

<b>11 July 2011</b>		<b>ITEM 3</b>
<b>Licensing Committee</b>		
<b>REVIEW OF LICENCE FEES</b>		
<b>Report of:</b> Paul Adams, Principal Licensing Officer		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> key	
<b>Accountable Head of Service:</b> Lucy Magill, Head of Public Protection		
<b>Accountable Director:</b> Bill Newman, Director of Sustainable Communities		
<b>This report is</b> Public		
<b>Purpose of Report:</b> To revise the fees charged for licence applications.		

### **EXECUTIVE SUMMARY**

This report is to revise the fees in respect of licence applications in relation to Hackney Carriage / Private Hire Drivers; Sex Establishments; Motor Salvage Operators and Animal Welfare Licences.

#### **1. RECOMMENDATIONS:**

##### **1.1 The Committee agrees: -**

- (a) To recommend to Full Council the adoption of the licence fees as attached in Appendix A.**
- (b) To agree the amendment of all references within Thurrock Councils Hackney Carriage/Private Hire Driver Licence Conditions, of the licence duration of 3 years to 1 year.**

**OR**

- (c) To agree the amendment of all references within Thurrock Councils Hackney Carriage/Private Hire Driver Licence Conditions, of the licence duration of 3 years to 1 year. This is to be undertaken on a phased approach with licences renewed between:**

- **August 2011 – July 2012 being valid for 3 years;**
- **August 2012 – July 2013 being valid for 2 years;**
- **August 2013 onwards being valid for 1 year.**

## **2. INTRODUCTION AND BACKGROUND:**

- 2.1 The fees in this report can all be set by Thurrock Council to recover the cost of determining applications for a licence and where applicable the cost of enforcement of the legislation surrounding that licence.
- 2.2 The current fee levels have not been reviewed since 2006.
- 2.3 It is proposed that this fee increase is to take effect from 1 August 2011.
- 2.4 The licence fees have been compared against other Essex Local Authorities, details of comparisons are detailed in **Appendix A**, and the proposed fees are in line with what the other authorities are charging.

## **3. ISSUES AND/OR OPTIONS:**

### **Animal Welfare**

- 3.1 Animal welfare licences for the purpose of this report applies to:
- Boarding Establishment Premises (Animal Boarding Establishments Act 1963)
  - Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
  - Dog Breeding Establishments (Breeding of Dogs Act 1973)
  - Pet Shops (Pet Animal Act 1951)
  - Riding Establishments (Riding Establishments Act 1964)
  - Zoos (Zoo Licensing Act 1981)
- 3.2 The fee levels specified for all animal welfare licences is such, to recover Thurrock Councils costs, in addition to the fee, the applicant will also be invoiced for the fee charged to Thurrock Council for the Vet inspection of the premises. The Vet fee will vary from premises to premises.

### **Hackney Carriage and Private Hire Drivers Licences**

- 3.3 The current term for which Thurrock Council grants a Hackney Carriage or Private Hire Drivers Licence is 3 years.
- 3.4 Currently, the grant or renewal of a drivers licence includes an enhanced Criminal Record Bureau check (CRB) £44, a DVLA driving licence check £5.75, and having passed a valid knowledge test. A medical is also required and when relevant Passenger Assistance Training is also required, which are both at the applicant's expense.

- 3.5 Although it is an existing condition of a driver's licence that any convictions, cautions, charges, driving licence endorsements or disqualifications are notified to the Licensing Department, it is the Licensing Departments experience that this is not always followed. There have been occasions where persons have continued to hold a drivers licence where Thurrock Council's Policy would otherwise not allow so.
- 3.6 It is proposed that the term of both a hackney Carriage and Private Hire Drivers licences are granted is reduced to 1 year.
- 3.7 This could be undertaken on a phased approach with licences renewed between:
- July 2011 – June 2012 being valid for 3 years;
  - July 2012 – June 2013 being valid for 2 years;
  - July 2013 onwards 1 year.
- 3.8 Any new licence application will be granted for 1 year regardless of when they are applied for and will be renewable annually thereafter.
- 3.9 It is proposed that on the renewal of a Drivers Licence a DVLA check will be carried out each time. A Group 2 medical and CRB check will be required every three years or otherwise, in accordance with the licence terms and conditions.
- 3.10 Reducing the term of a drivers licence to 1 year allows for more regular checks of drivers to ensure that they remain "fit and proper". It will give the driver the opportunity to declare any convictions or medical issues that have arisen in the past year that have not been disclosed during that period, which under their licence conditions they should have declared. This is essential to ensure the protection of the public is maintained.
- 3.11 The application fee for new applicants is to include up to 4 attempts to pass the Knowledge Test. Further attempts will be subject to an additional fee as prescribed in Appendix A.

### **Sex Establishments**

- 3.12 Sex establishments for this purpose are to include Sex Shops, Sex Cinema's and Sexual Entertainment Venues.
- 3.13 The fee level has been proposed with the anticipated level of work that this area of licensing will generate. All applications for new Sexual Entertainment venues must be determined by the Licensing Sub Committee and there is an expected level of objection to an application of this type of licence will create.

### **Motor Salvage Operator**

- 3.14 The proposed fee increase is to reflect the full cost of administering this type of application.

**4. CONSULTATION (including Overview and Scrutiny, if applicable)**

4.1 There is no legislative requirement for consultation in relation to this review of fees.

**5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

5.1 These changes will ensure the licensing service continues to be well managed and ensures that we have a safe, clean and green environment.

**6. IMPLICATIONS.**

**6.1 Financial**

Implications verified by: **Michael Jones**  
Telephone and email: **01375 652772**  
**mxjones@thurrock.gov.uk**

As part of the budget process each year, the Council needs to review its fees and charges. The future development of the Medium Term Financial Strategy takes into account changes in fees and charges in broad terms over the period of the strategy.

This report sets out information for the Licensing Committee, which was still subject to review when the 2011/12 proposed fees and charges report was submitted to the Cleaner, Greener and Safer Overview and Scrutiny on 2 November 2010.

An increase in the currently level of fees will help to ensure that the service is financial viable for the current financial year.

**6.2 Legal**

Implications verified by: **Jamie Hollis**  
Telephone and email: **01375 652925**  
**jhollis@thurrock.gov.uk**

A Council is entitled to charge a reasonable fee for the grant of a licence, in accordance with relevant legislation, with a view to recovering the costs of issue and administration of those licences.

Hackney Carriage and Private Hire Drivers Licences may be granted by the Council for periods of 3 years, or any such lesser period as the Council may specify in the licence.

### 6.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**  
Telephone and email: **01375 652472**  
**sdealyn@thurrock.gov.uk**

To ensure any equality impact is managed, any change in fee will need to be communicated to all licence holders at the earliest opportunity, since there is no requirement here for consultation in relation to the fee review.

### 6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

There are none.

## 7. **CONCLUSION**

7.1 There has been no increase in licence fees since 2006, the proposed fees are set on a cost recovery basis which is in line with the legislative requirements, and the comparison with other Essex Local Authorities shows that the fee level is in line with other Essex Authorities.

### **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Town Police Clauses Act 1847
- Local Government Miscellaneous Provisions Act 1976
- Associated Legislation in relation to the various Animal Welfare Licences.

### **APPENDICES TO THIS REPORT:**

**Appendix A – Schedule of proposed licence fees**

**Appendix B – Supporting Information in relation to the proposed licence fees**

**Appendix C – Number of licences currently issued**

**Appendix D – Sex Establishment Licensing Costing**

### **Report Author Contact Details:**

**Name:** Paul Adams, Principal Licensing Officer  
**Telephone:** 01375 652104  
**E-mail:** pxadams@thurrock.gov.uk