

To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:

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Calls may be recorded for training or monitoring

Date: 16 January 2017

Membership of the Licensing and Regulatory Committee

Cllr Simon Inchbald (Chairman)
Cllr Patricia Ellis (Vice Chairman)
Cllr Maurice Byham
Cllr John Fraser
Cllr Tony Gordon-Smith
Cllr Mike Hodge

Cllr Peter Isherwood
Cllr Carole King
Cllr Anna James
Cllr Robert Knowles
Cllr Libby Piper
Cllr Bob Upton

Substitutes

Cllr Nick Williams

Cllr John Williamson

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: THURSDAY, 26 JANUARY 2017

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To receive the minutes of the meeting held on 24 November 2016 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

5. **ACTION AUTHORISED**

To receive any action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

LICENSING ACT 2003 ITEMS

There are no items falling under this category.

OTHER LICENSING ITEMS

6. **FINANCIAL STRATEGY - LICENSING FEES AND CHARGES 2017/18**
(Pages 5 - 12)

The purpose of this report is to seek the Committee's approval for the schedule of Licensing and Regulatory Fees and Charges for 2017/18 as part of the Budget process.

Recommendation

It is recommended that the Committee recommends the level of Fees and Charges for 2017/18 for Licensing in accordance with the schedule at Annexe 1 to the Council for approval.

7. MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE
(Pages 13 - 14)

To note the Minutes of the Meeting of the Licensing (General Purposes) Sub-Committee held on 24 November 2016.

8. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

9. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by
email at ema.dearsley@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE 26 JANUARY 2017

Title:

FINANCIAL STRATEGY LICENSING FEES AND CHARGES 2017/2018

**[Wards Affected: All]
[Portfolio Holder: Cllr Ged Hall]**

Summary and purpose:

The purpose of this report is to seek the Committee's approval for the schedule of Licensing and Regulatory Fees and Charges for 2017/18 as part of the Budget process.

How this report relates to the Council's Corporate Priorities:

A robust budget setting process is required to deliver the Council's Corporate Priorities.

Resource/Value for Money implications:

All decisions made with regard to the Budget will impact on Waverley's resources.

Legal implications:

Reg 18(4) Provision of Services Regulations 2009 provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme.

The Westminster case refers to the wording of the above regulation, and is very clear on what the cost of procedures under the scheme includes. The fee charged cannot exceed the cost of the procedures, i.e. the steps which an applicant for a licence has to take if he wishes his application to be granted or his licence to be renewed. What a fee can include is the administrative costs involved, and the costs of vetting the applicants (in the case of applications) and the cost of investigating compliance with licence terms (in the case of renewals). Recent advice is that a fee can now also include the costs of enforcement, which was not permissible previously.

The Regulations apply to "Service activities," which means any self-employed economic activity normally provided for remuneration. So, if a service activity requires authorisation, the fee charged by an authority for authorising the activity must be reasonable and proportionate to the cost of the procedures and formalities under the scheme, and cannot include enforcement costs.

Introduction

1. This report sets out the proposed fees and charges for the licensing service for 2017/2018.

2. In most years the proposed increases to taxi licences are less than the guideline of 3.5% but for this year, there is no clear percentage increase. A comprehensive review has been carried out to ensure that every fee can be broken down and justified as a true reflection of the time and processes required to administer each of the licences.
3. The taxi and private hire licensing fees for 2017/18 were considered by this Committee at its meeting on 29 November 2016, and have since been advertised in the local press. The intention of undertaking this earlier in the process was to enable the new fees and charges to be implemented on 1 April 2017. No representations were received to the advertisement.

Proposed Increases in Fees and Charges

4. A schedule of the proposed Licensing fees and charges from 1 April 2017 is shown at Annexe 1. For taxi and private hire licensing, there are a number of new fees that have been introduced which cover areas where there has not previously been a charge but where there is quite a demand for the service, such as change of address and reissuing of licences.
5. In addition, it is proposed that the charging structure for Operator licences should be more fairly applied depending on the size of the business and the number of vehicles they operate. You will therefore see a number of different fees payable dependent upon the size of the operation, split between 1-5 vehicles and then greater than 5. There is also a distinction between an application for a new operator licence from someone who is not currently licensed as a driver because the usual checks for fitness and propriety will not have been carried out and it is proposed that the fee reflects this.

Liquor Licences

6. The charges for Liquor Licences were set under the Licensing Act 2003 and remain imposed by statute. However, there have been indications that the Government may empower Licensing Authorities to determine local charges based on cost-recovery based on the same format and justification used for taxi licensing, but this has not yet come to fruition. In this event, a future report would be brought before this Committee.

Environmental Health Licences

7. The Environmental Health (EH) Service is responsible for a number of regulatory functions which incorporate Licences, Registrations, Consents or Permits. Many of these require applicants to pay a fee – some of which are set in primary legislation or by Regulations whilst others are at the discretion of the Council. Basic rules of accountability and transparency apply when licence and other fees are set and, where discretion is available, there is case law and guidance about what levels are reasonable and the elements that may or may not be recovered.

Recommendation

It is recommended that the Committee recommends the level of Fees and Charges for 2017/18 for Licensing in accordance with the schedule at Annexe 1 to the Council for approval.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICERS:

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Policy and Governance
Schedule of Fees and Charges for 2017/2018

Ref. No.	Unit of Charge	Existing Charge £	Proposed Charge £
Licences			
1	Breeding Establishments	Annual 280.00	290.00
2	Riding Establishments - 1 to 8 Horses	Annual 292.00	300.00
3	Riding Establishments - 9 to 15 Horses	Annual 437.00	450.00
4	Riding Establishments - Over 15 Horses	Annual 580.00	600.00
5	Animal Boarding Establishments		
	a) Non-home Boarding	Annual 258.00	270.00
	b) Home Boarding	Annual 181.00	190.00
6	Dangerous Wild Animals	2-yearly 190.00	200.00
7	Zoos (2016/2017 -3 year licence)	4-yearly 255.00	1,100.00
8	Pet Shops	Annual 208.00	210.00
9	Cosmetic Piercing, Electrolysis, Acupuncture	per premise 182.00	190.00
10	Cosmetic Piercing, Electrolysis, Acupuncture	per person combined fee for premises and personal licence	190.00
11	Cosmetic Piercing, Electrolysis, Acupuncture	269.00	280.00
12	Tattooing	per premise 206.00	210.00
13	Tattooing	per person combined fee for premises and personal licence	210.00
14	Tattooing	292.00	300.00
15	Semi-permanent skin colouring	per premises 206.00	210.00
16	Semi-permanent skin colouring	per person combined fee for premises and personal licence	210.00
17	Semi-permanent skin colouring	292.00	300.00
18	Street Trading		
	a) Sole Trader	Annual 270.00	280.00
	b) Schedule 2 event - up to 50 traders	Annual 280.00	290.00
	c) Schedule 2 event - 51 or more traders	Annual 212.00	220.00
	d) Schedule 2 event - up to 50 traders	Single Event 140.00	140.00
	e) Schedule 2 event - 51 or more traders	Single Event 150.00	150.00

Policy and Governance
Schedule of Fees and Charges for 2017/2018

Ref. No.	Unit of Charge	Existing Charge £	Proposed Charge £
19	Scrap Metal Dealers Licence		
	a) Site - new application	450.00	460.00
	b) Site - renewal	254.00	260.00
	c) Site to collectors - variation	387.00	400.00
	d) Collectors - new application	410.00	420.00
	e) Collectors - renewal	213.00	220.00
	f) Collectors to Site - variation	450.00	460.00
20	Hackney Carriage - Vehicles (not adapted) *		
	- less than 5 years old	Annual 284.00	284.00
	- 5 years old and over - first 6 months	284.00	284.00
	- 5 years old and over - second 6 months	82.00	82.00
21	Hackney Carriage - Vehicles (adapted) *		
	- under 5 years old	Annual 102.00	102.00
	- 5 years old and over - first 6 months	102.00	102.00
	- 5 years old and over - second 6 months	82.00	82.00
22	Missed Appointments (Vehicle Test)	Per Test 70.00	70.00
23	Re-testing of vehicles following failure	Per Test 70.00	70.00
24	Hackney Carriage - Drivers renewal *	Annual 69.00	69.00
25	Private Hire - Operators - renewal (less than 6 vehicles)	5 years 184.00	125.00
	Private Hire - Operators - renewal (more than 5 vehicles)	5 years	171.00
	Private Hire - New Operators (less than 6 vehicles)	5 years	146.00
	Private Hire - New Operators (more than 5 vehicles)	5 years	192.00
	Private Hire - New Operators (less than 6 vehicles)	5 years	215.00
	Private Hire -New Operators (more than 5 vehicles)	5 years	261.00
26	Private Hire - Vehicles (not adapted) *		
	- under 5 years old	Annual 284.00	284.00
	- 5 years and over - first 6 months	281.00	281.00
	- 5 years and over - second 6 months	82.00	82.00
27	Private Hire - Vehicles (adapted) *		
	- under 5 years old	Annual 102.00	102.00
	- 5 years and over - first 6 months	101.00	102.00
	- 5 years and over - second 6 months	82.00	82.00
28	Hackney carriage / private hire - New driver	3 years 150.00	262.00
	Hackney carriage / private hire licence renewal	3 years	170.00
	Hackney carriage / private hire - New driver	1 year	108.00
	Hackney carriage / private hire licence renewal	1 year	69.00

Policy and Governance
Schedule of Fees and Charges for 2017/2018

Ref. No.	Unit of Charge	Existing Charge £	Proposed Charge £
29	Private Hire only - New driver	3 years	150.00
	Private Hire only licence renewal	3 years	262.00
	Private Hire only- New driver	1 year	170.00
	Private Hire only licence renewal	1 year	108.00
			69.00
30	New Driver Application *		108.00
31	Knowledge test	Per Test	35.00
32	Resit / non-attendance fee for Knowledge test	Per Test	70.00
33	Surrender and replacement of Hackney Carriage / Private Hire Licence		83.00
34	6 Month test (vehicles over 5 years)	Per Test	82.00
			83.00

Hackney Carriage and Private Hire

Policy and Governance
Schedule of Fees and Charges for 2017/2018

Ref. No.	Unit of Charge	Existing Charge	Proposed Charge
		£	£
35	- Replacement plate bracket	10.00	10.00
36	- New/Replacement plate & window disc	16.00	20.00
	- Replacement lanyard		10.00
	- Replacement driver's badge		1.00
	- Change of address		10.00
37	New Plate / Licence for seating alteration	20.00	20.00
38	Transfer of P/H to H/C (new badge, knowledge test and admin)		90.00
39	Gambling Act 2005 - Including lotteries, permits, premises, etc	Various	Please see website for individual fees
Licensing Act 2003			
40	- Personal	New	37.00 37.00
41	- Premises	Initial/Variation	Various depending on rateable value
42	- Premises: Sex Establishment	from -according to RV	4,690.00 4,690.00
43	- Premises	Annual Fee	
44	- Premises	DPS Variations, etc	23.00 23.00
45	- Temporary Event Notice	Per Event	21.00 21.00
Search and Photocopying			
46	Copies of documents (general)	First page £1.00 20p per sheet thereafter	1.00 1.00
47	Data Barring Service (previously CRB)	Per Applicant	50.00 50.00

* Items marked with an * are under review and final amounts will be confirmed.

Vat Indicator: OS = Standard
OE = Exempt
OZ = Zero Rated
OO = Outside Scope

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE
- 24 NOVEMBER 2016

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
- 26 JANUARY 2017

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Simon Inchbald (Chairman)
Cllr Tony Gordon-Smith

Cllr Carole King

Cllr Anna James (Substitute)

Apologies

Cllr Patricia Ellis and Cllr Bob Upton

Also Present

76. MINUTES (Agenda item 1.)

The minutes of the meeting held on 22 September 2016 were confirmed and signed.

77. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies for absence were received from Cllrs Patricia Ellis and Bob Upton. Cllr Anna James attended as a substitute.

78. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest.

79. EXCLUSION OF PRESS AND PUBLIC (Agenda item 4.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the act, namely:-

Information relating to any individual (paragraph 1)

80. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 5.)

The Sub-Committee considered a report regarding an application where the applicant's Disclosure and Barring Service criminal records check (DBS) had disclosed some spent offences that the Sub-Committee, in accordance with policy, would need to take into consideration when determining the application. The applicant attended the meeting and confirmed that he had read and understood the report.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 10.30am.

Following the Sub-Committee's deliberation the meeting resumed at 10.55am. The Council's solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, the Sub-Committee considered the offences listed were so far in the past to be irrelevant and that they had heard nothing at the meeting that would lead them to believe that the applicant was not a fit and proper person, and GRANTED him a Hackney Carriage/Private Hire driver's licence.

The meeting commenced at 10.20 am and concluded at 11.00 am

Chairman