

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 10th March, 2016
at 2.00 p.m. (Drawing Room)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Declarations of Interest.

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 4th February, 2016 (copy attached).

FOR DECISION

- (D) 7. Licensing Fee Setting.
- (D) 8. Application for removal of a condition on a Street Trading Consent.

PART TWO

(D) 9. Licensed Private Hire Driver.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART
ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972
AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

**NOTE (D) - Delegated
(R) - For Referral to Council**

Membership of Committee

Callister (Chairman)
Seward (Vice Chairman)
Biggins
Cassells
Derbyshire
Heath
W. McClure
Maddox
Opie
Proffitt
Wall
One Vacancy

For queries regarding this agenda, please contact:

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BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 4th February, 2016
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Derbyshire, Opie, Proffitt, Sweeney, C. Thomson and Wall.

Also Present:-

Barrow Borough Council

Graham Barker (Principal Environmental Protection and Licensing Officer)
Richard Garnett (Principal Environmental Health Officer) (Commercial)
Jennifer Curtis (Senior Licensing Officer)
Tracy Howard (Acting Senior Environmental Health Officer)
Jane Holden (Acting Principal Legal Officer)
Keely Fisher (Democratic Services Officer)

Others

Paul O'Donnell (Local Authority Retained Solicitor)

South Lakes Safari Zoo Ltd

Ms Karen Brewer (Marketing and Development Manager)

41 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute No. 45) of Part One of Schedule 12A of the said Act.

42 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Heath, W. McClure and Maddox.

Councillors Sweeney and C. Thomson had replaced Councillors Cassells and Maddox respectively for this meeting only.

43 – Minutes

The Minutes of the Licensing Regulatory Committee meeting held on 17th December, 2015 were taken as read and confirmed.

44 – Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd – Direction Order - Public Wooden Walkways and Platforms

The Principal Environmental Health Officer (Commercial) reported that Mr David Stanley Gill held a Zoo licence issued on 8th June, 2010 to operate a Zoo at premises known as South Lakes Safari Zoo Ltd, Crossgates, Dalton-in-Furness, Cumbria.

On 13th August, 2015 the Licensing Regulatory Committee had considered a report outlining the results of a number of special inspections undertaken since November 2014. The existing condition relating to walkways was amended requiring a report on the design and construction of the wooden walkways/platforms to be produced by 13th November addressing 6 specific issues.

A periodical/renewal inspection had taken place at the Zoo on 17th and 18th November, 2015. On 17th December, 2015 it was reported to Members that the report had not met the requirements of the condition. Members had resolved to elevate the condition to a Direction Order requiring compliance within 28 days and that all wooden walkways/platforms be closed to the public until the Direction Order was revoked.

Members noted that the closure only became necessary after the effective date of the Direction Order (19th January, 2016) and this was also the date when the 28 days for compliance started in relation to the report.

On 19th January, 2016 the Zoo had submitted an incomplete report as it did not cover all the wooden walkways/platforms. The Zoo also informed the Council that 5 of the 7 wooden walkways/platforms originally in existence were to be taken down or remodeled.

On 20th January 2016, Council Officers had visited the Zoo and noted that all wooden walkways/platforms were closed.

It was fundamental to public safety that the elevated walkways, viewing platforms, and other similar structures had been designed to the correct standard, but were also subject to the correct level of inspection and preventative maintenance. A failure of a walkway or a platform would cause members of the public to fall from height and may place them in close proximity to dangerous animals that may then hamper rescue operations.

At the Committee meeting on 17th December, 2015, Ms Karen Brewer, representing the Zoo, stated that the report on the wooden walkways/platforms should be complete by the end of the following week (25th December) but early in January the Council had not received the report. An email had been sent to the Zoo requesting

an update. A report was submitted by the Zoo written by RG Parkins and Partners Ltd dated 18th January, 2016 and given reference K32719/AR, a copy of which was attached as an Appendix to the Principal Environmental Health Officer's report.

At para 2.2 of the report it stated that the original scope of the report was to include the structural appraisal of the following walkways and viewing platforms:-

- a) Tiger/aerial walkway;
- b) Snow leopard/Wolf access ramp & viewing platform;
- c) Giraffe viewing platform;
- d) Anteater viewing platform;
- e) Lemur walkway;
- f) Bear/Worldwide Safari walkway; and
- g) Restaurant balcony.

It added that "during the process of assessing the above walkways, extensive investigation works had to be undertaken. During this time the scope of the report was reduced with five of the seven timber structures omitted, however reference to them still appeared in some of the supporting document. The appraisal included in this report therefore focused only on the following structures:-

- 1) Snow Leopard/Wolf access ramp only (viewing platform to be closed); and
- 2) Bear/Worldwide Safari walkway".

At para 3.1 of the report referred to a strength grading report to be provided by CATG Ltd. That report was not included in the main report but Parkins summarised it by stating:-

- A significant number of the timber components used could not be stress graded and were therefore unsuitable for use in a structural capacity.
- The timbers that were suitable for use in a structural capacity were of the lowest structural strength grade used in the UK (except on the Snow Leopard/Wolf access ramp, which were slightly higher).

On 21st December, 2015 Parkins' had dug 20 trial pits to assess the state of the timbers and foundations and summarised the findings in their report.

The report provided a structural appraisal for the Snow Leopard access ramp and Bear walkway and stated that the findings of the two structures were common across all seven of the structures.

As the report covered only two of the seven wooden walkways/platforms, Officers had advised the Zoo that the Direction Order had not been complied with and that the Zoo would be visited on the morning of 20th January to ensure that all the wooden walkways/platforms were closed.

The results of that visit were as follows:-

- a) Tiger/aerial walkway – the walkway had been removed. The framework remained as it was being covered to form a roof for the path below. In forming the roof several posts adjacent to the main walkway would be removed in order to negate the vehicle impact risk identified at point (3) of the Direction Order.
- b) (i) Snow leopard/Wolf access ramp – This area was currently closed. The walkway would be the second project after (f) below that would undergo works according to drawing K32719/A3/SK2 of the report. This was the access ramp to the snow leopard and wolf enclosure. The works would not impact on the structural integrity of any other structure.

(ii) Snow Leopard/Wolf Viewing Platform - the viewing platform itself would remain closed. It was due to be dismantled as the Zoo wished to remodel the viewing experience.
- c) Giraffe viewing platform – the platform remained intact with a barrier across the entrance to prevent public access. The intention was to remove this platform entirely and create more space for the feeding experience and negate a pinch point in the walkways.
- d) Anteater viewing platform - the platform remained intact with a barrier across the entrance to prevent public access. The intention was to remove this platform but possibly leave the frame and transform it into a covered picnic area.
- e) Lemur walkway – only the framework remained as all the walk boards had been removed. This framework was due to be removed and the area remodelled.
- f) Bear/Worldwide Safari walkways – This walkway was closed. The works had started to introduce the strengthening as detailed in the report. The additional bearers had been installed but there was work needed to install the cross bracing and the extra joists. This was drawing K32719/A3/SK1 A of the report. The Worldwide Safari was an isolated walkway so works to it did not affect any other structure.
- g) Restaurant balcony – this area remained with a temporary barrier to prevent public access as was typical for the winter months when the Zoo did not use the area. The Zoo had expressed their desire to replace the platform with a new structure ready for Spring 2016 but could not provide further details.

An email dated 19th January, 2016 was attached as an appendix to report stating when and why the decision was made to remove some of the wooden walkways/platforms.

Ms Karen Brewer, representative from the Zoo attended the meeting and made representations to the Committee. A report, including images of the walkways was submitted by South Lakes Safari Zoo to the Environmental Health Department on

2nd February, 2016. Members had received copies and agreed to accept the report and consider the items contained within it.

Ms Brewer had respectively requested that delegated authority be given to the Environmental Health Manager to allow each walkway/platform to be released from the Direction Order as and when they were completed. She stated that the Bear Walkway was now completed and Parkins would write to the Local Authority confirming the standards and therefore requested that this item be released from the Direction Order.

The Snow Leopard/Wolf Access Ramp was almost complete.

The Principal Environmental Health Officer confirmed that he would be happy for the Direction Order to be varied enabling each platform/walkway be released as and when completed along with reports ensuring their standard.

As a result of plans to demolish/remodel a number of the wooden walkways/platforms, recommendations were put before Members for consideration. All recommendations had been discussed in detail and each of the parties concerned had been given the opportunity to make representations and ask questions.

During the course of the meeting, at relevant points, all parties with the exception of the Committee Members, Paul O'Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer) withdrew and were re-admitted to the meeting following the Committee's deliberations.

The recommendations were as follows:-

Recommendation 1

The Zoo be required to confirm that the public wooden walkways/platforms (b)(i) and (f) as stated above, comply with the six points in the Direction Order. Therefore an addendum to the current Parkins' report was required to confirm the remedial works stated in the report had been undertaken to the required standard.

Recommendation 2

In relation to the wooden walkways/platforms listed as (a),(b)(ii),(c),(d),(e), and (g) if any framework of the walkways/platforms were to remain in place a report was required to certify that they were suitable for such use and the points to be addressed were 3, 4, 5 and 6 of the Direction Order.

Recommendation 3

That the compliance deadline for the reports detailed in Recommendation 1 and 2 (currently 16th February, 2016) be extended by agreement with the Zoo to allow for remedial works and subsequent reports to be completed.

It was moved by Councillor Seward and duly seconded that the compliance deadline be extended to 31st May, 2016. The motion was voted upon and unanimously agreed.

Recommendation 4

The Environmental Health Manager be given delegated authority to revoke the Direction Order once the points specified in it had been complied with.

It was moved by Councillor Sweeney and duly seconded that the recommendation be amended and that the following wording be added at the end of the recommendation:

“and vary the extent of the Direction Order once acceptable evidence has been supplied for any walkways/platforms listed (a) to (g) in RG Parkins’ report of 18th January, 2016”.

The amendment was voted upon and unanimously agreed.

Recommendation 5

That all wooden walkways/platforms remain closed until the Direction Order is revoked.

It was moved by Councillor Derbyshire and duly seconded that the wording of the Recommendation be amended to add “or varied” to the end of the recommendation.

The amendment was voted upon and unanimously agreed.

RESOLVED:-

1. That the Zoo be required to confirm that the public wooden walkways/platforms (b)(i) and (f) as stated above, comply with the six points in the Direction Order. Therefore an addendum to the current Parkins’ report was required to confirm the remedial works stated in the report had been undertaken to the required standard;
2. That it be agreed that in relation to the wooden walkways/platforms listed as (a),(b)(ii),(c),(d),(e), and (g) if any framework of the walkways/platforms were to remain in place a report was required to certify that they were suitable for such use and the points to be addressed were 3, 4, 5 and 6 of the Direction Order;
3. That it be agreed that the compliance deadline for the reports detail in Recommendations 1 and 2 (currently 16th February, 2016) be extended to 31st May, 2016 by agreement with the Zoo to allow for remedial works and subsequent reports to be completed;

4. That the Environmental Health Manager be given delegated authority to revoke the Direction Order once the points specified in it had been complied with and vary the extent of the Direction Order once acceptable evidence had been supplied for any walkway/platforms listed (a) to (g) in RG Parkins' report of 18th January, 2016; and
5. That all wooden walkways/platforms remain closed until the Direction Order was revoked or varied.

45 – Application for a Hackney Carriage Drivers Licence

The Senior Licensing Officer reported on an application she had received for a Hackney Carriage Drivers Licence. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

RESOLVED:- That the application for a Hackney Carriage Drivers Licence be agreed.

The meeting closed at 3.12 p.m.

LICENSING REGULATORY COMMITTEE	<u>Part One</u> (D) Agenda Item 7
Date of Meeting: 10th March, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: Licensing Fee Setting</p> <p>Report Summary:</p> <p>The report sets out the proposed fees for those licensing regimes where the Council has the power to set its own fees. The fees are based on full cost recovery following a comprehensive review and public consultation.</p> <p>The proposed fees, will enable the Council to recover its reasonable costs in processing and determining licence applications and also to achieve compliance with the appropriate legislation. The purpose of this Report is to set the licensing fees for 2016/17, effective from 1st April, 2016.</p>	

1. Background

The majority of the locally set licensing fees have undergone an extensive review in the latter half of 2015, with the exception of zoo licensing (which is the subject of its own review) and also those locally set fees under the Gambling Act 2005.

The Licensing Regulatory Committee have delegated authority to set the Council's licensing fees. The proposed fees are based on the out-turn budget for the previous year (2014/15) and full cost recovery.

The total cost of delivering the licensing functions in 2014/15 was £255,330.

From this figure we have deducted the cost of the licensing functions whose fees are prescribed by statute, for example the Licensing Act 2003) this leaves the a base figure of £117,962 to be recovered through the licence fees for Hackney Carriage & Private Hire, Street Trading, Sex Establishments, Pleasure Boats & Boatmen, Animal Licensing (excluding Zoo Licensing), Scrap Metal Dealers and Skin Treatments.

It should be noted that the income for same period was £104,713, leaving a deficit of £13,249 for the year. It is proposed that the deficit against individual licence types will be recovered in one year, with the exception of Animal Welfare/Pet Shops/Dog Breeders (recovered over 2 years) and Pleasure Boats/Boatmen (recovered over 3 years), to ease the burden on the small number of licence holders.

The projected income from the licensing fees detailed below for 2016/17 is £118,447.

2. Proposed Fees effective from 1st April 2016

Local Government (Miscellaneous Provisions) Act 1976, Sections 53(2) & 70(3) - Taxi & Private Hire Licensing	£
Private Hire / Hackney Carriage Driver (1 Year)	124
Private Hire / Hackney Carriage Driver (3 Year)	201
Private Hire / Hackney Carriage Driver - Renewal (1 Year)	118
Private Hire / Hackney Carriage Driver - Renewal (3 Year)	195
Hackney Carriage Vehicle	156
Private Hire Vehicle (New & Renewal)	85
Private Hire Operator - New & Renewal (1 Year)	110
Private Hire Operator - New & Renewal (5 Year)	190
Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Section 9 - Street Trading	
Annual (New & Renewal)	393
Annual (Trading up to 4 days a week) (New & Renewal)	344
3 Month (New & Renewal)	279
Annual Peripatetic (New & Renewal) e.g. Ice Cream vans	240
Town Centre (Promotional)	189
Town Centre (Events)	228
Town Centre (Markets)	1,613
Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 - Sex Shops / Sex Establishments	
New Application	291
Renewal Application	260
Public Health Acts (Amendment Act) 1907. Section 94(1) - Pleasure Boats and Boatmen	
Pleasure Boats	182
Boatmen	151
Pet Animals Act 1951, Section 1(2) - Pet Shops	
New & Renewal	181
Riding Establishments Act 1964, Section 1(2)	
New & Renewal	257
Breeding of Dogs Act 1973, Section 3 and 1991 Act.	
New & Renewal	244
Dangerous Wild Animals Act 1976, Section 1(2)	
New & Renewal	186
Animal Boarding Establishments Act 1963, Section 1(2)	
Commercial (New & Renewal)	211
Domestic (New & Renewal)	152
Scrap Metal Dealers Act 2013 (Sched 1 para 6 (1))	
Premises	237
Collector	198
Local Government (Miscellaneous Provisions) Act 1982, Sections 14 & 15. Acupuncture, Tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis	
Personal Registration	122
Premises Registration	146

3. Fee Setting Methodology

The methodology used to calculate the fees is summarised below and is based on actual time spent by Officers and associated costs of administering and operating the Licensing regime at full cost recovery. The fees take account of:

- Administration costs associated with the initial application and fee handling;
- Officer costs;
- Direct costs such as the cost of identification badges, plates and DVLA checks;
- Support Services costs including overheads, IT maintenance, external legal advice and advertising;
- Compliance and monitoring costs; and
- Adjustments to take into account any surplus or deficit from the 2014/15 out-turn budget.

The full detailed Fee Setting Methodology is attached at **Appendix 1** and includes:

- an example of the time Activity Logs produced for each application process at **Appendix 2**;
- details of any additional costs at **Appendix 3**; and
- the Fee Setting Summary that combines all costs apportioned to locally set fees, at **Appendix 4**.

4. Public Consultation

The proposed fees were advertised in the North West Evening Mail on the 15th January 2016, giving members of the public 28 days to make representations. A public notice has also been on display at the Town Hall. Furthermore, in relation to taxi and private hire licensing a copy of the notice was sent direct to the Representative of the Furness Taxi Trade Association and Private Hire Operators.

Responses

The following response was received on the 17th January 2016 from the Furness Taxi Trade Association, following the publication in the North West Evening Mail.

Can you confirm the proposed hackney vehicle licence fee as being £156.00. If so can you tell us if part of this is for the unmet use survey, and if so can you give us the figures separately, please? Very few drivers read the local paper and so we intend to scan and upload a copy of the notice to the facebook page. But don't want to do that without giving an explanation of the vast difference in fees between private hire and hackney vehicles. Thanking you in anticipation.

*Regards
Bob Mullen
Secretary*

Officer reply on the 18th January 2016

Bob,

I can confirm that the Hackney Vehicle Licence fee includes the cost of the Unmet Demand Survey, additionally it includes recovery of administrative costs due to change of vehicles/proprietors, of which there are a far greater number in the Hackney trade. Please note that from 1st April, there will not be a direct charge for 'change of vehicle', as in previous years.

If your members want to make any objections, please advise them to write to the Environmental Health Manager, Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness. LA14 2LD, by 12th February 2016.

*Graham Barker
Principal Environmental Protection & Licensing Officer
Environmental Health Dept
Barrow Borough Council*

5. Options

- a) Approve the fees detailed in this report to achieve full cost recovery with effect from 1st April 2016.
- b) Amend the fees detailed in this report to achieve partial cost recovery (this will require a further public consultation exercise) with effect from 1st April 2016.

6. Recommendation

Approve the fees detailed in this report to achieve full cost recovery with effect from 1st April 2016.

7. Reason for Recommendation

For those licences which allow fees to be set locally, the Licensing Authority is allowed to recover its reasonable costs in processing and determining licence applications and also achieve compliance with the appropriate legislation. It is able to operate at full cost recovery. The fees are reviewed annually and should a surplus or deficit occur as part of the final outturn position for the financial year, this will be taken into account when setting the fees in the next financial year.

8. Considerations

(i) Legal Implications

The fee setting method has been reviewed by the Council's Legal Services Department external Legal Advisor and the Internal Auditors.

The Licensing Authority can set its own fees for the licensing regimes listed in this report. The fee must be reasonable and cover the Council's costs in the administration and the processing of those application types and further costs to ensure compliance.

All of the above regimes are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged in relating to authorisations must be proportionate to the effective cost of the process. The proposed fees must recover the Council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds.

The fees as proposed should enable to Council to recover its reasonable costs.

The various fee setting powers are detailed below:

Private Hire and Hackney Carriage Drivers:

Local Government (Miscellaneous Provisions) Act 1976, Section 53

“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.”

Private Hire and Hackney Carriage Vehicles and Private Hire Operators:

Local Government (Miscellaneous Provisions) Act 1976, Section 70

Specified fee of £25 unless the procedure contained in section 70 (3) is followed. “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.”

Street Trading:

Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, Section 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.”

Sex Shops and Establishments:

Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, Para 19

“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.”

Pleasure Boats and Boatmen:

Public Health Acts Amendment Act 1907, Section 94(1).

“(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.”

Pet Shops:

Pet Animals Act 1951, Section 1(2)

“ . . . on payment of such fee as may be determined by the local authority . . . ”

Riding Establishments:

Riding Establishments Act 1964, Section 1(2)

“Every local authority may . . . grant on payment of such fee as may be determined by the local authority . . . ”

Dog Breeding:

Breeding of Dogs Act 1973, Sections 2 & 3

“(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.”

Animal and Home Boarding:

Animal Boarding Establishments Act 1963, Section 1(2)

“. . . [a] local authority may . . . on payment of such fee as may be determined by the local authority, grant a licence . . .”

Dangerous Wild Animals:

Dangerous Wild Animals Act 1976, Section 1(2)(e)

“[The application] 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)”

Skin Treatments:

Local Government (Miscellaneous Provisions) Act 1982, Sections 14(6) & 15(6)

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

Scrap Metal Dealers (Premises and Collectors):

Scrap Metal Dealers Act 2013 Sched 1 para 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.”*

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

If the proposed fee structure results in a surplus or loss for the financial year there will be an appropriate reduction or increase in fees as the case may be for the following financial year.

If licensing fees are set without having regard to the core principles of the European Union Services Directive: non-discriminatory; justified; proportionate; clear; objective; made public in advance; and transparent and accessible, they can be challenged and the Council could be ordered to refund fees and any legal costs.

(iv) Key Priorities or Corporate Aims

Service Delivery – the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(v) Equality and Diversity

There are no equality and diversity implications.

(vi) Other Human Rights

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect anothers' rights must be no more onerous than is necessary in a democratic society.

The matter set out in this report must be considered in light of those obligations.

(vii) Health and Well-being Implications

Many of the Licensing regimes can affect the health and wellbeing of the service user in some way.

Background Papers

LGA guidance on locally set fees.

http://www.local.gov.uk/documents/10180/6869714/L15-496+OpenForBusiness_02+FINAL.pdf

Scrap Metal Dealer Act 2013: guidance on licence fee charges:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229459/SMDA_2013_Fees_Guidance.pdf

Fee Setting Methodology

ACTIVITY LOGS are produced for each type of licence – this log follows the application process and allots Officer time for each step. Hourly pay rates are then used to create a baseline cost for processing an application. Officers carried out a time monitoring exercise over a number of weeks to produce accurate timings for each step. An example of an activity log is shown in **APPENDIX 2**.

FEE SETTING SUMMARY SHEET, (APPENDIX 4), sets out the activity log costs for each licence type in Column 2.

It is necessary to calculate Officer's hourly rates to get a cost for the application process detailed in the activity logs.

The method used is as follows:-

Hourly rate calculation:

<u>Annual Salary + oncosts + lump sum allowance (where applicable)</u>	
Productive Hours (1183)*	
*52 week x 37 hours(7.4 hours per day x 5 days a week)	1924
Less bank holiday entitlement 11 days	- 81
Less annual leave entitlement 27 days	- 200
Less average annual sickness absence 3 days	<u>- 22</u>
	1621

Assumed two hours per day is a reasonable amount of time to record as 'non productive', therefore annual productive hours = 1621 x 73% (productive time) = 1183

Eg Annual Salary plus oncosts is £30,000 therefore hourly rate = £25.36 per hour

ADDITIONAL COSTS are then calculated, see **APPENDIX 3 – Additional Costs Sheet**, and added to the base licence cost on the Fee Setting Summary Sheet (Columns 3 – 15). These have been split into three headings as follows:-

Committee costs (Columns 3 & 4 on Fee Setting Summary Sheet)

Officer time (relevant for Representation through to Post Committee Process) is calculated based on estimates per case x average number of cases that went before Committee per year.

In 2014/15 the pre-Committee process was included in this calculation and the post-Committee process was included in the activity log. For the 2016/17 Budget, it is proposed to include the costs of Officer time for the whole Committee process in this calculation and remove it from the activity log.

Support Services costs are shown in the Additional Costs Sheet and added to Columns 5 - 8 on the Fee Setting Summary Sheet. These included estimates of

Officer time for a number of tasks, e.g. mailshots, website maintenance, etc., Advertising Costs and Subscriptions are also included here.

External legal advice from Brown Barron & Co will be recovered in the legal recharges. This will be allotted to the individual licence types as detailed in the income codes.

Direct Costs are shown in the Additional Costs Sheet and added to Columns 9 - 15 on the Fee Setting Summary Sheet.

These consist of actuals and estimates of Officer time (minutes per year) spent on Policies, Contracts (vehicle testing), Taxi Unmet Demand Survey, Training, Meetings, Working Groups, Compliance and Monitoring. It excludes the costs of taxi rank work due to the current difficulties with the County Council.

Previously, compliance and monitoring costs were based on the minutes Officers spend per case x the number of licences issued per year. This was purely an estimate made after speaking to Officers who undertook this work.

For the 2016/17 Budget fee setting process, an analysis of 3 months of actual time monitoring carried out by Officers and extrapolated to 12 months has been used. Consideration has also been given to statistics from the Authority Database upon which details of complaints and proactive enforcement visits are recorded, and also an estimation of time spent on pre-application and general enquiries.

Direct Expenditure is shown in Columns 18 - 24 on the Fee Setting Summary Sheet and includes the direct costs related to Taxi & Private Hire Licensing, for plates, badges and equipment.

Recharges (columns 25 - 26 on the fee setting summary sheet). These are recharges from other departments within the Council and are calculated as follows for licensing:-

Finance – no of transactions/activity)	
IT- no of computers/laptops)	Total costs for licensing department for
HR- Headcount per department)	each element are divided by total number
Office accommodation – Floor area)	of applications received to give a cost per
Office support- Headcount + activity)	licence for internal charges.
Customer Services – no of customers)	
Town Hall Stewards – activity)	

Legal Recharges are split between licence type and are based on actual time monitoring (April – October) and an estimate of time (November – March) plus the Legal Advisor costs.

Adjustments (Column 27 on the Fee Setting Summary Sheet)

Surplus

Surplus of Direct Staff costs - Taxi Ranks Order, etc (HC only)

This was double counted in 2014/15 as it was also added as a separate column cost. Therefore each licence will be reduced by using the figure in direct staff costs.

$£364.47 / 991 =$ Reduction is £0.37 per licence based on 991 licences.

Surplus of direct staff costs - arranging contracts, vehicle testing (PH and HC only)

This was double counted in 2014/15 as it was also added as a separate column cost. Therefore it needs to be refunded to each licence using the figure in direct staff costs.

$£129.32 / 991 =$ reduction is £0.13 per licence based on 991 licences.

Deficit

The outturn from the 2014/15 Budget (the actual cost to the Council of the Licensing function) has produced a deficit across a small number of licence types. The Council is able to operate at full cost recovery, therefore this deficit is added to each effected licence.

Additional calculations to ensure there is no cross subsidising of licences

Each licence will have a separate income code in the Licensing cost centre 059. All invoices although coded to 059 will have an additional code included in the narrative to show which licence it relates to. A spread sheet will be produced for each licence type which will pull together all the costs and income for each separate licence.

Rounding

The final column (30) in the Fee Setting Summary Sheet is the proposed licence fee, rounded to the nearest £. In some cases, fees have been adjusted for administrative purposes however any surplus or deficit created by this process will be taken into account the following year.

Private Hire & Hackney Carriage Drivers
 Local Government (Miscellaneous Provisions) Act 1976
 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." Section 53
 "may"

NEW APPLICATION	Admin Officer	Licensing Officer	Principal Officer	Manager		
Received application form and Check application form and associated documents and deal with any issues	8.00				£ 2.98	
Fee handling: Send invoice and/or receipt.	2.25				£ 0.84	
Photo taken, downloaded; Record created; Record created on computer system	8.13				£ 3.03	
DBS completed, verified and sent enter on Excel database	7.20				£ 2.68	
DVLA Mandate sent	1.03				£ 0.38	
File created and file stored in processing folder appl' scanned in	1.00				£ 0.37	
Receipt of DVLA Mandate	1.65				£ 0.61	
Receipt of DBS	2.05				£ 0.76	
Verify application criteria met - record updated on system	4.74				£ 1.77	
Post Committee / Delegated Decision						
Update database and produce licence	1.63				£ 0.61	
Licence authorised and signed				1.50	£ 1.10	
ID Badge Created	1.93				£ 0.72	
Licence posted or collected	1.50				£ 0.56	
File created and filed/stored	3.60				£ 1.34	
Total Time	46.21					
1 Yr Licence					TOTAL	£ 17.77

Additional charge for 3 year license made up from:		
Renewal cost year 2 - DBS Checks, etc...		£ 11.63
Renewal cost year 3 - (DBS Checks, etc...		£ 11.63
TOTAL		£ 41.03

Task	Officer Time (Time in decimal hours and minutes)											TOTAL	
	EHM	PO	LO	PO	EO	SEHO	CON	SEHO	TEHO	ADM			
Committee Costs (Ave 28 cases)													
Representation									1.00		0.50	£ 1,224.16	
Pre Committee Process													
Report Compilation									0.75			£ 683.34	
Typing Report/Invitations											0.75	£ 469.56	
Pre Agenda Meeting		0.17										£ 210.06	
Mediation				1.00								£ 754.32	
Hearings (EXCLUDING the ZOO)													
15th May 2014				0.50					0.50			£ 29.74	
19th June 2014		0.42										£ 18.53	
4th Sept 2014		0.75							0.75			£ 57.50	
16th Oct 2014				0.25					0.25			£ 14.87	
13th Nov 2014				1.25					1.25			£ 74.35	
18th Dec 2014				0.83					0.83			£ 49.37	
5th Feb 2015				1.25					1.25			£ 74.35	
12th March 2015				1.58					1.58			£ 93.98	
Post Committee											75		
Advise applicant / objectors / representatives of outcome of committee hearing				0.50								£ 377.16	
Press and elected Member enquiries				0.30								£ 226.30	
		83		443					430			Sub-Total	£ 4,357.59
Hearings (ZOO ONLY)													
23rd June 2014													
1st July 2014													
4th Sept 2014													
27th Jan 2015													
		962		250				547	547		732	Sub-Total	
5 Mailshots													
Mailshot all TAXI/PRIVATE HIRE vehicle owners, operators and drivers (renewals)								721	2nd Class Post (54p per letter)			£ 389.34	
Mailshot all Private Hire Vehicle Owners & Operators (refunds) (PHV - 88, PHO - 19)								107	2nd Class Post (54p per letter)			£ 57.78	
6 Website Updating / Maintenance			720									£ 426.00	
7 Advertising Fees - 3 adverts as detailed in column 7 on fee setting summary sheet. JCS 15 mins per advert. ADM (SON) 30 mins per advert. Needs to be split across Licenses.											90	£ 53.75	
Time in Mins				45									
8 James Button Subscription												£ 610.00	
8 IOL Membership												£ 250.00	
8 RIAMS Subscription												£ 605.00	
		720		45								Sub-Total	£ 2,391.87
9 Policy, procedural and licensing conditions updates													
UNMET Demand Survey (Apply to Hackney carriage vehicle proprietors only)												£ 6,400.00	
10 Taxi and Private Hire Licensing Policy (Apply to Drivers / Operators / Vehicles)			242	869							100	£ 570.51	
11 FEE SETTING Project (Apply across all re-chargeable Licenses) (Actual 3.12.2015)		3220	6271	316	825						540	£ 6,913.20	
12 Street Trading Policy (Apply to Street Trading Consents) (Estimate)			700	300							100	£ 586.13	
13 Typical annual staff training costs for Licensing competencies		520		2160					520			£ 1,490.10	
14 Departmental staff meetings Full 1 in 2014/15 (Total 30 mins @ 25% Licensing)		15	15	15	15	15			15		15	£ 51.48	
14 Monthly DMT (Total 7.5hrs @ 25% Licensing)		113	113		105		8			113	113	£ 287.66	
Liaison Groups (4 per yr)			480						1920			£ 792.80	
Institute of Licensing Meetings (Time)				1680							600	£ 977.92	
Administration, Compliance and Monitoring including project work and complaints. Configured from Time Monitoring exercise and estimations; apportioned against activity type.													
	EHM	PO	LO	PO	EO	SEHO	CON	SEHO	TEHO	ADM			
All Licensing Areas (to be apportioned)		1056	1260	1720								£ 2,294.47	
Pre-app enquiries / General enquiries. (per applic' type - RGT&GEB 2 mins, SCY&JCS 6 mins & ADM 12 mins)			1727	5180	69	208					10776	£ 7,492.40	
Time estimated for 12 months from actual time monitoring x 4													
Hackney Carriage and private hire drivers		1192	1948	2908	0	0	0	0	0	0	1412	£ 3,861.18	
Hackney Carriage Vehicle		278	1020	2010	0	0	0	0	0	60	380	£ 1,867.97	
Private Hire Vehicle		278	1020	2010	0	0	0	0	0	60	380	£ 1,867.97	
15 Private Hire Operator (Total Hours reduced by 75% - majority of time related to one operator)		37	47	411	0	0	0	0	0	0	12	£ 244.03	
Street Trading Consents and Licences		288	924	1352	0	0	0	0	0	0	620	£ 1,596.63	
Sex establishments		12	12	0	0	0	0	0	0	0	0	£ 15.93	
SKin		936	0	0	0	0	0	0	0	0	0	£ 688.43	
Pleasure boats and boatmen		0	0	0	76	0	0	0	0	0	240	£ 134.71	
Animal boarding establishments		18	0	0	28	0	0	0	0	0	0	£ 29.62	
Dangerous Wild Animals		18	0	0	28	0	0	0	0	0	0	£ 29.62	
Dog Breeding		18	0	0	28	0	0	0	0	0	0	£ 29.62	
Pet Shops		18	0	0	28	0	0	0	0	0	0	£ 29.62	
Riding Establishments		18	0	0	28	0	0	0	0	0	0	£ 29.62	
Scrap Metal dealers		0	0	168	0	0	0	0	0	0	20	£ 82.89	
Zoos													
Caravan Sites												£ 255.23	
Gambling Act - Premises Licence										340		£ 90.10	
Gambling Act - Temporary use Notices												£ -	
		19759	15778	21099	9068	223	8		2563	460	Sub-Total	£ 38,709.83	
											TOTAL	£ 45,459.28	

Type of Licence	1	2	3	4	5		6	7			8	9	10
	Est. yearly average no. of applications received last 3 years (2012-2015) Total No of recharge Apps:	Activity Log base price per licence	Committee costs per licence application	Committee cost Zoo Only	Additional costs Mailshots		Support Services costs per licence app.	Advertising Costs			Sub - scriptions	Direct Costs (HCV)	Direct Costs (All Taxi Licenses)
	898		Taxis: 84.6 % S Trading: 11.5 % Caravan: 3.8 %		All Taxis	PHV	Website	Licence Fee Increase	Taxi Rank Advert	Vehicle testing Stations		UNMET DEMAND SURVEY (Hackney Vehicles Only)	TAXI LICENSING POLICY
					No sent: 721	PHO 19	No of Licence 1559	No of Lic Apps: 1559	No of Lic Apps: 142	No of Lic Apps: 362	No of Lic Apps: 1559	No of Hackney Vehicles: 142	No of Lic Apps: 809
Hackney Carriage Driver (1 Yr)	29	£ 17.77	£ 8.61		£ 0.54		£ 0.27	£ 0.25			£ 0.94		£ 0.70
Hackney Carriage Driver (3 Yr)		£ 41.03	£ 17.23		£ 0.54		£ 0.82	£ 0.25			£ 2.82		£ 0.70
Hackney Carriage Driver - Renewal (1 Yr)	138	£ 11.63	£ 8.61		£ 0.54		£ 0.27	£ 0.25			£ 0.94		£ 0.70
Hackney Carriage Driver - Renewal (3 Yr)		£ 34.90	£ 17.23		£ 0.54		£ 0.82	£ 0.25			£ 2.82		£ 0.70
Private Hire Driver (1 Yr)	60	£ 17.77	£ 8.61		£ 0.54		£ 0.27	£ 0.25			£ 0.94		£ 0.70
Private Hire Driver (3 Yr)		£ 41.03	£ 17.23		£ 0.54		£ 0.82	£ 0.25			£ 2.82		£ 0.70
Private Hire Driver - Renewal (1 Yr)	201	£ 11.63	£ 8.61		£ 0.54		£ 0.27	£ 0.25			£ 0.94		£ 0.70
Private Hire Driver - Renewal (3 Yr)		£ 34.90	£ 17.23		£ 0.54		£ 0.82	£ 0.25			£ 2.82		£ 0.70
Hackney Carriage Vehicle (New)		£ 9.59			£ 0.54		£ 0.27	£ 0.25	£ 7.66	£ 0.22	£ 0.94	£ 45.07	£ 0.70
Hackney Carriage Vehicle (Renewal)	142	£ 8.62			£ 0.54		£ 0.27	£ 0.25	£ 7.66	£ 0.22	£ 0.94	£ 45.07	£ 0.70
Private Hire Vehicle (New)	54	£ 9.59			£ 0.54	£ 0.24	£ 0.27	£ 0.25		£ 0.22	£ 0.94		£ 0.70
Private Hire Vehicle (Renewal)	166	£ 8.62			£ 0.54	£ 0.24	£ 0.27	£ 0.25		£ 0.22	£ 0.94		£ 0.70
Private Hire Operator NEW (1 Yr)		£ 20.20			£ 0.54	£ 0.54	£ 0.27	£ 0.25			£ 0.94		£ 0.70
Private Hire Operator RENEWAL (1 Yr)	19	£ 16.38			£ 0.54	£ 0.54	£ 0.27	£ 0.25			£ 0.94		£ 0.70
Private Hire Operator NEW (5 Yr)		£ 20.20			£ 0.54	£ 0.54	£ 1.37	£ 0.25			£ 4.70		£ 0.70
Private Hire Operator RENEWAL (5 Yr)		£ 16.38			£ 0.54	£ 0.54	£ 1.37	£ 0.25			£ 4.70		£ 0.70
Street Trading Consents (New & Renewal) ANNUAL	3	£ 249.08	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Street Trading Consents (New & Renewal) ANNUAL (Trading upto 4 days a week)		£ 200.08	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Street Trading Consents (New & Renewal) 3 Month	2	£ 135.08	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Street Trading Consents (New & Renewal) Peripatetic	3	£ 96.08	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Street Trading Consents (Town Centre Promotional)	21	£ 45.70	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Street Trading Consents (Events)	2	£ 84.14	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Street Trading Consents (Markets)	2	£ 1,469.14	£ 15.19				£ 0.27	£ 0.25			£ 0.94		
Sex establishments (New)		£ 96.08					£ 0.27	£ 0.25			£ 0.94		
Sex establishments (Renewal)	1	£ 65.42					£ 0.27	£ 0.25			£ 0.94		
Pleasure boats	3	£ 74.40					£ 0.27	£ 0.25			£ 0.94		
Boatmen	6	£ 54.24					£ 0.27	£ 0.25			£ 0.94		
Animal boarding establishments	3	£ 85.42					£ 0.27	£ 0.25			£ 0.94		
Home boarding establishments	3	£ 60.09					£ 0.27	£ 0.25			£ 0.94		
Dangerous Wild Animals		£ 110.75					£ 0.27	£ 0.25			£ 0.94		
Dog Breeding	1	£ 72.75					£ 0.27	£ 0.25			£ 0.94		
Pet Shops	8	£ 74.86					£ 0.27	£ 0.25			£ 0.94		
Riding Establishments	1	£ 85.42					£ 0.27	£ 0.25			£ 0.94		
Scrap Metal dealers (Premises)	3	£ 81.72					£ 0.27	£ 0.25			£ 0.94		
Scrap Metal dealers (Collectors)	5	£ 40.39					£ 0.27	£ 0.25			£ 0.94		
Skin (Person)	8	£ 43.20					£ 0.27	£ 0.25			£ 0.94		
Skin (Premises)	6	£ 68.53					£ 0.27	£ 0.25			£ 0.94		

	11	12	13	14	15			18	19	20	21
Type of Licence	Direct Costs - Fee Setting Project	Direct Costs (All Street Trading Consents) STREET TRADING POLICY	Direct staff costs per licence application Training	Managerial - Development - Competencies - Working Groups	Administration, Compliance & Monitoring			Direct expenditure i.e. taxi plates x no. of licence	Direct expenditure i.e. driver badges x no. of licence	Direct expenditure i.e. Pre-paid strickers x no. of licence	Direct expenditure i.e. TARIFF strickers x no. of licence
	Total No of recharge Apps: 898	No of Lic Apps: 33	No of Lic Apps: 1559	No of Lic Apps: 1559	ALL Licensing Areas - Apport'nd No of Lic Apps: 1559	Pre-app enquires / General enquires Total No of recharge 898	Directly associated to licence type	£4,005.94 All Vehicles No of Lic Apps: 362	£424.50 All Drivers No of Lic Apps: 428	PHVs only	HCV Only
Hackney Carriage Driver (1 Yr)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 9.01		£ 1.00		
Hackney Carriage Driver (3 Yr)	£ 7.70		£ 2.87	£ 4.06	£ 4.42	£ 25.03	£ 18.03		£ 1.00		
Hackney Carriage Driver - Renewal (1 Yr)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 9.01		£ 1.00		
Hackney Carriage Driver - Renewal (3 Yr)	£ 7.70		£ 2.87	£ 4.06	£ 4.42	£ 25.03	£ 18.03		£ 1.00		
Private Hire Driver (1 Yr)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 9.01		£ 1.00		
Private Hire Driver (3 Yr)	£ 7.70		£ 2.87	£ 4.06	£ 4.42	£ 25.03	£ 18.03		£ 1.00		
Private Hire Driver - Renewal (1 Yr)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 9.01		£ 1.00		
Private Hire Driver - Renewal (3 Yr)	£ 7.70		£ 2.87	£ 4.06	£ 4.42	£ 25.03	£ 18.03		£ 1.00		
Hackney Carriage Vehicle (New)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 13.15	£ 12.00			£ 1.20
Hackney Carriage Vehicle (Renewal)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 13.15	£ 12.00			£ 1.20
Private Hire Vehicle (New)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 8.49	£ 12.00		£ 1.08	
Private Hire Vehicle (Renewal)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 8.49	£ 12.00		£ 1.08	
Private Hire Operator NEW (1 Yr)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 12.84				
Private Hire Operator RENEWAL (1 Yr)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 12.84				
Private Hire Operator NEW (5 Yr)	£ 7.70		£ 4.78	£ 6.77	£ 7.36	£ 41.72	£ 38.53				
Private Hire Operator RENEWAL (5 Yr)	£ 7.70		£ 4.78	£ 6.77	£ 7.36	£ 41.72	£ 38.53				
Street Trading Consents (New & Renewal) ANNUAL	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Street Trading Consents (New & Renewal) ANNUAL (Trading upto 4 days a week)	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Street Trading Consents (New & Renewal) 3 Month	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Street Trading Consents (New & Renewal) Paripatetic	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Street Trading Consents (Town Centre Promotional)	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Street Trading Consents (Events)	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Street Trading Consents (Markets)	£ 7.70	£ 17.76	£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 48.38				
Sex establishments (New)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 15.93				
Sex establishments (Renewal)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 15.93				
Pleasure boats	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 22.45				
Boatmen	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 11.23				
Animal boarding establishments	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 5.23				
Home boarding establishments	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 5.23				
Dangerous Wild Animals	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 29.62				
Dog Breeding	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 29.62				
Pet Shops	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 3.70				
Riding Establishments	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 29.62				
Scrap Metal dealers (Premises)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 15.54				
Scrap Metal dealers (Collectors)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ 17.76				
Skin (Person)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ -				
Skin (Premises)	£ 7.70		£ 0.96	£ 1.35	£ 1.47	£ 8.34	£ -				

	22	23	24	25	26		27	28	29	30
Type of Licence	Additional Admin Fee (Taxis Only) Replacement Badges / plates, change of address, vehicles, etc.	Additional Admin fee (Taxis only) DVLA fee (3 year licenses) Drivers Only	Equipment Purchase Camera - Photo Id badges. £48.99 No of Lic Apps: 428	Recharges. (Excluding Legal) Total £ recharge / total No of licence applications. No of Lic Apps: 1559	Recharges. Legal Total £ recharge / total No of licence applications. No of Lic Apps: 1559	Recharges. Legal - Casework Recharges directly apportioned against Licence type. Total No of recharge Apps: 898	Adjustments Adjustments directly apportioned against Licence type.	Current Licence Fees	Total licence fee per unit	Licence Fee Rounded to nearest £
Hackney Carriage Driver (1 Yr)	£ 0.01		£ 0.11	£ 21.41	£ 0.84	£ 8.34	£ 34.38	£ 173.00	£ 124.01	£ 124.00
Hackney Carriage Driver (3 Yr)	£ 0.01	£ 10.00	£ 0.11	£ 21.41	£ 0.84	£ 8.34	£ 34.38	£ 373.00	£ 201.58	£ 201.00
Hackney Carriage Driver - Renewal (1 Yr)	£ 0.01		£ 0.11	£ 21.41	£ 0.84	£ 8.34	£ 34.38	£ 140.00	£ 117.88	£ 118.00
Hackney Carriage Driver - Renewal (3 Yr)	£ 0.01	£ 10.00	£ 0.11	£ 21.41	£ 0.84	£ 8.34	£ 34.38	£ 338.00	£ 195.45	£ 195.00
Private Hire Driver (1 Yr)	£ 0.01		£ 0.11	£ 21.41	£ 0.84	£ 7.50	£ 34.38	£ 173.00	£ 123.17	£ 124.00
Private Hire Driver (3 Yr)	£ 0.01	£ 10.00	£ 0.11	£ 21.41	£ 0.84	£ 7.50	£ 34.38	£ 373.00	£ 200.74	£ 201.00
Private Hire Driver - Renewal (1 Yr)	£ 0.01		£ 0.11	£ 21.41	£ 0.84	£ 7.50	£ 34.38	£ 140.00	£ 117.04	£ 118.00
Private Hire Driver - Renewal (3 Yr)	£ 0.01	£ 10.00	£ 0.11	£ 21.41	£ 0.84	£ 7.50	£ 34.38	£ 338.00	£ 194.61	£ 195.00
Hackney Carriage Vehicle (New)	£ 11.95			£ 21.41	£ 0.84	£ 19.87	£ 9.46	£ 96.00	£ 156.04	£ 156.00
Hackney Carriage Vehicle (Renewal)	£ 11.95			£ 21.41	£ 0.84	£ 19.87	£ 9.46	£ 96.00	£ 155.07	£ 156.00
Private Hire Vehicle (New)	£ 1.12			£ 21.41	£ 0.84	£ 11.04	£ 2.66	£ 91.00	£ 85.91	£ 85.00
Private Hire Vehicle (Renewal)	£ 1.12			£ 21.41	£ 0.84	£ 11.04	£ 2.66	£ 91.00	£ 84.94	£ 85.00
Private Hire Operator NEW (1 Yr)				£ 21.41	£ 0.84	£ 30.70	£ 2.28	£ 82.00	£ 111.34	£ 110.00
Private Hire Operator RENEWAL (1 Yr)				£ 21.41	£ 0.84	£ 30.70	£ 2.28	£ 82.00	£ 107.52	£ 110.00
Private Hire Operator NEW (5 Yr)				£ 21.41	£ 0.84	£ 30.70	£ 2.28	£ 300.00	£ 190.38	£ 190.00
Private Hire Operator RENEWAL (5 Yr)				£ 21.41	£ 0.84	£ 30.70	£ 2.28	£ 300.00	£ 186.56	£ 190.00
Street Trading Consents (New & Renewal) ANNUAL				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 332.00	£ 392.35	£ 393.00
Street Trading Consents (New & Renewal) ANNUAL (Trading upto 4 days a week)				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 332.00	£ 343.35	£ 344.00
Street Trading Consents (New & Renewal) 3 Month				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 332.00	£ 278.35	£ 279.00
Street Trading Consents (New & Renewal) Peripatetic				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 332.00	£ 239.35	£ 240.00
Street Trading Consents (Town Centre Promotional)				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 122.00	£ 188.97	£ 189.00
Street Trading Consents (Events)				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 180.00	£ 227.41	£ 228.00
Street Trading Consents (Markets)				£ 21.41	£ 0.84	£ 45.46	£ 27.06	£ 1,800.00	£ 1,612.41	£ 1,613.00
Sex establishments (New)				£ 21.41	£ 0.84	£ 100.38	£ 34.61	£ 198.00	£ 290.53	£ 291.00
Sex establishments (Renewal)				£ 21.41	£ 0.84	£ 100.38	£ 34.61	£ 111.00	£ 259.86	£ 260.00
Pleasure boats				£ 21.41	£ 0.84	£ 2.50	£ 39.06	£ 127.00	£ 181.95	£ 182.00
Boatmen				£ 21.41	£ 0.84	£ 2.50	£ 39.06	£ 82.00	£ 150.57	£ 151.00
Animal boarding establishments				£ 21.41	£ 0.84	£ 10.34	£ 66.05	£ 220.00	£ 210.57	£ 211.00
Home boarding establishments				£ 21.41	£ 0.84	£ 10.34	£ 32.78	£ 130.00	£ 151.97	£ 152.00
Dangerous Wild Animals				£ 21.41	£ 0.84	£ 2.50	£ 0.50	£ 220.00	£ 185.91	£ 186.00
Dog Breeding				£ 21.41	£ 0.84	£ 46.93	£ 51.14	£ 220.00	£ 243.98	£ 244.00
Pet Shops				£ 21.41	£ 0.84	£ 8.06	£ 50.47	£ 220.00	£ 180.63	£ 181.00
Riding Establishments				£ 21.41	£ 0.84	£ 46.93	£ 51.14	£ 220.00	£ 256.65	£ 257.00
Scrap Metal dealers (Premises)				£ 21.41	£ 0.84	£ 2.50	£ 93.23	£ 306.00	£ 236.53	£ 237.00
Scrap Metal dealers (Collectors)				£ 21.41	£ 0.84	£ 2.50	£ 93.23	£ 225.00	£ 197.41	£ 198.00
Skin (Person)				£ 21.41	£ 0.84	£ 4.02	£ 30.51	£ 145.00	£ 121.26	£ 122.00
Skin (Premises)				£ 21.41	£ 0.84	£ 2.50	£ 30.51	£ 171.00	£ 145.08	£ 146.00

LICENSING REGULATORY COMMITTEE		Part One (D) Agenda Item 8
Date of Meeting:	10th March, 2016	
Reporting Officer:	Senior Licensing Officer	
<p>Title: Application for removal of a condition on a Street Trading Consent</p> <p>Summary:</p> <p>The Licensing Authority has received an application for a Street Trading Consent for a stationary mobile catering unit, to be sited on St Andrews Way, Furness Business Park.</p> <p>If Members decide to grant this application they will have to remove a condition on the consent which restricts the time in which street traders can remain in a particular area.</p>		

1. Purpose of Report

The Licensing Authority has received an application for a Street Trading Consent from Miss Jenny Ireland.

Miss Ireland's application is for a stationary catering van to be sited at St. Andrews Way on Furness Business Park. It is her intention to sell fast food. Such stationary trading contravenes a condition attached to street trading consents; therefore the removal of this condition is required if Members decide to grant the consent.

A copy of the map showing the area in which Miss Ireland has applied to trade is attached at **Appendix 5**.

2. Background

Barrow Borough Council operates a consent scheme for street trading. Trading within the Borough is prohibited without obtaining the consent of the Council.

Consents are issued subject to a set of standard conditions and can be granted for a period not exceeding 12 months. Miss Ireland has applied for a 12 month Street Trading Consent.

Consents are renewable on the expiry of the licence period, unless a Trader ceases to exist trading.

Upon application in writing to the Council, as required by Paragraph 7 of Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982, the

Council may grant consent if they think fit, and may attach such conditions to it as they consider reasonably necessary. These conditions are attached to this report at **Appendix 6**.

Condition number 12 states that:

The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.

Therefore Members' approval is needed to remove this condition from the Street Trading Consent if they decide to grant one in this case

3. Representations

As part of the application procedure the Licensing Authority consults with the Planning Department, Trading Standards, Cumbria Constabulary and Cumbria Highways.

At the time of writing the report no representations have been received from consultees.

Miss Ireland has been invited to attend the Licensing Regulatory Committee to make a representation in support of her application.

4. Options

Options available to Members today are:

- a) Grant the Street Trading Consent and approve the removal of condition 12; or
- b) Reject the application for a Street Trading Consent.

5. Recommendation

It is the Officer's recommendation that Members **GRANT** the Street Trading Consent for a period of 12 months and approve the removal of condition number 12.

6. Reasons for Recommendation

- a) Paragraph 7 of Schedule 4 of the Local Government Miscellaneous Provisions) Act 1982 allows the Council to grant consent if it sees fit to do so. The Council may impose conditions upon the consent.
- b) Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months.
- c) Miss Ireland has applied for Street Trading Consent in a street that is not prohibited.

- d) The consent would not be subjected to any planning restrictions, as long as the catering unit was removed from the site at the end of each day.

7. Considerations

(i) Legal Implications

The street in question has been designated by the Council as a consent street for street trading purposes under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Paragraph 7 of Schedule 4 of the Local Government Miscellaneous Provisions Act 1982 allows the Council to grant consent if it sees fit to do so.

Paragraph 7(4) allows the Council to attached such conditions as they consider reasonably necessary.

Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months.

This application has met the requirements set out in Schedule 4, Local Government (Miscellaneous Provisions) Act 1982.

Other than Judicial Review there is no statutory right of appeal against the Council's decision.

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

Not Applicable

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

The Licensing Authority has consistently brought businesses of this nature before the Licensing Regulatory Committee for decision for the removal of condition number 12 on street trading consents.

(vi) Other Human Rights

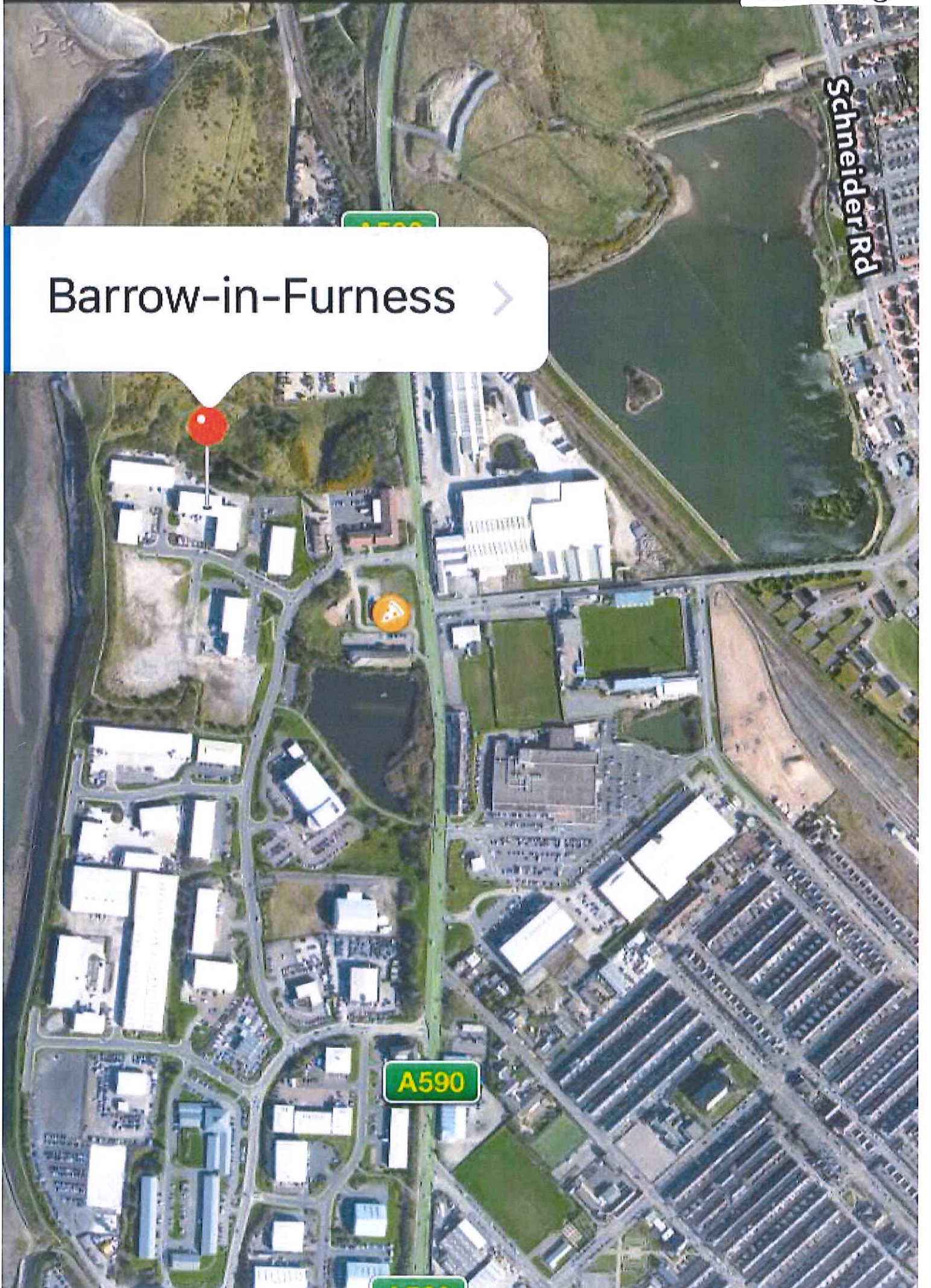
All applicants for a licence/consent have a right to a fair and public hearing.

(vii) Health and Well-being Implications

None identified

Background Papers

Nil



Schneider Rd

Barrow-in-Furness >

A590



**BARROW-IN-FURNESS BOROUGH COUNCIL
ENVIRONMENTAL HEALTH DEPARTMENT
TOWN HALL
DUKE STREET
BARROW-IN-FURNESS
CUMBRIA LA14 2LD**

STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A STREET TRADING CONSENT

LICENCE NO: «refno»

1. This consent operates from the dates as shown on the attached Consent.
2. It is personal to (the Trader) and cannot be assigned or sublet.
3. The registration number(s) of the Trader's vehicle(s) is/are as the attached Consent. If the Trader changes any vehicle, or his address, the new registration number or new address shall be endorsed hereon.
4. The Trader's name and address shall be stated clearly on the nearside of the vehicle at the front and the vehicle shall not be used unless this name and address is the correct one for the Trader for the time being.
5. The Trader(s) vehicle(s) shall at all times be available for inspection, and in the case of food businesses the Trader shall at all times comply with the relevant food hygiene legislation currently the Food Safety (General Food Hygiene) Regulations, 1995 and in any event with any legislation affecting the same.
6. If the Trader's vehicle is to be under the control of a person other than the Trader personally, the name and address of such person shall be given to the Council, together with details of the relationship.
7. No Trader or his vehicle shall cause any nuisance and in particular shall not trade in any prohibited street, currently:

All those streets in the Town Centre of Barrow-in-Furness bounded by and including Ramsden Street, The Strand, Hindpool Road, Abbey Road, Duke Street, Hawke Street, Collingwood Street, Dryden Street, Station Approach and the main railway line, together with Thorney Nook Lane, Biggar Bank Road, Beach Crescent, Ocean Road between its junction with Biggar Bank Road and its junction with Carr Lane, Sandy Gap Lane, West Shore Road between Earnse Point and its junction with Cows Tarn Lane, the Coast Road from Rampside Road roundabout to the Borough boundary and Manor Road between its junction with Abbey Approach and its junction with Parkhouse Road.

Also, all the streets on Barrow Island, Rating Lane (from the junction with Abbey Road to the junction with Flass Lane), Manor Road (from the junction with Rating Lane to the junction with Abbey Approach), Croft Park Grove, Croslands Park (from the junction with Rating Lane to the roundabout in Croslands Park, Meadowlands Avenue, Highlands Avenue, Lesh Lane, Rising Side.

The pedestrianised areas of Dalton Road and Portland Walk are designated as 'Consent Streets' and to trade in these areas it is necessary to obtain a special consent which is granted by the Licensing Committee.

8. The Trader shall have the responsibility for the collection and removal of litter arising from his activities.
 9. The Council may amend the terms of this consent by seven days' notice in writing to the Trader at the above address. If the Trader wishes, he can terminate this consent at the expiry of such seven days' notice and claim a refund of the unexpired fee.
 10. This consent may be terminated immediately for breach of any of the conditions, and upon any termination (save as in Clause 9) no refund shall be made.
 11. The vehicle(s) shall at all times be in a roadworthy condition.
 12. The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.
 13. The trader must not operate his/her business after 8.00 pm each day.
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