

LICENSING COMMITTEE

Date: Tuesday 1 February 2022

Time: 5.30 pm

Venue: The Customer Service Centre, Civic Centre Exeter

Members are invited to attend the above meeting to consider the items of business.

Due to the current social distancing restrictions brought about by the Corona Virus outbreak, any members of the public wishing to attend the meeting please contact the Democratic Services Team committee.services@exeter.gov.uk in advance as there is limited capacity for public attendance.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email mark.devin@exeter.gov.uk

Membership -

Councillors Buswell (Chair), Branston (Deputy Chair), Begley, Foale, Holland, Mitchell, K, Moore, J, Newby, Pearson, Quance, Vizard, Warwick, Wood and Wright

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Apologies**

To receive apologies from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 26 October 2021.

(Pages 3 -
4)

3 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972,

the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

5 Licensing Fees and Charges for 2022/23

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 5 - 20)

6 Establishment of Licensing Committee Working Groups

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 21 - 28)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

LICENSING COMMITTEE

26 October 2021

Present:

Councillor Chris Buswell (Chair)
Councillors Branston, Foale, Holland, Mitchell, K, Moore, J, Pearson, Vizard, Warwick and Wright

Apologies:

Councillors Newby and Quance

Also present:

Service Lead - Environmental Health & Community Safety, Service Lead Legal Services, Principal Licensing Officer and Democratic Services Officer (MD)

9 **Minutes**

The minutes of the meeting held on 14 September 2021, were taken as read, approved and signed by the Chair as correct.

10 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

11 **Draft Statement of Gambling Policy 2021-2023**

The Licensing Committee received the report which detailed the responses to the proposed updated Gambling Act 2005 Statement of Licensing Policy which had been shared with the statutory consultees, following agreement at the Licensing Committee meeting on 14th September 2021. The Council had a statutory responsibility to review the policy every three years and the updated policy would require approval by full Council to come into effect by 31 January 2022.

A consultation had been undertaken between 20 September 2021 and 20 October 2021, with the various stakeholders who held an interest in the policy, which included existing licence holders, gambling support providers, and statutory consultees. All responses received to the minor amendments to the policy, were included in the report presented to Members.

RECOMMENDED that the updated Gambling Act 2005 Statement of Licensing Policy be approved and that the Executive and Council be requested to support and adopt the updated policy.

The meeting commenced at 5.30 pm and closed at 5.37 pm

Chair

This page is intentionally left blank

REPORT TO LICENSING COMMITTEE

Date of Meeting: 1 February 2022

Report of: Service Lead - Environmental Health & Community Safety

Title: Licensing Fees and Charges for 2022/23

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 The purpose of this report is to establish the licensing fees and charges that should apply for 2021/22 for those activities where the Council has discretion.

2. Recommendations:

- 2.1 For the period from 1 April 2022 to 31 March 2023 it is recommended that the fees are set as contained in Appendix B.

3. Reasons for the recommendation:

- 3.1 The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.
- 3.2 The recommendation is in order to comply with the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009. The legal requirements were considered by the Supreme Court in the case of R (on the application of Hemming (t/a Simply Pleasure Ltd) v Westminster City Council [2015] UKSC 25 and [2017] UKSC 50.

4. What are the resource implications including non financial resources.

- 4.1 If there is no increase in fees there is a risk that the Council will not recover all of the costs for services or activities for which it is permitted to charge and increase the burden on the Council's general fund.
- 4.2 There will be a cost in adoption of fees, as some will require public notice to be given. However this cost will be met from the existing budgetary provision.

5. Section 151 Officer comments:

- 5.1 The proposed fees have been built into the Council's provisional 2022-23 budget that will be considered at Council in February 2022.

- 5.2 Any surplus or deficit arising, will be placed in an earmarked reserve, where appropriate, as it is a requirement for the income to be ring-fenced for the service for certain licence fees.

6. What are the legal aspects?

6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.

6.2 The power to charge a fee is contained in Schedule 3 Paragraph 19 of the Local Government (Miscellaneous Provisions) Act 1982 which provides local authorities with a wide discretion to set a 'reasonable fee'. Paragraph 19 provides that:

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

In accordance with this provision, it was established over 30 years ago by the Court of Appeal in the case of *R v Westminster, ex parte Hutton (1985)* that a fee could be charged under paragraph 19 in order to reflect the costs, not only of processing applications, but also of '...inspecting premises after the grant of licences and for what might be called vigilant policing... in order to detect and prosecute those who operated sex establishments without licences'. The Supreme Court has subsequently held in the Hemming case (cited below) that it is open to a licensing authority to require an applicant for the grant or renewal of a licence to pay a fee to cover the running and enforcement costs of a licensing scheme.

6.3 Since December 2009, this power has been subject to the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009. The Regulations state that charges incurred by applicants under an authorisation scheme "must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities" (effectively the costs to administer the process). In the case of *R (on the application of Hemming (t/a Simply Pleasure Ltd) v Westminster City Council*, the Supreme Court held that it remains the case that local authorities can include not only administrative costs, but additionally the costs of regulatory and enforcement costs in the fees charged to licensed operators provided that such costs are reasonable and proportionate.

The licence fee will consist of two parts, A and B as follows:

Part A is to cover the costs of processing the application, namely the costs of the authorisation procedures and formalities. The Part A fee is payable in full on submission of the application and is non-refundable.

Part B is to cover the costs associated with running and enforcing the licensing scheme. The Part B fee would only become payable if a licence is granted, and would need to be paid by the operator before the licence becomes operational.

7. Monitoring Officer's comments:

The Provision of Services Regulations 2009 remain in force following the United Kingdom's departure from the European Union, Accordingly, the principles set out in the Regulations must continue to be followed and as set out in this report.

8. Report details:

- 8.1 Exeter City Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allow the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the administration of those licence types. In some cases, costs are also permitted to cover other aspects of providing the regulatory scheme.
- 8.2 The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed annually to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed (within the ring-fenced licensing budget), or recouped, as applicable.
- 8.3 Many licensing schemes fall within the definition of 'services', under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must "*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*". This principle was affirmed by the courts in *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*. Fees must reflect administrative, policy and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.
- 8.4 Appendix A summarises the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers.
- 8.5 A notice of any variation to vehicles and operator's licence fees will be advertised in a local paper and will be deposited at the council offices for a period of 28 days. Any objections received within 28 days of publication of the notice and not withdrawn will be considered at a meeting of the Licensing Committee on 22 March 2022. If there are no objections to the variation in fees they will come into effect on 1 April 2022.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The appropriate setting of Licensing Fees will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

- 10.1 The proposed fees have been calculated on a cost recovery basis, and projections show that if the revised fees are adopted the costs of administering licensing schemes should be recovered.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Licensing Committee could decide to maintain fees and charges at the 2020/21 levels, however the service would not be recovering the full cost incurred to the authority for delivering the individual licence areas.

Service Lead Environmental Health and Community Safety

Report of: Simon Lane - Service Lead Environmental Health and Community Safety

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

The Gambling Act 2005.
Guidance issued under Section 25 of the Gambling Act 2005
The Police Reform and Social Responsibility Act 2011
The Licensing Act 2003
Guidance issued under Section 182 of the Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Miscellaneous Provisions) Act 1976

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

This page is intentionally left blank

Appendix A - Summary of powers to set application fees

Section	Area	Power arises from
	General principle	Reg 18(4), Provision of Services Regulations 2009 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
2.1 – 2.5	Alcohol, entertainment, etc	Prescribed in regulations made by the Secretary of State under the Licensing Act 2003. Section 197A of that Act will allow licensing authorities to set fees locally on a cost-recovery basis, but is yet to be commenced.
3.1	Animal boarding	s.1(2), Animal Boarding Establishments Act 1963 Fee as may be determined by LA. s 13 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 A local authority may charge such fees as it considers necessary
3.2	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
3.3	Dog breeding	s.3A(2), Breeding of Dogs Act 1973 Reasonable costs incurred in administration and enforcement. s 13 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 A local authority may charge such fees as it considers necessary
3.4	Pet shops	s.1(2), Pet Animals Act 1951 Fee as may be determined by LA. s 13 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 A local authority may charge such fees as it considers necessary
3.5	Riding establishments	s.1(2), Riding Establishments Act 1964 Fee as may be determined by LA. Cost of veterinary inspection. s 13 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 A local authority may charge such fees as it considers necessary
3.6	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover the reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
4.1, 4.3	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in regulations made under the Gambling Act 2005. No fee chargeable for OUN's
4.2, 4.4	Gaming permits, lotteries	Prescribed in regulations made by the Secretary of State under the Gambling Act 2005
5.1, 5.2	Charity collections	No fees chargeable
6.1	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. Refundable if licence not granted.

6.2, 6.3	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. Refundable if licence not granted. <i>Maximum fees must be advertised.</i>
7.1	Hypnosis	No fees chargeable (except by London boroughs)
8.1	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance FEE-SETTING IS AN EXECUTIVE FUNCTION
9.1	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee
10.1	Skin piercing, etc	s.14(6), 15(6) , Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee

Fee	VAT @ 20%	Total	VAT
£ p	£ p	£ p	Code
2021/22 Current Fees & Charges			

Fee	VAT @ 20%	Total	VAT
£ p	£ p	£ p	Code
Proposed fees / charges for 2022-23			

T LICENSING FEES - GENERAL

A NON RETURNABLE ADMINISTRATION FEE OF £50 INCLUDING VAT AT THE CURRENT RATE IS PAYABLE WITH ALL NEW APPLICATIONS (INCLUDES KNOWLEDGE TEST)

	Fee	VAT @ 20%	Total	VAT	Fee	VAT @ 20%	Total	VAT
	£ p	£ p	£ p	Code	£ p	£ p	£ p	Code
(1) Hackney carriage								
Vehicle Licence	370.00	-	370.00	9	380.00	-	380.00	9
(Incl Plate & Survey Charge)								
(2) Hackney Carriage								
Driver's Licence and Identity card - 1 year	110.00	-	110.00	9	115.00	-	115.00	9
Driver's Licence and Identity card - 3 year	260.00	-	260.00	9	270.00	-	270.00	9
(3) Private Hire Operators Licence								
per annum	135.00	-	135.00	9	140.00	-	140.00	9
5 year licence	550.00	-	550.00	9	570.00	-	570.00	9

		Fee £ p	VAT @ 20% £ p	Total £ p	VAT Code	Fee £ p	VAT @ 20% £ p	Total £ p	VAT Code
(4) Private Hire Vehicle Licence (Incl. Plate)		285.00	-	285.00	9	295.00	-	295.00	9
(5) Private Hire Drivers									
Driver's Licence and Identity card - 1 year		110.00	-	110.00	9	115.00	-	115.00	9
Driver's Licence and Identity card - 3 year		260.00	-	260.00	9	270.00	-	270.00	9
(6) Vehicle Licences and Plate - Transfer Fees		67.00	-	67.00	9	70.00	-	70.00	9
(7) Additional Knowledge Test		37.50	7.50	45.00	3	40.00	8.00	48.00	3
(8) Miscellaneous fees									
Replacement plate		33.00	-	33.00	9	34.00	-	34.00	9
Missed appointments		37.50	7.50	45.00	3	40.00	8.00	48.00	3
(9) Consents to Street Trade									
For up to 3 months		775.00	-	775.00	9	800.00	-	800.00	9
For up to 6 months		1,120.00	-	1,120.00	9	1,125.00	-	1,125.00	9
For up to 9 months		1,680.00	-	1,680.00	9	1,690.00	-	1,690.00	9
For up to 12 months		1,930.00	-	1,930.00	9	1,940.00	-	1,940.00	9
Animal Welfare									
(10) Animal Boarding Establishment Licence									
(a) New, 1 & 2 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(b) 3, 4 and 5 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(11) Pet Animals Licence									
(a) New, 1 and 2 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(b) 3, 4 and 5 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(12) Riding Establishments Licence									
(a) New, 1 and 2 star Licence (inclusive of vets fees)	Part A	730.00	-	730.00	9	750.00	-	750.00	9
	Part B	360.00	-	360.00	9	370.00	-	370.00	9
(b) 3, 4 and 5 star Licence (inclusive of vets fees)	Part A	730.00	-	730.00	9	750.00	-	750.00	9
	Part B	360.00	-	360.00	9	270.00	-	270.00	9
Per horse in excess of 10		15.20	-	15.20	9	15.50	-	15.50	9
(13) Dog Breeding Establishments Licence									
(a) New, 1 and 2 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(b) 3, 4 and 5 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(14) Dangerous Wild Animals Act									
Licence Fee (inclusive of vets fees)	Part A	365.00	-	365.00	9	485.00	-	485.00	9
	Part B	180.00	-	180.00	9	195.00	-	195.00	9
(15) Dog Day Care Centres									
(a) New, 1 and 2 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
(b) 3, 4 and 5 star Licence (inclusive of vets fees)	Part A	470.00	-	470.00	9	485.00	-	485.00	9
	Part B	190.00	-	190.00	9	195.00	-	195.00	9
Per dog in excess of 10		3.50	-	3.50	9	3.50	-	3.50	9
Per dog in excess of 20		4.50	-	4.50	9	4.50	-	4.50	9
(16) Sex Establishments Licence									
Licence Fee	Part A	3,382.00	-	3,382.00	9	3,482.00	-	3,482.00	9
	Part B	770.00	-	770.00	9	795.00	-	795.00	9
(17) Small Lotteries									
Statutory Charges									
(a) Registration		40.00	-	40.00	9	40.00	-	40.00	9
(b) Renewal		20.00	-	20.00	9	20.00	-	20.00	9
(18) Gambling Act 2005									
Statutory charges:									
(i) Bingo									
- Provisional statement		2,745.00	-	2,745.00	9	2,745.00	-	2,745.00	9
- New premises following provisional statement		1,060.00	-	1,060.00	9	1,060.00	-	1,060.00	9
- New premises without provisional statement		3,215.00	-	3,215.00	9	3,215.00	-	3,215.00	9
- Annual fee - First year only following fast track conversion		590.00	-	590.00	9	590.00	-	590.00	9
- Annual fee - other than above		765.00	-	765.00	9	765.00	-	765.00	9
- Variation		1,380.00	-	1,380.00	9	1,380.00	-	1,380.00	9
- Transfer		945.00	-	945.00	9	945.00	-	945.00	9
- Reinstatement		945.00	-	945.00	9	945.00	-	945.00	9
(ii) Adult Gaming Centre									
- Provisional statement		1,530.00	-	1,530.00	9	1,530.00	-	1,530.00	9
- New premises following provisional statement		1,178.00	-	1,178.00	9	1,178.00	-	1,178.00	9
- New premises without provisional statement		2,000.00	-	2,000.00	9	2,000.00	-	2,000.00	9
- Annual fee - First year only following fast track conversion		590.00	-	590.00	9	590.00	-	590.00	9
- Annual fee - other than above		765.00	-	765.00	9	765.00	-	765.00	9
- Variation		765.00	-	765.00	9	765.00	-	765.00	9
- Transfer		945.00	-	945.00	9	945.00	-	945.00	9
- Reinstatement		945.00	-	945.00	9	945.00	-	945.00	9

	Fee £ p	VAT @ 20% £ p	Total £ p	VAT Code	Fee £ p	VAT @ 20% £ p	Total £ p	VAT Code
(iii) Family Entertainment Centre								
- Provisional statement	765.00	-	765.00	9	765.00	-	765.00	9
- New premises following provisional statement	1,120.00	-	1,120.00	9	1,120.00	-	1,120.00	9
- New premises without provisional statement	1,768.00	-	1,768.00	9	1,768.00	-	1,768.00	9
- Annual fee - First year only following fast track conversion	415.00	-	415.00	9	415.00	-	415.00	9
- Annual fee - other than above	590.00	-	590.00	9	590.00	-	590.00	9
- Variation	790.00	-	790.00	9	790.00	-	790.00	9
- Transfer	765.00	-	765.00	9	765.00	-	765.00	9
- Reinstatement	765.00	-	765.00	9	765.00	-	765.00	9
(iv) Betting Track								
- Provisional statement	710.00	-	710.00	9	710.00	-	710.00	9
- New premises following provisional statement	2,060.00	-	2,060.00	9	2,060.00	-	2,060.00	9
- New premises without provisional statement	2,060.00	-	2,060.00	9	2,060.00	-	2,060.00	9
- Annual fee - other than above	736.00	-	736.00	9	736.00	-	736.00	9
- Variation	1,000.00	-	1,000.00	9	1,000.00	-	1,000.00	9
- Transfer	710.00	-	710.00	9	710.00	-	710.00	9
- Reinstatement	710.00	-	710.00	9	710.00	-	710.00	9
(v) Betting Other								
- Provisional statement	2,142.00	-	2,142.00	9	2,142.00	-	2,142.00	9
- New premises following provisional statement	1,200.00	-	1,200.00	9	1,200.00	-	1,200.00	9
- New premises without provisional statement	3,000.00	-	3,000.00	9	3,000.00	-	3,000.00	9
- Annual fee - other than above	600.00	-	600.00	9	600.00	-	600.00	9
- Variation	1,075.00	-	1,075.00	9	1,075.00	-	1,075.00	9
- Transfer	860.00	-	860.00	9	860.00	-	860.00	9
- Reinstatement	860.00	-	860.00	9	860.00	-	860.00	9
(vi) Miscellaneous Premises Licence Fees:								
- Change of circumstances (statutory charge)	50.00	-	50.00	9	50.00	-	50.00	9
- Copy of Licence	27.50	-	27.50	9	27.50	-	27.50	9
(vii) Unlicensed FEC permits								
- Application fee	330.00	-	330.00	9	330.00	-	330.00	9
- Application fee - existing operator	110.00	-	110.00	9	110.00	-	110.00	9
- Renewal fee	330.00	-	330.00	9	330.00	-	330.00	9
- Change of name	27.50	-	27.50	9	27.50	-	27.50	9
- Copy of permit	15.00	-	15.00	9	15.00	-	15.00	9
(viii) Automatic entitlement - Alcohol Licensed Premises								
- Notification of two machines	50.00	-	50.00	9	50.00	-	50.00	9
(ix) Permit for more than two machines - Alcohol Licensed Premises								
- Application fee - existing operator	100.00	-	100.00	9	100.00	-	100.00	9
- Application fee other than as above	150.00	-	150.00	9	150.00	-	150.00	9
- Permit variation fee	100.00	-	100.00	9	100.00	-	100.00	9
- Permit transfer fee	25.00	-	25.00	9	25.00	-	25.00	9
- Annual fee	50.00	-	50.00	9	50.00	-	50.00	9
- Change of name	25.00	-	25.00	9	25.00	-	25.00	9
- Copy of permit	15.00	-	15.00	9	15.00	-	15.00	9
(x) Prize Gaming								
- Application fee	300.00	-	300.00	9	300.00	-	300.00	9
- Application fee - existing operator	100.00	-	100.00	9	100.00	-	100.00	9
- Renewal fee	300.00	-	300.00	9	300.00	-	300.00	9
- Change of name	25.00	-	25.00	9	25.00	-	25.00	9
- Copy of permit	15.00	-	15.00	9	15.00	-	15.00	9
(xi) Club Gaming and Club Machine Permits								
- Application fee - existing operator	110.00	-	110.00	9	110.00	-	110.00	9
- Application fee other than as above	220.00	-	220.00	9	220.00	-	220.00	9
- Permit variation fee	110.00	-	110.00	9	110.00	-	110.00	9
- Permit fee - fast track	110.00	-	110.00	9	110.00	-	110.00	9
- Renewal fee - other	220.00	-	220.00	9	220.00	-	220.00	9
- Annual fee	50.00	-	50.00	9	50.00	-	50.00	9
- Copy of permit	15.00	-	15.00	9	15.00	-	15.00	9
(xii) Scrap Metal Licences								
- New Scrap Metal Site Licence	290.00	-	290.00	9	300.00	-	300.00	9
- New Scrap Metal Collectors Licence	135.00	-	135.00	9	150.00	-	150.00	9
- Scrap Metal Site Licence Renewal	190.00	-	190.00	9	200.00	-	200.00	9
- Scrap Metal Collectors Licence Renewal	100.00	-	100.00	9	120.00	-	120.00	9
- Vary Licence Holders Details	20.00	-	20.00	9	25.00	-	25.00	9
- Vary Licensed Sites	70.00	-	70.00	9	75.00	-	75.00	9
- Vary Site Manager	40.00	-	40.00	9	45.00	-	45.00	9
- Vary Change from Site to Collector Licence	40.00	-	40.00	9	45.00	-	45.00	9
- Vary Change from Collector to Site	130.00	-	130.00	9	140.00	-	140.00	9
(xiii) Control of Skin Piercing etc								
Registration Fee - premises (inc one person)	100.00	-	100.00	9	100.00	-	100.00	9
- extra person	50.00	-	50.00	9	50.00	-	50.00	9
(xiv) Food Premises Register								
Copy of whole Register	640.00	-	640.00	9	640.00	-	640.00	9
Copy of a section of Register	135.00	-	135.00	9	135.00	-	135.00	9
Copy of individual premises	16.00	-	16.00	9	16.00	-	16.00	9

U LICENSING FEES - LICENSING ACT 2003	Fee	VAT @ 20%	Total	VAT		Fee	VAT @ 20%	Total	VAT
	£ p	£ p	£ p	Code		£ p	£ p	£ p	Code
Statutory charges:									
(1) Premises Licence and Club Premises Certificates									
Grant or variation									
Band A - No rateable value up to £4,300	100.00	-	100.00	9		100.00	-	100.00	9
Band B - Rateable value £4,301 to £33,000	190.00	-	190.00	9		190.00	-	190.00	9
Band C - Rateable value £33,001 to £87,000	315.00	-	315.00	9		315.00	-	315.00	9
Band D - Rateable value £87,001 to £125,000	450.00	-	450.00	9		450.00	-	450.00	9
Band E - Rateable value £125,001 and above	635.00	-	635.00	9		635.00	-	635.00	9
Annual fee									
Band A - No rateable value up to £4,300	70.00	-	70.00	9		70.00	-	70.00	9
Band B - Rateable value £4,301 to £33,000	180.00	-	180.00	9		180.00	-	180.00	9
Band C - Rateable value £33,001 to £87,000	295.00	-	295.00	9		295.00	-	295.00	9
Band D - Rateable value £87,001 to £125,000	320.00	-	320.00	9		320.00	-	320.00	9
Band E - Rateable value £125,001 and above	350.00	-	350.00	9		350.00	-	350.00	9
* An additional fee is payable for premises exclusively or primarily carrying on the supply of alcohol for consumption on the premises for events of 5,000 or more persons.									
(2) Other charges									
Temporary event notice	21.00	-	21.00	9		21.00	-	21.00	9
Theft, loss etc of premises licence or summary	10.50	-	10.50	9		10.50	-	10.50	9
Application for provisional statement	315.00	-	315.00	9		315.00	-	315.00	9
Notification of change of name and address	10.50	-	10.50	9		10.50	-	10.50	9
Variation to specify individual as premises supervisor	23.00	-	23.00	9		23.00	-	23.00	9
Transfer of premises licence	23.00	-	23.00	9		23.00	-	23.00	9
Interim authority notice	23.00	-	23.00	9		23.00	-	23.00	9
Theft, loss etc of certificate or summary	10.50	-	10.50	9		10.50	-	10.50	9
Notification of change of name or alteration of club rules	10.50	-	10.50	9		10.50	-	10.50	9
Change of relevant registered address of club	10.50	-	10.50	9		10.50	-	10.50	9
Theft, loss etc of temporary event notice	10.50	-	10.50	9		10.50	-	10.50	9
Grant or renewal of personal licence	34.00	-	34.00	9		34.00	-	34.00	9
Theft, loss etc of personal licence	10.50	-	10.50	9		10.50	-	10.50	9
Duty to notify change of name or address	10.50	-	10.50	9		10.50	-	10.50	9
Right of freeholder to be notified	21.00	-	21.00	9		21.00	-	21.00	9

Equality Impact Assessment: Licensing Fees and Charges

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Licensing Committee 1 February 2022	Licensing Fees & Charges	For the period from 1 April 2022 to 31 March 2023 it is recommended that the Licensing Committee set the fees as contained in Appendix A of the report.	

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed

decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Sex/Gender	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Gender reassignment	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Age (children and young people aged 0-24; adults aged 25-50; younger	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			
Pregnancy and maternity including new and breast feeding mothers	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
Marriage and civil partnership status	neutral	low	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.

Actions identified that will mitigate any negative impacts and/or promote inclusion

- **None. The proposed Fees and Charges 2022/2023 would apply equally to all of the groups identified above, and are considered to have a neutral impact in all cases.**

Officer: Simon Lane

Date: 21 December 2021

This page is intentionally left blank

REPORT TO LICENSING COMMITTEE

Date of Meeting: 1 February 2022

Report of: Service Lead - Environmental Health & Community Safety

Title: Establishment of Licensing Committee Working Groups

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 The purpose of this report is to establish Licensing Committee Working Groups and agree terms of reference to look at key aspects of the Licensing Committee's work.

2. Recommendations:

- 2.1 To establish a Licensing Committee Working Group to look at Street Trading in the city (as set out in Appendix A) and consider whether any changes should be recommended to the Street Trading Policy.
- 2.2 To establish a Licensing Committee Working Group to look at Taxi and Private Hire standards (as set out in Appendix B) and to consider whether any changes should be recommended to the Taxi and Private Hire Policy.
- 2.3 That Councillor appointments to the aforementioned Working Groups are to be at the discretion of the Chair of the Licensing Committee.
- 2.4 That the Service Lead – Environmental Health and Community Safety appoint Officer(s) to the Working Groups.
- 2.5 That any proposed changes to Council policies and procedures, and any necessary consultations are required to be reported back to the Licensing Committee for consideration.

3. Reasons for the recommendation:

- 3.1 These recommendations are being made to review policy in two key areas of the Licensing Committee's responsibility. Committee Member led reviews seeking input from relevant stakeholders will lead to the creation of policies that will support more vibrant, diverse, greener and healthier economy in the city.

4. What are the resource implications including non financial resources.

- 4.1 There are no additional resource implications or budgetary implications in relation to this review. Any new measures resulting from a review of the licensing regime may have budgetary implications but these will be considered at a later stage.

5. Section 151 Officer comments:

5.1 There are no financial implications contained within this report.

6. What are the legal aspects?

6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include reviewing the Council's policies in respect to Licensing, before being considered by Council.

6.2 The Statutory Standards for Taxi and Private Hire Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to. The Standards also make it clear that it is a statutory requirement to have regard to them. The Licensing Committee resolved on 27 October 2020 to establish a Working Group to review the disciplinary process and look at further quality standards across both the Hackney Carriage and private Hire Trades.

6.3 With respect to Street Trading, the power to prescribe standard conditions is contained schedule 4 (7) of the Local Government (Miscellaneous Provisions) Act 1982, which state:

When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—

- obstruction of the street or danger to persons using it; or
- nuisance or annoyance (whether to persons using the street or otherwise).

The Council may at any time vary the conditions of a street trading consent.

6.4 It is likely that there will be changes to policy and practice resulting from the Working Groups which will require consultation with the trade and the public and appropriate approvals will need to be sought from the Licensing Committee.

7. Monitoring Officer's comments:

The Monitoring Officer does not have any additional comments.

8. Report details:

8.1 During the Covid pandemic businesses, and the retail sector in particular, have suffered from decreasing economic activity as people turn to alternative lifestyle choices and ways of doing business.

8.2 COP26 also acted as a spur to encourage individuals and organisations to reduce their reliance on fossil fuels and change behaviours.

- 8.3 These major influences along with the Council's own ambition to be a NetZero city by 2030 have resulted in behaviour change require the Council to reflect and review existing practices in key areas. Notably transport and the use/nature of Taxi and Private Hire vehicles in Exeter and how the use of Street Trading can enhance the vibrancy and experience offered to residents. It can also bridge the gap that undoubtedly exists between the day time and night time economies.
- 8.4 The Council is looking at ways to promote economic recovery and growth. The open air offers a lower risk for Covid infection and retail in the open and an effective Street Trading Policy could be a mechanism to increase footfall and encourage economic recovery. The proposed Working Group terms of reference can be found at Appendix A.
- 8.5 The Taxi and Private Hire Trades are an essential element of Exeter's public transport infrastructure. The licensing process and higher quality standards can significantly influence the nature of the transport offer in Exeter.
- 8.6 On 27 October 2020, the Licensing Committee considered a report regarding The Statutory Taxi and Private Hire Standards. At that meeting the Licensing Committee unanimously resolved that a working group be established to consider a number of matters.
- 8.7 The Licensing Committee agreed that the review should focus on the following:
- (a) Reviewing the disciplinary process and address the feasibility of a points-based system being added to the policy; and
 - (b) Looking at further quality standards for both Hackney Carriage and Private Hire vehicles to consider such matters as CCTV, vehicle emissions, consumer safety and identification and training.
- 8.8 This report seeks to act upon that resolution by formally setting up a Working Group to consider these matters. The proposed Working Group terms of reference can be found at Appendix B.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 Robust Licensing policies will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

10.1 The risks of not reviewing the Policies could mean that they become outdated and not serve in the best interests of public safety or improve the economic and social vibrancy of the city.

10.2 Any risks associated with any proposed policy changes will be assessed as part of the respective reports presented to future Licensing Committee and Council.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no impact has been identified on people with protected characteristics as determined by the Act.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Licensing Committee could decide to not review the current policy arrangement in respect to Street Trading and Taxi and Private Hire Licensing.

Service Lead Environmental Health and Community Safety

Report of: Simon Lane - Service Lead Environmental Health and Community Safety and Alan Drake – Principal Licensing Officer

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Licensing Working Group – Street Trading

1. Purpose

The purpose of the group was to reflect upon street trading in Exeter, how it is and what it should be like, and relate it to how it impacts upon the safety, vibrancy and choice within the city.

2. Focus

The Licensing Committee agreed that the review should focus on the following:

- To review the existing Street Trading Policy to determine what is or is not working well within the street trading policy
- Where could the street Trading Policy be altered to increase vibrancy and choice?
- What good practice is there from other authorities and what lessons can be applied to develop Exeter's Street Trading Policy
- How does Exeter's Street Trading Policy fit in with the Council's Strategic Plan

3. Arrangements

The Working Group will consist of 4 members of the Licensing Committee, one of whom will chair the group. It will be supported by an officer from the Licensing Team who will provide technical advice.

The group is encouraged to conduct site visits and speak to relevant stakeholders as part of its work.

4. Timescales

It is proposed that it will start work following formal ratification on 1 February 2022 following a report presented to the Licensing Committee. However prior to that meeting the Licensing Committee Chair seeks volunteers from the Licensing Committee who would like to take part in this working group.

It is anticipated that this working group will seek to present a report with any proposals to the Street Training Policy at the Licensing Committee Meeting on 13 September 2022.

Following those proposals a public consultation will have to take place prior to the Policy coming back for the Licensing Committee to consider further in early 2023.

This page is intentionally left blank

Licensing Working Group – Taxi and Private Hire Standards

1. Purpose

On 27 October 2020, the Licensing Committee considered a report regarding The Statutory Taxi and Private Hire Standards. At that meeting the Licensing Committee unanimously resolved that a working group be established to consider a number of matters.

2. Focus

The Licensing Committee agreed that the review should focus on the following:

- (a) Reviewing the disciplinary process and address the feasibility of a points-based system being added to the policy; and
- (b) Looking at further quality standards for both Hackney Carriage and Private Hire vehicles to consider such matters as CCTV, vehicle emissions, consumer safety and identification and training.

3. Arrangements

The Working Group will consist of 4 members of the Licensing Committee, one of who will chair the group. It will be supported by an officer from the Licensing Team whom will provide technical advice.

The group is encouraged to liaise with key members of the trade through the taxi forum, to seek their input to the areas of focus.

4. Timescales

It is proposed that it will start work following formal ratification on 1 February 2022 following a report presented to the Licensing Committee. The Licensing Committee Chair will seek volunteers from the Licensing Committee who would like to take part in this working group.

Given the complex nature of the items being considered, it is anticipated that this working group could take up to 18 months. However it may be necessary for matters to come back to the Licensing Committee on a thematic basis during that time as opposed to matters being delayed whilst others are still being worked through.

This page is intentionally left blank