case judgement makes it clear that costs associated with enforcing unlicensed operators/businesses are recoverable by the Council but we have excluded these costs from the calculation of Joint Driver's badges in line with the Local Government

(Miscellaneous Provisions) Act 1976. We will also include the costs of providing advice to those who may consider applying for a licence in the future.

- 4.5 The Council has control over those licence fees that it has the discretion to set but only on a cost recovery basis. The surplus or deficit in 2014/15 for each licence type has been identified and has been added or subtracted from the discretionary licence fees calculated for 2016/17. These fees have been forecast based on undertaking the administrative procedures and formalities associated with the relevant licencing procedures, including the costs of investigating the background and suitability of applicants for licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences and enforcement for unlicensed activities where it is permitted.
- 4.6 The detailed proposals for the 2016/17 fees are set out in the relevant appendices. The proposed percentage fee variations are summarised below:-
- a) Public health licence fees have decreased by 12% where inspection of premises is required and there is a decrease of 29% for individuals who wish to register without associated premises. The income received for public health licence fees in 2014/15 did not generate a surplus or significant deficit.
  - b) Boarding and breeding animal licence activity in 2014/15 contributed to the deficit of £20,019 across animal health licences. The calculated fees have therefore increased to reflect the level of activity involved with these licences. New application fees for boarding have increased by 24% for up to 10 animals and up to 42% for over 10 animals. New application fees for breeding have increased by 24% for up to 10 animals and up to 51% for over 10 animals. New applications require greater officer resource to focus on ensuring compliance when a business first seeks registration than on renewal. Consequently, the initial renewal fees calculated (which were calculated irrespective of the size of the establishment) have decreased. However, the inclusion of the recovery of the deficit in the calculation of renewal fees has had the effect of increasing the fees by 93%. Where applicants wish to increase the size of their business to such an extent that the number of animals involved falls within a new category, a new licence will be required and the relevant higher fee will apply.
  - c) Dangerous wild animals and riding establishment licence work in 2014/15 contributed to the deficit of £20,019 across animal health licences. The licence fees have therefore increased to reflect the level of activity involved with these licences. New application fees have increased by 46%. The inclusion of the recovery of the deficit in the calculation of renewal fees has had the effect of increasing the fees by 71% for renewal applications. Again, new applications require greater officer resource to ensure compliance than on renewal. These fees are based on applications up to 5 animals, with an hourly rate set at £24/hour for additional hours.
  - d) The fee for licensing pleasure boats and vessels did not generate a surplus/deficit and the calculated fee has decreased by 12%.
  - e) The licensing of pet shops in 2014/15 contributed to the deficit of £20,019 across animal health licences. The licence fees have increased to reflect the

- f) level of activity involved with these licences. New application fees have increased by 24%. The inclusion of the recovery of the deficit in the calculation of the renewal fees has had the effect of increasing the fees by 93% for renewal applications. An hourly rate of £24 will be applied for larger premises requiring more than 3.5 hours inspection time by an officer on renewal.
- g) Zoo licences have increased by 8% for new applicants but decreased by 6% for renewals.
- h) The scrap metal dealers' regime generated a deficit of £5,893 in 2014/15. New application fees have decreased by 13% for sites and 14% for collectors. The recovery of the deficit will be applied over the next three years in line with the duration of the licences and will result in an increase of 1% for sites and 36% for collectors' applications. Other than a small increase in the fee to vary a licensee name, all other scrap metal fees calculated for 2016/17 result in a decrease in application fee.
- i) Both new and renewal sex establishment licence fees have decreased by 18 and 17% respectively. There was no surplus or deficit generated in 2014/15 but there has been a reduction in support costs which is reflected in the calculated fee.
- j) Street trading consent fees have decreased by 16% and did not generate a surplus/deficit in 2014/15.
- k) The fees for the distribution of free printed matter have decreased significantly, from between 15% and 53% depending on the duration of the permit, again reflecting the reduction in support costs.
- l) The fee for producing a copy of the public register under the Licensing Act 2003 and the Gambling Act 2005 reflects the actual costs incurred. It also continues to promote the 'self-service' behaviour shift that is already evident in this area.
- m) For hackney carriage and private hire licence fees, the fees for the replacement of lost/stolen/damaged fare cards will remain at £2.50. However, the replacement of lost/stolen/damaged driver's badge, vehicle plates and door signs will now incur a charge of £45 to reflect the administrative process involved in preparing the replacement items.
- n) The licensing regime in 2014/15 has resulted in a deficit of £2,307 for Hackney Carriages, £16,576 for Private Hire Vehicles, £30,027 for drivers and £9,736 for Operators. The recovery of this deficit has been included in the fee calculations for 2016/17 but the cost of enforcement for unlicensed drivers has been excluded in line with the requirements of the Local Government (Miscellaneous Provisions) Act 1976. The proposed variations are listed below:-
  - New driver's badge will decrease by 9% and will be issued for three years rather than one year in line with the Deregulation Act 2015.



- Renewal driver's badge will increase by 9% (the recovery of the 2014/15 deficit will be spread across the next 3 years to reflect the licence duration)
- Driver knowledge test resit reduced by 7%
- Driver training assessment re-sit reduced by 12%
- New private hire vehicle decreased by 15%
- Renewal private hire vehicle decreased by 2%
- Licence transfer private hire vehicle has not changed
- New hackney carriage decreased by 13%
- Renewal hackney carriage decreased by 5%
- Licence transfer hackney carriage decreased by 5%
- Operators' licences have been re-categorised into small operators with 30 vehicles or less and large operators with more than 30 vehicles. All operators' licences are now issued for five years, rather than three years, in line with the Deregulation Act 2015. The fees for new operators with less than 5 vehicles has increased by 14% but all other new operators licences have decreased. The renewal fees for operators have increased for those with ten or fewer vehicles (between 17% and 54%) and they have increased by 4% for those with between 31 and 100 vehicles. Again these licences are issued for five years rather than 3 years in line with the requirements of the Deregulation Act 2015. The recovery of the 2014/15 deficit will be spread across the next 5 years to reflect the licence duration.

- o) All discretionary fees with a statutory maximum for licences granted under the Gambling Act 2005 remain unchanged from those fees agreed in 2015/16.

- 4.7 The processes associated with the hackney carriage and private hire licences include additional resources that are being directed towards increasing the effectiveness of the administration process specifically for safeguarding purposes. Despite these additional steps, many of the fees, after the recovery of the 2014/15 deficit, have reduced because of efficiencies made in the Council's support and service costs.
- 4.8 With reference to the private hire operators' licences, a new fee regime (fee level dependent on the size of the operation) was implemented in 2014/15 and continued in 2015/16. A further assessment of the impact of that regime identified a deficit generated in 2014/15. An amended fee structure is proposed to reflect officer time more accurately against the different size of operations and we will continue to review its appropriateness.
- 4.9 Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it is recognised that not all licensing costs are recoverable.

## 5. Background

- 5.1 The principle of cost recovery under licensing legislation is not limited to the licensing of hackney carriages and private hire vehicles, operators and drivers. It also extends to sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, zoos, dog breeding, animal boarding, pet shops, riding establishments, dangerous wild animals, performing animals, scrap metal dealers, pleasure boats/vessels, distribution of free printed matter, together with the issuing of various licences under the Gambling Act 2005.
- 5.2 The principle was confirmed by a Court of Appeal judgement in the case referred to in paragraph 3.2 above; the Hemming case. The judgement held that there were three elements that made up the licensing fees that were subject to challenge. These were:
- a) the administrative cost of investigating the background and suitability of applicants for licences;
  - b) the cost of monitoring the compliance of those with licences with their terms; and
  - c) the cost of enforcing the licensing regime against unlicensed operators.
- 5.3 The Supreme Court ruled that licensing authorities could include all these activities including the costs of enforcement against unlicensed operators in the fee. However, we have not applied this in the case of Drivers in line with the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4 Certain licences under the Gambling Act 2005 incur fees that are deemed to be discretionary but are subject to a statutory maximum. Currently, the Council has set these fees at less than the statutory maximum. For these reasons, all the Gambling Act 2005 licence fees that are subject to a statutory maximum are included in the proposals in Part 2 of Appendix A.
- 5.5 Caravan sites are currently licensed by the Council under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013. The amendment to the 1960 Act permits the Council to charge fees for the licensing of caravan sites from 1 April 2014; transitional arrangements apply and the Council is required to publish a fees policy prior to setting fees. The Council has not yet adopted a policy; consequently, fees have not been included in Appendix B.
- 5.6 The financial modelling tool, referred to in paragraph 3.3, has been set up to allow caravan site and Licensing Act 2003 fees to be incorporated and calculated as and when the Council is in a position to do so both from a policy and a legislative perspective.
- 5.7 The government has previously consulted on its intention to move from centrally set to locally set licence fees under the Licensing Act 2003 and has concluded not to take this forward at the current time; however, this will be further considered in the future. Consequently, we currently retain the nationally determined statutory fees. On this basis, the Licensing Act 2003 fees are included in Part 1 of Appendix A. There are no discretionary Licensing Act 2003 fees proposed in Part 2 of Appendix

A other than for providing a copy of information contained in an entry in the public register.

- 5.8 As a result of the Hemming judgement and licensing legislation, the costs associated with the licensing procedures that the Council may legally recover in fees consists of administrative costs, the costs of investigating the background and suitability of applicants for licences and the costs of monitoring the compliance of those with licences with their terms. Where applicable the cost of enforcement against unlicensed operators is also included in the fee. These will certainly include the costs that are directly attributable to licensing procedures and a proportion of indirect costs as referred to in paragraph 4.1 above. The Council must be in a position to demonstrate that the costs included in any fees calculations are reasonable and proportionate to the cost of the licensing procedures.
- 5.9 Fees cannot exceed the cost of the licensing procedures and cannot be used to finance the delivery of other Council services.

## **6. Additional Information**

- 6.1 In respect of the discretionary fees proposed in Part 3 of Appendix A, namely the setting of fees for hackney carriages, private hire vehicles and operators' licences, statutory procedures must be followed. Consequently to vary the fees from those currently set, the Council is required to follow specific procedures that allow for objections to be made and considered by the Committee. The recommendation at paragraph 2.3 addresses these statutory procedures.
- 6.2 The process that has been undertaken to determine the fees for 2016/17 is an extension of the process that commenced in 2013. This process will continue annually with amendments being made to take account of changes in the law and Council procedures and costs.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

- Services Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Provision of Services Regulations 2009 - SI 2009 No 2999
- Supreme Court Judgement in the case of R (on the application of Hemming and others v Westminster City Council – 29 April 2015 - [2015] UKSC 25 on appeal from [2013] EWCA Civ 591
- Mobile Homes Act 2013

### **Cabinet Member (Portfolio Holder)**

Malcolm Price – Portfolio Holder for Regulatory Services, Housing and Commissioning (Central)

### **Local Member**

Not applicable – report has county wide application

**Appendices**

Appendix A – Licensing Fees and Charges

Part 1 – Statutory Fees Gambling Act 2005 & Licensing Act 2003

Part 2 – Discretionary Fees General Licences & Statutory Maximum Gambling Act 2005 Licences

Part 3 – Discretionary Fees Drivers, Hackney Carriages, Private Hire Vehicles and Operators' Licences

Appendix B – Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees

## Appendix A Part 1 - Gambling Act 2005 Statutory Fees

<b>Lotteries</b>	<b>£</b>
Small Society Lotteries - new registration	40.00
Small Society Lotteries - renewal of existing registration	20.00
<b>Licensed Premises Permits</b>	
Licensed Premises Gaming Machines - Notice of intention - up to 2 machines	50.00
Licensed Premises Gaming Machine Permits - New	150.00
Licensed Premises Gaming Machine Permits - Variation	100.00
Licensed Premises Gaming Machine Permits - Transfer	25.00
Licensed Premises Gaming Machine Permits - Annual Fee	50.00
Licensed Premises Gaming Machine Permits - Change of Name	25.00
Licensed Premises Gaming Machine Permits - Copy (lost, stolen, damaged)	15.00
<b>Club Gaming/Club Machine Permits</b>	
Club Gaming/Club Machine Permits - New OR Renew	200.00
Club Gaming/Club Machine Permits for holders of club premises certificates - New OR Renew	100.00
Club Gaming/Club Machine Permits - Annual Fee	50.00
Club Gaming/Club Machine Permits - Variation	100.00
Club Gaming/Club Machine Permits - Copy (lost, stolen, damaged)	15.00
<b>Prize Gaming Permits</b>	
Prize Gaming Permits - New OR Renewal	300.00
Prize Gaming Permits - Change of Name	25.00
Prize Gaming Permits - Copy (lost, stolen, damaged)	15.00
<b>Family Entertainment Gaming Centre Gaming Machine Permits</b>	
Family Entertainment Gaming Centre Gaming Machine Permits - New OR Renewal	300.00
Family Entertainment Gaming Centre Gaming Machine Permits - Change of Name	25.00
Family Entertainment Gaming Centre Gaming Machine Permits - Copy (lost, stolen, damaged)	15.00

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Rateable Value Bands	A	B	C	D	E
<b>Initial Application Fee</b>	£100	£190	£315	£450	£635
<b>Annual Fee:</b>	£70	£180	£295	£320	£350
<b>Variation Fee:</b>	£100	£190	£315	£450	£635

All premises are licensable based on the non-domestic rateable value of the property as follows:

Rateable Value	Band
No value up to £4,300	<b>A</b>
£4,301 - £33,000	<b>B</b>
£33,001 - £87,000	<b>C</b>
£87,001 - £125,000	<b>D</b>
£125,001 and Above	<b>E</b>

Band	D (x 2)	E (x 3)
Premises in Bands D & E ( whose primary business is the sale of alcohol)	<b>900</b>	<b>1905</b>
Premises in Bands D & E ( whose primary business is the sale of alcohol) annual charge	<b>640</b>	<b>1050</b>

### Exceptionally large events:

Additional Premises Fees can be charged for such events:

Number in attendance at any one time:	Additional Application Fee:	Additional Annual Fee
5,000 to 9,999	<b>£1,000</b>	<b>£500</b>
10,000 to 14,999	<b>£2,000</b>	<b>£1,000</b>
15,000 to 19,999	<b>£4,000</b>	<b>£2,000</b>
20,000 to 29,999	<b>£8,000</b>	<b>£4,000</b>
30,000 to 39,999	<b>£16,000</b>	<b>£8,000</b>
40,000 to 49,999	<b>£24,000</b>	<b>£12,000</b>
50,000 to 59,999	<b>£32,000</b>	<b>£16,000</b>
60,000 to 69,999	<b>£40,000</b>	<b>£20,000</b>
70,000 to 79,999	<b>£48,000</b>	<b>£24,000</b>
80,000 to 89,999	<b>£56,000</b>	<b>£28,000</b>
90,000 and over	<b>£64,000</b>	<b>£32,000</b>

### Personal Licences, Temporary Events and other fees:

Type of Application :	Fee:
• Grant or renewal of Personal Licence	<b>£37</b>
• Temporary Event Notice	<b>£21</b>
• Theft, Loss etc of Premises Licence or summary	<b>£10.50</b>
• Provisional Statement (where premises are being built)	<b>£315.00</b>
• Notification of change of name or address	<b>£10.50</b>
• Vary licence to specify individual as premises supervisor	<b>£23</b>
• Transfer of premises licence	<b>£23</b>
• Interim authority notice following death etc. of Licence holder	<b>£23</b>
• Theft, loss etc of Certificate or summary	<b>£10.50</b>
• Notification of change of name or alteration of rules of club	<b>£10.50</b>
• Change of relevant registered address of club	<b>£10.50</b>
• Theft, loss etc, of temporary event notice	<b>£10.50</b>
• Theft, loss etc of Personal Licence	<b>£10.50</b>
• Duty to notify change of name or address	<b>£10.50</b>
• Right of freeholder etc, to be notified of licensing matters	<b>£21</b>
• Minor Variation	<b>£89</b>
• Removal of DPS at Community Premises	<b>£23</b>

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# Item 8 Appendix A Part 2 Discretionary Fees General Licences

2015 - 2016			2016 - 2017				New Charge	Increase	
								Decrease	
Licence Type	2015/16 Fee (£)		Licence Type	Calculated 2016/17 Fee (£) without surplus/deficit adjustment	Proposed 2016/17 Fee (£) including surplus/deficit adjustment		Difference (£)		Difference (%)
Public Health									
Acupuncture Premises, inc. 1 person	165.00		Acupuncture Premises, inc. 1 person	145.00	145.00	Additional persons included on same application £24/person	-	20.00	-12%
Acupuncture Person	68.00		Acupuncture Person (not including premises)	48.00	48.00	When application submitted separately from premises application	-	20.00	-29%
Electrolysis Premises, inc. 1 person	165.00		Electrolysis Premises , inc. 1 person	145.00	145.00	Additional persons included on same application £24/person)	-	20.00	-12%
Electrolysis Person	68.00		Electrolysis Person (not including premises)	48.00	48.00	When application submitted separately from premises application	-	20.00	-29%
Cosmetic-piercing Premises, inc. 1 person	165.00		Cosmetic-piercing Premises, inc. 1 person	145.00	145.00	Additional persons included on same application £24/person	-	20.00	-12%
Cosmetic-piercing Person	68.00		Cosmetic-piercing Person (not including premises)	48.00	48.00	When application submitted separately from premises application	-	20.00	-29%
Tattooing Premises, inc. 1 person	165.00		Tattooing Premises, inc. 1 person	145.00	145.00	Additional persons included on same application £24/person	-	20.00	-12%

## Item 8 Appendix A Part 2 Discretionary Fees General Licences

Tattooing Person	68.00		Tattooing Person (not including premises)	48.00	48.00	When application submitted separately from premises application	- 20.00	-29%
<b>Animals</b>								
Animal Boarding (new) - up to 10 animals	135.00		Animal Boarding (new) - up to 10 animals	167.00	167.00		32.00	24%
Animal Boarding (new) - 11 to 50 animals	152.00		Animal Boarding (new) - 11 and more animals	216.00	216.00		64.00	42%
Animal Boarding (new) - 51 to 200 animals	213.00		AS ABOVE	216.00	216.00		3.00	1%
Animal Boarding (new) - 201 and over animals	252.00		AS ABOVE	216.00	216.00		-36.00	-14%
Animal Boarding (renewal) - applicable to all categories. (NB - where the number of boarding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	139.00		Animal Boarding (renewal) - applicable to all categories. (NB - where the number of boarding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	133.00	268.00		129.00	93%
Animal Breeding (new) - up to 10 animals	135.00		Animal Breeding (new) - up to 10 animals	167.00	167.00		32.00	24%

# Item 8 Appendix A Part 2 Discretionary Fees General Licences

Animal Breeding (new) - 11 to 50 animals	143.00		Animal Breeding (new) - 11 or more animals	216.00	216.00		73.00	51%
Animal Breeding (new) - 51 and over animals	161.00		AS ABOVE	216.00	216.00		55.00	34%
Animal Breeding (renewal) - applicable to all categories. <b>(NB</b> - where the number of breeding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	139.00		Animal Breeding (renewal) - applicable to all categories. <b>(NB</b> - where the number of breeding animals increases to such an extent that a different category of licence is applicable, applicants must apply for a new licence and pay the appropriate fee.)	133.00	268.00		129.00	93%
Dangerous Wild Animals (new) - up to 5 animals	164.00	+ vet fees; if exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	Dangerous Wild Animals ( <b>new</b> ) - where total licensing procedure takes no more than 7 hrs	239.00	239.00	+ vet fees; if exceeds 7 hrs + hourly charge for each additional hour or part thereof @£24/hour	75.00	46%

# Item 8 Appendix A Part 2 Discretionary Fees General Licences

Dangerous Wild Animals (renewal) - where total licensing procedure takes no more than 5.5 hrs	168.00	+ vet fees; if exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	Dangerous Wild Animals ( <b>renewal</b> ) - where total licensing procedure takes no more than 3.5 hrs	152.00	287.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	119.00	71%
Zoos (new)	611.00	+ vet fees	Zoos (new)	662.00	662.00	+ vet fees	51.00	8%
Zoos (renewal)	497.00	+ vet fees	Zoos (renewal)	465.00	465.00	+ vet fees	- 32.00	-6%
Performing Animals (indefinite registration) - where total licensing procedure takes no more than 4.5 hrs.	135.00	If exceed 4.5 hrs + hourly charge for each additional hour or	Performing Animals (indefinite registration) - where total licensing procedure takes no more than 4.5 hrs.	167.00	302.00	+ vet fees; if exceed 5 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	167.00	124%
Pet Shops (new) where total licensing procedure takes no more than 4.5 hrs.	135.00	If exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	Pet Shops (new) where total licensing procedure takes no more than 5 hrs.	167.00	167.00	+ vet fees; if exceed 5 hrs + hourly charge for eachy additional hour or part thereof @ £24 /hour	32.00	24%

## Item 8 Appendix A Part 2 Discretionary Fees General Licences

Pet Shops (renewal) where total licensing procedure takes no more than 4.5 hrs.	139.00	If exceed 4.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	Pet Shops (renewal) where total licensing procedure takes no more than 3.5 hrs.	133.00	268.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	129.00	93%
Riding Establishments (new) - where total licensing procedure takes no more than 5.5 hrs.	164.00	+ vet fees; if exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	Riding Establishments (new) - where total licensing procedure takes no more than 7 hrs.	239.00	239.00	+ vet fees; if exceed 7 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	75.00	46%
Riding Establishments (renewal) where total licensing procedure takes no more than 5.5 hrs.	168.00	If exceed 5.5 hrs + hourly charge for each additional hour or part thereof @ £26/hr	Riding Establishments (renewal) where total licensing procedure takes no more than 3.5 hrs.	152.00	287.00	+ vet fees; if exceed 3.5 hrs + hourly charge for each additional hour or part thereof @ £24 /hour	119.00	71%
<b>Scrap Metal</b>								
Scrap Metal Dealer - Site (new)	759.00		Scrap Metal Dealer - Site (new)	660.00	660.00		-99.00	-13%

## Item 8 Appendix A Part 2 Discretionary Fees General Licences

Scrap Metal Dealer - Site (renewal)	759.00		Scrap Metal Dealer - Site (renewal)	660.00	763.00		4.00	1%
Scrap Metal Dealer - Collectors (new)	206.00		Scrap Metal Dealer - Collectors (new &	177.00	177.00		-29.00	-14%
Scrap Metal Dealer - Collectors (renewal)	206.00		Scrap Metal Dealer - Collectors (renewal)	177.00	280.00		74.00	36%
Scrap Metal Dealer Site Manager Variation	99.00		Scrap Metal Dealer Site Manager Variation	87.00	87.00		-12.00	-12%
Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	37.00		Scrap Metal Dealer - Site/Collector Licensee Name - Variation (not transfer of licensee)	46.00	46.00		9.00	24%
Scrap Metal Dealer - collector to site variation	540.00		Scrap Metal Dealer - collector to site variation	470.00	470.00		-70.00	-13%
Scrap Metal Dealer - site to collector variation	105.00		Scrap Metal Dealer - site to collector variation	92.00	92.00		-13.00	-12%
<b>Sex Establishments</b>								
Sex Establishments New	2,921.00		Sex Establishments New	2,391.00	2,391.00		-530.00	-18%
Sex Establishments	2064.00		Sex Establishments	1,705.00	1,705.00		-359.00	-17%
<b>Street Trading Consents</b>								
Minium charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	89.00		Minium charge for up to 7 days (the 7 days may be used at any time within a 12 month period commencing from the date the consent is issued, but the dates must be confirmed on application)	75.00	75.00		-14.00	-16%

## Item 8 Appendix A Part 2 Discretionary Fees General Licences

Each additional day or part thereof	4.00		Each additional day or part thereof (the dates must be confirmed on application)	4.00	4.00		0.00	-
<b>Distribution of free printed matter</b>								
Weekly permit	102.00		Weekly permit	87.00	87.00		-15.00	-15%
Monthly permit	166.00		Monthly permit	126.00	126.00		-40.00	-24%
Annual permit	357.00		Annual permit	169.00	169.00		-188.00	-53%
<b>Miscellaneous</b>								
Pleasure Boats & Vessels	165.00	+ marine surveyor's report fee	Pleasure Boats & Vessels	145.00	145.00	+ marine surveyor's report fee	-20.00	-12%
<b>Gambling Act 2005 and Licensing Act 2003</b>								
Copy of public register entry (per individual entry)	33.00		Copy of public register entry (per individual entry)	37.00	37.00		4.00	12%

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## Appendix A Part 3 - Discretionary Fees Hackney Carriage and Private Hire Vehicles and Drivers

				Decrease	No change	Increase
Licence Type	2015/16 Fee (£)	Licence Type	Calculated 2016/17 Fee (£) without surplus/deficit	Proposed 2016/17 Fee (£) including surplus/deficit	Difference (£)	Difference (%)
<b>Drivers</b>						
Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver training assessment)	239.00	Driver's Joint Badge New 3 year (inc. DVLA, DBS check, first knowledge test and first driver assessment)	218.00	218.00	-21.00	-9%
Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	174.00	Driver's Badge 3 yr Renewal (inc. DVLA and DBS check)	166.00	190.00	16.00	9%
Driver's Knowledge Test Resit	57.00	Driver's Knowledge Test Resit	53.00	53.00	-4.00	-7%
Driver Badge replacement following damage or loss	10.00	Driver Badge replacement following damage or loss	45.00	45.00	35.00	350%
Driver Training assessment	26.00	Driver Training assessment	23.00	23.00	-3.00	-12%
<b>Vehicles</b>						
Private Hire Vehicle - new	168.00	Private Hire Vehicle - new	142.00	142.00	-26.00	-15%
Private Hire Vehicle - renewal	172.00	Private Hire Vehicle - renewal	147.00	164.00	-4.00	-2%
Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	107.00	Private Hire Vehicle Licence Transfer (transfer of existing licence to a new vehicle)	107.00	107.00	0.00	0%
Hackney Carriage Vehicle - new	155.00	Hackney Carriage Vehicle - new	135.00	135.00	-20.00	-13%
Hackney Carriage Vehicle - renewal	159.00	Hackney Carriage Vehicle - renewal	138.00	152.00	-7.00	-5%
Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	94.00	Hackney Carriage Licence Transfer (transfer of existing licence to a new vehicle)	99.00	99.00	5.00	5%
Exterior plate replacement following damage or loss	13.00	Exterior plate replacement following damage or loss	45.00	45.00	32.00	246%

### Appendix A Part 3 - Discretionary Fees Hackney Carriage and Private Hire Vehicles and Drivers

Internal plate replacement following damage or loss	15.00	Internal plate replacement following damage or loss	45.00	45.00	30.00	200%
Fare Card replacement following damage or loss	2.50	Fare Card replacement following damage or loss	2.50	2.50	0.00	0%
Private Hire Door Signs (pair)	15.00	Private Hire Door Signs (pair)	45.00	45.00	30.00	200%
<b>Additional Administrative Charges</b>						
License holder transfer/change of details	10.00	License holder transfer/change of details (e.g. change of address/other minor changes)	24.00	24.00	14.00	140%

## Appendix A Part 3 Discretionary Fees Private Hire Operators

2015 - 2016		2016 - 2017			No Change	Decrease
Licence Type	2015/16 Fee (£)	Licence Type	Calculated 2016/17 Fee (£) without surplus/deficit adjustment	Proposed 2016/17 Fee (£) including surplus/deficit adjustment	Difference (£)	Increase
<b>Private Hire Operator - 5 Year - New (PREVIOUSLY 3 YEAR LICENCE)</b>						
Private Hire Operator - up to 5 vehicles	220.00	SEE BELOW		250.00	30.00	14%
Private Hire Operator - 6 to 10 vehicles (mid-point for fee calculation purposes = 8)	288.00	SEE BELOW		250.00	-38.00	-13%
Private Hire Operator - 11 to 30 vehicles (mid-point for fee calculation purposes = 20)	390.00	Private Hire Operator - upto 30 vehicles	250.00	250.00	-140.00	-36%
Private Hire Operator - 31 to 100 vehicles (mid-point for fee calculation purposes = 60)	730.00	Private Hire Operator - more than 31 vehicles	672.00	672.00	-58.00	-8%
Private Hire Operator - 101 to 200 vehicles (mid-point for fee calculation purposes = 150)	1495.00	AS ABOVE		672.00	-823.00	-55%
Private Hire Operator - > 200 vehicles (mid-point for fee calculation purposes = 300)	2,770.00	AS ABOVE		672.00	-2,098.00	-76%
<b>Private Hire Operator - 5 Year - Renewal (PREVIOUSLY 3 YEAR LICENCE)</b>						
Private Hire Operator - up to 5 vehicles	215.00	SEE BELOW		332.00	117.00	54%

### Appendix A Part 3 Discretionary Fees Private Hire Operators

Private Hire Operator - 6 to 10 vehicles (mid-point for fee calculation purposes = 8)	283.00	SEE BELOW		332.00	49.00	17%
Private Hire Operator - 11 to 30 vehicles (mid-point for fee calculation purposes = 20)	385.00	Private Hire Operator - up to 30 vehicles and one base	248.00	332.00	-53.00	-14%
Private Hire Operator - 31 to 100 vehicles (mid-point for fee calculation purposes = 60)	725.00	Private Hire Operator - more than 31 vehicles and/or more than one base	671.00	755.00	30.00	4%
Private Hire Operator - 101 to 200 vehicles (mid-point for fee calculation purposes = 150)	1490.00	AS ABOVE		755.00	-735.00	-49%
Private Hire Operator - > 200 vehicles (mid-point for fee calculation purposes = 300)	2,765.00	AS ABOVE		755.00	-2010.00	-73%

**Extracts from relevant licensing legislation providing legal framework within which local authorities may charge licensing fees**

**Local Government (Miscellaneous Provisions) Act 1982**

Controls sex establishments, street trading, acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

**Sex establishments - Schedule 3 paragraph 19**

An application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

**Street Trading – Schedule 4 paragraph 9**

(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked; or

(b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

#### Acupuncture - Section 14 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

#### Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis – Section 15 (6)

A local authority may charge such reasonable fees as they may determine for registration under this section.

### **Local Government (Miscellaneous Provisions) Act 1976**

#### Controls hackney carriages and private hire vehicles

##### Section 53 - Drivers' licences for hackney carriages and private hire vehicles

(2) Notwithstanding the provisions of the Act of 1847\*, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

\*Town Police Clauses Act 1847

##### Section 70 - Fees for vehicle and operators' licences

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation 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.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

## **Zoo Licensing Act 1981**

### **Controls zoos – Section 15**

(1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

(a) applications for the grant, renewal or transfer of licences;

(b) the grant, renewal, alteration or transfer of licences;

(2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.

(2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—

(a) in connection with inspections in accordance with section 9A and under sections 10 to 12;

(b) in connection with the exercise of their powers to make directions under this Act;

(c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and

(d) in connection with the exercise of their function under section 16E(7) or (8).

(2B) The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.

(3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.

(4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.

(5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

## **Breeding of Dogs Act 1973**

### **Controls breeding establishments for dogs – Section 3A**

(1) The costs of inspecting premises under this Act and the Breeding of Dogs Act 1991 shall be met by the local authority concerned.

(2) A local authority may charge fees—

(a) in respect of applications for the grant of licences under this Act; and

(b) in respect of inspections of premises under section 1(2A)\* of this Act.

(3) A local authority may set the level of fees to be charged by virtue of subsection (2) of this section—

(a) with a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act and the Breeding of Dogs Act 1991; and



(b) so that different fees are payable in different circumstances.

\* Section 1(2A)

On receipt of an application by a person to a local authority for the grant of a licence under this Act in respect of any premises—

(a) if a licence under this Act has not previously been granted to the person in respect of the premises, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the authority; and

(b) in any other case, the authority shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner or by an officer of the authority (or by both).

## **Animal Boarding Establishments Act 1963**

### **Controls boarding establishments for dogs and cats – Section 1**

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

(a) under this Act, from keeping a boarding establishment for animals; or

(b) under the Pet Animals Act 1951, from keeping a pet shop; or

(c), (d) . . . ; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals, or

(f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006, or

(g) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

and **on payment of such fee as may be determined by the local authority**, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

## **Pet Animals Act 1951**

### **Controls pet shops – Section 1**

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and **on payment of such fee as may be determined by the local authority**, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

## **Riding Establishments Act 1964**

## Controls hiring of horses for riding and instruction in riding – Section 1

(2) Every local authority may, on application being made to them for that purpose by a person who is an individual over the age of eighteen years or a body corporate, being a person who is not for the time being disqualified,—

(a) under this Act from keeping a riding establishment; or

(b), (c) . . . ; or

(d) under the Pet Animals Act 1951, from keeping a pet shop; or

(e) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals; or

(f) under the Animal Boarding Establishments Act 1963, from keeping a boarding establishment for animals; or

(g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006; or

(h) under subsection (1) of section 40 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), from an activity mentioned in subsection (2)(a), (b) or (c) of that section,

grant, **on payment of such fee as may be determined by the local authority** a licence to that person to keep a riding establishment at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

## Dangerous Wild Animals Act 1976

### Controls dangerous wild animals as listed in the Act – Section 1

(2) A local authority shall not grant a licence under this Act unless an application for it—

.... and

(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).

## Performing Animals (Regulation) Act 1925

### Controls performing animals – Section 1

(1) No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.

(2) Every local authority shall keep a register for the purpose of this Act, and any person who exhibits or trains animals as aforesaid on making an application in the prescribed form to the local authority of the district in which he resides, or if he has no fixed place of residence in Great Britain, to the local authority of such one of the prescribed districts as he may choose, and **on payment of such fee as appears to the local authority to be appropriate** shall be registered under

this Act, unless he is a person, who, in pursuance of an order of the court made under this Act, is prohibited from being so registered.

(3) Any application for registration under this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register.

(4) The local authority shall give to every person whose name appears on the register kept by them a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Act shall at all reasonable times be open for inspection and any person shall be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by a local authority shall be transmitted by the authority to the Secretary of State and shall be available for inspection at all reasonable times.

(8) A local authority may charge such fees as appear to them to be appropriate for inspection of the register, for taking copies thereof or making extracts therefrom or for inspection of copies of certificates of registration issued by them.

## **Public Health Acts Amendment Act 1907**

### **Controls pleasure boats/vessels - Section 94**

(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the persons in charge of or navigating such boats and vessels, and may charge for each type of licence such annual fee as appears to them to be appropriate.

## **Environmental Protection Act 1990**

### **Controls free printed matter – Schedule 3A paragraphs 3 & 4**

3 (1) A principal litter authority may on the application of any person consent to that person or any other person (identified specifically or by description) distributing free printed matter on any land designated by the authority under this Schedule.

4 (1) A principal litter authority may require the payment of a fee before giving consent under paragraph 3 above.

(2) The amount of a fee under this paragraph is to be such as the authority may determine, but may not be more than, when taken together with all other fees charged by the authority under this paragraph, is reasonable to cover the costs of operating and enforcing this Schedule.

## **Gambling Act 2005**

Statutory fees are prescribed for:-

- small society lotteries (Schedule 11 – Part 5)
- club gaming permits and club machine permits (Schedule 12)
- notification of gaming machines in alcohol licensed premises (Section 282)
- family entertainment centre gaming machine permits (Schedule 10)
- licensed premises gaming machine permits (Schedule 13)
- prize gaming permits (Schedule 14)

And, therefore, the licensing authority has no control over these fees. The following statutory instruments are relevant:-

- Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007
- Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007
- Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007
- Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007
- Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007
- Gambling Act 2005 (Prize Gaming) (Permits) Regulations 2007

The licensing authority must determine the fees, up to certain statutory maximums, that are applicable to premises licences, e.g. adult gaming centres, betting at race tracks, betting shops, bingo premises, casinos and for temporary use notices. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices) Regulations 2007 set the relevant statutory maximums. In addition, Section 212 of the Act states:-

(2) .... the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a

reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.

In addition, where the licensing authority is required to maintain licensing registers, the authority may determine fees for providing access to, making copies of and/or providing information to members of the public from those registers.

#### Premises licences (Section 156)

(1) A licensing authority shall—

(a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Small society lotteries (Schedule 11 Part 5 paragraph 55)

(1) Where a statement is sent to a local authority under paragraph 39 the authority shall—

(a) retain it for at least 18 months,

(b) make it available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.

(2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.

(3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

#### Club gaming permits and club machine permits (Schedule 12 paragraph 26)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

- (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Temporary Use Notice (Section 234)

- 1) A licensing authority shall—
- (a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Family entertainment centre gaming machine permits (Schedule 10 paragraph 23)

- (1) A licensing authority shall—
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

#### Licensed premises gaming machine permits (Schedule 13 paragraph 22)

- (1) A licensing authority shall—
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### Prize gaming permits (Schedule 14 paragraph 23)

(1) A licensing authority shall—

(a) maintain a register of permits issued by the authority together with such other information as may be prescribed,

(b) make the register and information available for inspection by members of the public at all reasonable times, and

(c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.

(2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

### **Scrap Metal Dealers Act 2013**

Controls buyers/sellers of scrap metal and motor salvage operators (Section 5 Schedule 1 paragraph 6)

(1) An application must be accompanied by a fee set by the authority.

(2) In setting a fee under this paragraph, the authority must have regard to any guidance\* issued from time to time by the Secretary of State with the approval of the Treasury.

\*Scrap Metal Dealers Act 2013: guidance on licence fee charges – issued by Home Office 12 August 2013

### **Licensing Act 2003**

Statutory fees for premises licences, club premises certificates, temporary event notices and personal licences are currently prescribed by the Licensing Act 2003 (Fees) Regulations 2005. The licensing authority has no control over these fees.

In addition, there is a requirement to maintain a register and make it available for inspection without payment but if requested to provide a copy of information contained in the register a fee may be charged under Section 8 of the Act.

(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.

(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).

### **Caravan Sites and Control of Development Act 1960**

Under the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, licensing authorities are permitted to charge fees for the licensing of residential caravan sites with effect from 1 April 2014. Transitional

arrangements will be in place and the licensing authority is required to publish a fees policy. (NB The Council has not yet prepared a fees policy and therefore is currently unable to charge fees in this respect.)

**Licences for which the licensing authority is NOT permitted to charge**

- **House-to-house collections:** House to House Collections Act 1939
- **Street collections:** Police, Factories, etc. (Miscellaneous Provisions) Act 1916