



Licensing Committee

Agenda

Part One

Council Chamber - Town Hall

Tuesday, 11 November 2014 at 7.00 pm

Membership (Quorum – 3)

Councillors

Cllrs Barrett (Chair), Newberry (Vice-Chair), Mrs Cohen, Mrs Henwood, Mrs Hubbard, Lloyd, Mrs Murphy, Mynott, Dr Naylor, Reed, Russell and Tee

Committee Co-ordinator: Jean Sharp (01277 312655)

Additional Information:

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Substitutes for quasi judicial Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a quasi judicial Committee it will not be filled until the nominated member has been trained.

Rights to attend and speak

Any Member may attend any body to which these Procedure Rules apply.

A Member who is not a member of the committee may speak at the meeting if they have given prior notification by no later than one working day before the meeting to the Chair and advised them of the substance of their proposed contribution.

The member may speak at the Chair's discretion, it being the expectation that a member will be allowed to speak on a ward matter.

Point of Order/Personal explanation/Point of Information

8.3.14 Point of order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

8.3.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

8.3.16 Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

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Private Sessions

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

Part I

(During consideration of these items the meeting is likely to be open to the press and public)

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8	Urgent Business An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.		

A handwritten signature in black ink, appearing to read "J. Kennedy". The signature is written in a cursive, slightly slanted style.

Acting Chief Executive

Town Hall
Brentwood, Essex
03.11.2014



Minutes

Licensing Committee Monday, 13th October, 2014

Attendance

Cllr Barrett (Vice-Chair)	Cllr Newberry
Cllr Mrs Henwood	Cllr Reed
Cllr Mrs Murphy	Cllr Russell
Cllr Dr Naylor	Cllr Tee

Apologies

Cllrs Mrs Cohen and Mrs Hubbard

Substitutes Present

Cllrs Keeble and Le-Surf

Officers Present

Ashley Culverwell	Head of Borough Health Safety and Localism
Gary O'Shea	Principle Licensing Officer
Jean Sharp	Governance and Member Support Officer

163. Apologies for Absence

Apologies were received from Cllr Mrs Cohen and Cllr Mrs Hubbard.

164. Urgent Business - Appointment of Vice-chair

Members were advised that Cllr Mrs Cohen had stood down as Chair of the Licensing Committee and therefore Cllr Barrett chaired the meeting.

Cllr Barrett requested nominations for a Vice-chair for this meeting only. Cllr Mynott nominated and Cllr Keeble seconded Cllr Newberry and Cllr Tee nominated and Cllr Mrs Henwood seconded Cllr Reed.

A vote was taken on a show of hands and Cllr Reed was appointed Vice chair for the duration of the meeting.

165. Minutes of previous meetings: 26.3.14 Licensing Committee and 22.8.14 Licensing Sub-committee

The minutes of the 26.3.2014 Licensing Committee and the 22.8.2014 Licensing Sub-committee were approved and signed by the Chair as a correct record.

166. Hackney Carriage Proposed Tariff Change

This report before Members gave background information to enable them to consider an application received via the Taxi Trade Consultative Group (TTCG) for an increase in the maximum fares permitted to be charged by licensed Hackney Carriage Vehicles within the Borough of Brentwood.

Details of charges made by other Essex Authorities were provided for benchmarking purposes only and Members were reminded that their decision needed to be made on local circumstances only.

Members discussed the proposed charges and expressed concern at the large increase in relation to current charges.

Cllr Barrett MOVED recommendation 2.1a) in the agenda:

That Members agree in principle the increase in the maximum fare/tariff as attached at Appendix A, to be advertised in accordance with the relevant legislative requirements; and that the increased tariff should come into force at the end of a period of 14 days from the first date of advertisement if no objections are received; or be reported back to Licensing Committee for further determination on 11 November 2014 if one or more objections are received.

There was no SECONDER.

Cllr Reed MOVED and Cllr Russell SECONDED recommendation 2.1b) and it was RESOLVED:

That Members refuse the application to increase the fare tariffs at this time in favour of retaining the current table of maximum fares/tariff as adopted in July 2011.

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11 November 2014

Licensing Committee

Mobile Homes Licensing

Report of: Head of Borough Health, Safety & Localism

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The Government has introduced a new scheme for licensing of mobile home sites which more closely aligns the licensing provisions under the Caravan Sites & Control of Development Act 1960 with other local authority licensing regimes in order to improve site conditions and ensure that residents' health and safety is better protected.
- 1.2 Mobile homes used for permanent residential accommodation with full planning permission in the Borough will require an annual licence. The Council will be able to recover the costs of administration and inspection of sites under the new licensing arrangements. This report seeks to establish the licensing arrangements to be implemented for the Borough.

2. Recommendations

- 2.1 Members agree to implement a scheme for Mobile Homes Licensing under the changes brought in under the Mobile Homes Act 2013 in the Brentwood Borough.**
- 2.2 Officers are authorised to establish and administer such a scheme.**
- 2.3 Members agree to adopt the Fee Policy in Appendix A of the report.**
- 2.4 The Head of Borough Health, Safety and Localism and any officers nominated by him are delegated authority to administer and enforce the powers brought in under the Mobile Homes Act 2013.**

3. Introduction and Background

- 3.1 The Mobile Homes Act 2013 has been introduced to enable local authorities to monitor residential park home and caravan site licence compliance more effectively to ensure that residents' health and safety is better protected. These changes apply to 'relevant protected sites' as

defined in the legislation and guidance issued by the Department for Communities and Local Government (DCLG). Any licensable caravan site will be a 'relevant protected site' unless it is specifically exempted from being so, e.g. if it is for holiday use or there is a restriction on use as permanent residential.

- 3.2 This report proposes to introduce a licensing scheme for mobile home sites in the Borough, (which will include Gypsy and Traveller sites with permanent planning permission).
- 3.3 Existing sites which are licensed under the Caravan Sites and Control of Development Act 1960 will not need to apply for a new site licence but will be transferred to come under the new provisions brought in by the Mobile Homes Act 2013 at no additional charge.
- 3.4 The Council will be able to charge fees for applications for a site licence and for the administration and monitoring of site licences, which will include annual site inspections. Annual fees will not cover enforcement of breach of conditions, recovery of expenses, serving of legal notices and dealing with sites that do not need licensing.
- 3.5 Where a local authority decides to charge fees these must be published in its Fee Policy document and must be transparent and reasonable. The draft Fee Policy document is attached at Appendix A.
- 3.6 A fee can be charged for:
 - applications to grant a new licence
 - applications to transfer or amend an existing licence
 - annual licence fees for administering and monitoring existing site licences
 - depositing of site rules including first and subsequent deposits as a consequence of variations
 - serving of enforcement notices and recovery of costs incurred
- 3.7 The Council can include all reasonable costs such as administrative costs, site visits, travelling, consultations, meetings etc. when determining their fees. The fee levels in the draft Fee Policy have been calculated based on the estimated time and cost in undertaking the activities involved. A breakdown of how the costs have been estimated is included within the draft Fee Policy document. The actual costs incurred will be identified during 2015/16, which will inform the review process for the Fee Policy.
- 3.8 Where the Council makes a charge they must review the costs of administering the licence scheme to ensure that costs are covered by fees

received; annual fees may be adjusted to take account of any surpluses or deficits – the Council can only pass on to the site owner their costs in carrying out its licensing functions.

- 3.9 Proposed fees are based on a banding system similar to other Essex authorities, based on the number of pitches on each site. The largest site currently in Brentwood falls into Band C (11-50 pitches).
- 3.10 Details of the arrangements for the various fees are contained in the draft Fee Policy document at Appendix A.
- 3.11 The new legislation allows for improved powers for enforcement action in order to improve conditions on sites where standards are not maintained. In Brentwood, as a result of the low number of sites, which are mainly small sites owned by the occupiers, it is not anticipated that enforcement powers will be often used unless alternative informal means of action are ineffective. The Fee Policy includes an hourly rate of £35.79 per hour, which will be used as the basis for charging for enforcement action.

4. Issue, Options and Analysis of Options

- 4.1 The options available to Members are primarily concerning fees. The Council has discretion on whether to charge fees, and if so, whether fees should be applied to all 'relevant protected sites' in the Borough.
- 4.2 The Council also has discretion on whether to exempt certain categories of site from payment, but will have to justify any such decisions, e.g. based on risk or cost. The Government Guidance on Fees is quoted below:

'Exempting certain types of site

Whilst adopting a Fee Policy a local authority can decide to exempt certain categories of sites from payment. A local authority must however be able to justify any such decisions - which will usually be due to risk and, or cost.

Any exemption must be rational, objective and consistent. The exemptions must be set out in the fee policy. Site categories which are exempted can subsequently be brought within the charging structure by a change to the fee policy.

Importantly too, a local authority should not charge higher fees for non-exempted sites to cover its costs in relation to licensing functions for those sites that are exempted from payment.

A local authority may consider exempting the following types of sites:

- Certain sites based on a minimum size – this may be single unit sites or sites of a size less than a given figure e.g. 3 or 5. The rationale for exempting such sites being that they are low risk, they tend to be family run sites which are not run as a business, they are rarely, if ever, the subject of complaints and the cost of inspection is outweighed by the cost of administering any charges.
- Sites that are not run as a business, again justified as above – this would include family run sites and typical small Gypsy Roma and Traveller sites. However, consideration needs to be given as to how you would quantify/ define 'family site' and the evidence required to show that a site was not a family run site and was instead a business when challenged otherwise. On balance this is considered a problematic category and is not recommended.
- Gypsy Roma and Traveller (GRT) sites – some local authorities currently have little involvement with these sites and some do not even impose conditions. There may be a presumption that administering and recovering charges on these sites would be problematic. Even if no fees are charged the local authority still has a duty to license such sites and has powers of enforcement. There may be an expectation that enforcement action will be taken- in particular in respect of fire safety where the enforcing responsibility usually rests with the local authority and not the fire service under the Fire Safety Order (whereas on traditional residential park home sites the Order is relevant for common parts). Local authorities may consider the most sensible option to assess GRT sites against the same criteria as the traditional sites. So all sites of a minimum size (say less than 5) are exempt from charging, whilst all sites, including GRT sites, above a certain size are included.

In considering any Fee Policy, a local authority has full scope to consider the particular types and sizes of sites and issues on its district, so it can frame its policy accordingly, including exemptions to suit. It can also exempt by way of type of fee payable (i.e. application or annual fees) generally or specifically in relation to categories of sites'.

- 4.3 There are currently approximately 10 sites in the Borough which are currently licensed or are licensable. Of these the majority are small sites

with less than 10 pitches, occupied by Gypsy and Traveller families who have obtained permanent planning permission. Sites without permanent permission or unauthorised sites are **not** considered to be 'relevant protected sites' within the definition of the Act and will not be licensable.

4.4 Options available for Members to consider are:

1. Whether or not to charge for licensing functions under the Act.
2. Whether to charge all sites within the bandings proposed, or to exclude either single pitch sites or smaller sites where less work will be required to administer and inspect under the licensing scheme.
3. Whether to amend the bandings suggested in the draft Fee Policy.
4. Whether to fix different fees in different cases.
5. Whether to determine that no fee is required in some cases, such as low risk sites.

4.5 The implications of not charging for mobile home site licensing will mean that approximately £2000 per annum would not be recovered from annual licence fees. The Council tax payer would therefore be paying for the cost of this service putting additional strain on existing resources through this additional work. There would also be a limited amount of additional income for issuing new site licences where an existing site licence has not been issued previously which would not be recovered. The fees for the various licensing activities calculated on a cost recovery basis are shown in the table below:

	Band A	Band B	Band C	Band D
Number of pitches	1 to 5	6 to 10	11 to 50	51 to 100
Annual Fee	£152.11	£274.51	£355.04	£477.08
New site licence application fee	£316.03	£393.69	£474.22	£566.56
Transfer of site licence fee	£125.27	£134.21	£143.16	£152.11
Amendment of site licence fee	£176.09	£199.71	£217.60	£247.67
Checking & Registering Site Rules	£116.32	£116.32	£116.32	£116.32

4.6 Similar considerations apply to exempting certain sites or bandings from charges. It is recognised however that smaller sites will have a disproportionately higher cost per pitch compared to larger sites; where the site is occupied by a single family this could have a financial impact.

- 4.7 Some of the other authorities in Essex including Chelmsford and Epping have exempted smaller sites from annual site licensing charges (but not from other licensing fees) as a result of the limited Council involvement following issuing a licence and the administrative costs in recovering fees, as indicated in the Government guidance quoted above.
- 4.8 Members may wish to consider whether it is appropriate to exempt smaller sites, with less than 5 pitches, from the requirement to pay an annual licence fee, on the basis that in Brentwood these sites are low risk, generally occupied by single families and are not run as a business. The effect of this exemption would be to reduce potential annual fee income by approximately £1500.

5. Reasons for Recommendation

- 5.1 The Mobile Homes Act 2013 has been implemented to regulate and improve health and safety and site conditions for mobile home occupiers and updates the legislation for residential sites.
- 5.2 It is therefore recommended that Members establish a scheme for Brentwood Borough and that appropriate charges are made for the issue of licences under the scheme.
- 5.3 It is also recommended that charges for the issue of new licences, transfer and amendment of licences and for annual licences are made, in accordance with the banding and fees set out in the draft Fee Policy, in order that appropriate costs of licensing activities are recovered by the Council.

6. Consultation

- 6.1 Consultation documents were prepared and delivered to the relevant sites within Brentwood for the site occupiers. In addition copies were sent to the site owners, to representatives of Gypsy and Traveller groups in the Borough, Party Leaders, Committee Members and Parish Councils and to the Essex Countywide Traveller Unit (ECTU).
- 6.2 Prior to circulation of the consultation, Party Leaders were given the opportunity to suggest changes to its content; none were received.
- 6.3 A summary of the responses received is contained in the table at Appendix 3. The consultation period closed on 31st October 2014. The

majority of the respondents were site occupiers, (one site owner) with all in favour of using the banding system incorporated in the draft Fee Policy. There was a consensus that the proposed annual licence fees were fair and that the Council should charge for licensing. There was no overall view whether single pitch sites should pay an annual licence fee but the opinion was that sites of less than 5 pitches should pay annual fees.

7. References to Corporate Plan

7.1 Housing, Health & Wellbeing

7.2 We will support vulnerable homeowners and responsible landlords to improve housing conditions and will compel rogue landlords to improve standards.

8. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email: 01277 312712, jo-anne.ireland@brentwood.gov.uk

8.1 The recommended fees have been calculated on a cost recovery basis, and as such could generate additional income of £1938 per annum.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer

Tel & Email: 01277 312860, christopher.potter@brentwood.gov.uk

8.2 The Council is the licensing authority and as such has powers under the amended provisions of the Caravan Sites and Control of Development Act 1960 which are intended to raise standards in the industry.

8.3 By seeking to introduce the scheme and fees, the Council is discharging its obligations in accordance with the statutory purpose of the Mobile Homes Act 2013 which introduced such amendments.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.4 Equality and Diversity

8.5 Many of the residents on mobile home sites are elderly and may be on low income. The majority of the smaller sites in the Borough are occupied

by members of the local Gypsy Roma and Traveller community who have settled in Brentwood and obtained permanent planning permission.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 Mobile Homes Act 2013 – new licensing enforcement tools
Advice for Park Home Site Owners
Department for Communities and Local Government

9.2 The Mobile Homes Act 2013
A Guide for Local Authorities on setting site licence fees
Department for Communities and Local Government

9.3 Park Homes: Site licensing
Department for Communities and Local Government

10. Appendices to this report

Appendix A - Brentwood Borough Council Draft Fee Policy
Appendix B - Mobile Homes Act 2013 Public Consultation
Appendix C - Consultation responses

Report Author Contact Details:

Name: David Carter

Telephone: 01277 312509

E-mail: david.carter@brentwood.gov.uk

Brentwood Borough Council Draft Fee Policy

Mobile Home Site Licensing

1.0 Introduction

- 1.1** Brentwood Borough Council ('the Council') has powers under the Caravan Sites and Control of Development Act 1960 (the Act) to grant caravan site licences for sites that have planning permission. The Act has now been amended by the Mobile Homes Act 2013 (the 2013 Act) to enable the Council to issue licences in respect of 'relevant protected sites' and to charge fees for the provision of their licensing functions.
- 1.2** A 'relevant protected site' is defined as any land to be used as a caravan site other than one where a licence is:
- Granted for holiday use only
 - In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).
 - It does not include sites that are owned by the local authority.
- 1.3** Relevant protected sites will include residential parks, mobile home parks and Gypsy and Traveller sites.
- 1.4** Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:
- must act in accordance with their fees policy
 - may fix different fees in different cases
 - may determine that no fee is required in some cases.
- 1.5** It is recommended that a local authority take into account the following matters on which costs are incurred (or likely to be incurred) (by whichever department, including costs incurred by contracting out) when determining its fee policy for consideration of applications for the grant or transfer of a site licence:
- Considering applications for the issue or transfer of a site licence
 - Initial enquiries
 - Letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process
 - Sending out forms
 - Updating hard files/ computer systems
 - Updating the EU Directive website if appropriate

- Processing the licensing fee
- Land registry searches
- Time for reviewing necessary documents and certificates
- Downloading photographs
- Preparing reports on contraventions
- Preparing draft and final licences
- Review by manager or lawyers; review any consultation responses from third parties
- Updating public register
- Carrying out any risk assessment process considered necessary
- Reviews of decisions or in defending appeals.

1.6 In addition a local authority will need to make such inquiries as are necessary in connection with the application, such as those relating to:

- Management and financial standing
- Outstanding licensing issues and debts; and
- Undertakings.

1.7 All time taken in establishing the information required to make an informed decision will be allowed to be included in the licence fee, whether or not the transfer or new licence is allowed.

1.8 The fee levels have been calculated based on an estimate of the time and costs involved in undertaking the various activities involved; the fee scales have been based on a 'banding' of sites according to the number of pitches.

1.9 The proposed fees for the period 1st April 2015 to 31st March 2016 for each band are shown below:

	Band A	Band B	Band C	Band D
Number of pitches	1 to 5	6 to 10	11 to 50	51 to 100
Annual Fee	Exempt	£274.51	£355.04	£477.08
New site licence application fee	£316.03	£393.69	£474.22	£566.56
Transfer of site licence fee	£125.27	£134.21	£143.16	£152.11
Amendment of site licence fee	£176.09	£199.71	£217.60	£247.67
Checking & Registering Site Rules	£116.32	£116.32	£116.32	£116.32

2.0 Charging arrangements

- 2.1** This policy comes into effect on 1st April 2015 and the date annual charges will be due is 1st April 2015
- 2.2** Where an annual site licence is payable, the request for payment will be made in April each year and must be paid to the Town Hall within 28 days from the date of issue.
- 2.3** Payment in full of all fees shall be made with any application for a new site licence, for amending a site licence or for transferring a site licence.
- 2.4** Where a payment due to the Council has not been made, the Council may apply to the Residential Property Tribunal, for an order requiring the licence holder to pay the Council the amount due by the date specified in the Order.
- 2.5** Where a licence holder fails to comply with such an Order within the period of 3 months from the date of the Order, the Council may apply to the Tribunal for an Order revoking the site licence.
- 2.6** A licence holder has the right to apply to the Tribunal where they disagree with the licence fee being charged.
- 2.7** The Fee Policy will be kept under review and a new policy will be published when revisions are made.
- 2.8** Any fees charged must fairly cover the costs (or part of the costs) incurred by a local authority under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.
- 2.9** The fee scales have been calculated for this year on the basis of the predicted time taken to carry out the relevant administrative and inspection duties multiplied by an hourly rate. Each year the council will assess its previous costs to check that they were accurate. Where a deficit appears because expenditure was more than anticipated the shortfall will be reflected in the fee charged to the site owner in the next year. Similarly, where a surplus is made the fee for the following year will be reduced by that amount.
- 2.10** The legislation allows the site owner to pass the annual licence fee on each year to residents through their annual 'pitch fees'. If the Council's annual licence fees increase in subsequent years the proportion of the charge that that can be passed on is limited to the amount of the charge imposed in the first year and any subsequent Retail Price Index increases will be applied to it. Only the annual fees can be passed on to site residents.

3.0 Enforcement action

- 3.1** Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on the hourly rate detailed below, in addition to any other costs incurred.

Hourly rate for enforcement costs = £35.79

- 3.2** If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.
- 3.3** If any prosecution were successfully taken, the council would have the power to carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.
- 3.4** The tables following show the time allocations for each activity identified for the licensing functions and the total fees to be charged.

Annual Site Licence - Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Programme visits send appointment letters and request certain info	15	15	15	15
Check documentation requested/chase	15	15	15	15
Input on IDOX	5	5	5	5
Check history and recent correspondence	5	10	15	20
Site inspection	30	120	180	300
Travel time	30	30	30	30
Download photos; put file notes on IDOX	20	30	40	60
Prepare report of contraventions	15	40	50	60
letter to site owner confirming satisfactory or agreed works over time	15	15	15	15
Add details to IDOX	5	5	5	5
Programme revisit date; inform site owner	10	10	10	10
E mail and telephone enquiries with residents/ site owner	10	20	30	40
Re -visit	10	60	90	120
Travel time	30	30	30	30
Prepare report of contraventions	15	30	40	50
Letter to site owner, confirming satisfactory or outstanding works. If o/s continue towards separate enforcement	15	15	15	15
Update IDOX	10	10	10	10
Total time	255	460	595	800
Total time (hours)	4.25	7.67	9.92	13.33
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total annual charge to site owner (£)	£152.11	£274.51	£355.04	£477.08

Application For New Site Licence- Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Enquiry received re-application process and forms sent out with covering letter inviting site visit	30	30	30	30
Create licensing worksheet on IDOX	10	10	10	10
Check planning status and any conditions	30	30	30	30
Check any previous history to new site/ adjacent land	15	15	15	15
Update IDOX	5	5	5	5
Appointment arranged to visit site	10	10	10	10
Meet site owner on site and carry out inspection; give advice re conditions and application form and documents required	60	90	120	180
Travel time	30	30	30	30
Update IDOX file notes and download photos	20	30	40	60
Application form received update IDOX	5	5	5	5
Check application is complete; signed; fee included; documents included	40	40	40	40
Process the fee and send out receipt to owner	20	20	20	20
Update fields on IDOX and attach application form and docs. to worksheet	10	10	10	10
Check certificates for gas, electricity, fire risk assessment	20	20	20	20
Check Land Registry- owner details	10	10	10	10
Review documentation; check suitability of site and site owner :management and financial standing; outstanding licensing issues and debts; undertakings (as set by new Regs)	10	30	90	90
Clarification of any matters with new owner	20	20	20	20
Update licensing sheet on IDOX; attach all documents	15	15	15	20
Produce draft licence and site licence conditions (slc) with cover letter detailing works identified as necessary following site inspection	30	60	60	90
Update IDOX	10	10	10	10
Discussions with site owner re works/ conditions, including any requests to amend.	15	30	45	60
Draft new site licence with slc attached,	15	15	15	15
Send site licence and slc to owner; update IDOX and attach documents	15	15	15	15
Update site licence register on system and hard file	10	10	10	10
Inspect site against slc, note breaches	15	30	45	60
Travel time	30	30	30	30
Update IDOX; download photos	5	15	20	30
Update IDOX and record next inspection date	15	15	15	15
Letter to site owner advising of procedure for annual inspections and next programmed visit	10	10	10	10
Total time	530	660	795	950
Total time (hours)	8.83	11.00	13.25	15.83
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total charge to site owner (£)	£316.03	£393.69	£474.22	£566.56

Application to Transfer Site Licence - Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Enquiry received and application form sent out with cover letter	15	15	15	15
Create worksheet on IDOX and update licensing file on IDOX	15	15	15	15
Application form received; check it is a full and proper application, complete, signed and fee included	30	30	30	30
Process the fee and send out receipt to owner; request standard documentation	20	20	20	20
Update fields on IDOX worksheet and licensing file on IDOX; attach application form and docs.	20	20	20	20
Check Land Registry- confirm applicant is the owner of the land; update IDOX	10	10	10	10
Review documentation; check suitability of site and site owner :management and financial standing; outstanding licensing issues and debts; undertakings (as set by new Regs)	15	30	45	60
Clarification of any matters with new owner	10	10	10	10
Re -draft the site licence	20	20	20	20
Check details of last site inspection and note any outstanding breaches/ outstanding Compliance Notices	10	10	10	10
Send new site licence to the site owner with details of outstanding breaches, copies of Compliance Notices with timescales for compliance. Advise of next programmed site inspection date.	20	20	20	20
Add new licence to electronic folder and update IDOX; attach all docs	15	15	15	15
Update site licence register on system and hard file	10	10	10	10
Total time	210	225	240	255
Total time (hours)	3.5	3.75	4	4.25
Hourly rate	£35.79	£35.79	£35.79	£35.79
Total charge	£125.27	£134.21	£143.16	£152.11

Application to Amend Site Licence- Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Enquiry received and application form sent out with cover letter	15	15	15	15
Create worksheet on IDOX and update licensing file on IDOX	15	15	15	15
Application form received; check it is a full and proper application, complete, signed and fee included	30	30	30	30
Process the fee and send out receipt to owner	20	20	20	20
Update fields on IDOX worksheet and licensing file on IDOX; attach application form and docs.	20	20	20	20
Consider requested amendment; check new planning permission and conditions	30	30	30	30
Appointment arranged to visit site	10	10	10	10
Check details of last site inspection and note any outstanding breaches/ outstanding Compliance Notices	5	10	10	10
Visit the site to check relevant amendments to site licence e.g. new site boundary, new units and note any existing breaches	30	45	60	90
Travel time	30	30	30	30
Update IDOX file notes and download photos	5	15	20	30
Clarification of any matters with site owner/ third parties	20	20	20	20
Re-draft the site licence	20	20	20	20
Send new amended site licence to the site owner with details of outstanding breaches, copies of Compliance Notices with timescales for compliance. Advise of next programmed site inspection date.	20	30	40	50
Add new licence to electronic folder and update IDOX; attach all docs	15	15	15	15
Update site licence register on system and hard file	10	10	10	10
Total time	295	335	365	415
Total time (hours)	4.92	5.58	6.08	6.92
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total charge to site owner (£)	£176.09	£199.71	£217.60	£247.67

Checking & Registering Site Rules- Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Receipt of site rules, check legal procedure followed and no banned rules included	90	90	90	90
Calls with residents & site owners	30	30	30	30
Check for outstanding appeals	15	15	15	15
Confirmation letter to site owner	30	30	30	30
Update records, register and website	30	30	30	30
Total time	195	195	195	195
Total time (hours)	3.25	3.25	3.25	3.25
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total charge to site owner (£)	£116.32	£116.32	£116.32	£116.32

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Brentwood Borough Council Mobile Homes Act 2013 Public Consultation

The Mobile Homes Act 2013 has been introduced to enable local authorities to monitor residential park home and caravan site licence compliance more effectively to ensure that residents' health and safety is better protected. These changes apply to 'relevant protected sites' as defined in the legislation and guidance issued by the Department for Communities and Local Government (DCLG). Any licensable caravan site will be a 'relevant protected site' unless it is specifically exempted from being so, e.g. if it is for holiday use or there is a restriction on use as permanent residential.

The Council is proposing to introduce the licensing scheme in Brentwood, which will enable us to issue new site licences for mobile home sites in the Borough.

Existing caravan sites, licensed under the old legislation, will not need to apply for a new licence under the Mobile Homes Act 2013. The site licence will be deemed to have been transferred to come under the new Act. The Council may only issue a licence for a site with planning permission for the use.

The Council will be able to charge fees for applications for a site licence and for the administration and monitoring of site licences, which will include annual site inspections. Annual fees will not cover enforcement of breach of conditions, recovery of expenses, serving of legal notices and dealing with sites that do not need licensing.

Where a local authority decides to charge fees these must be published in its Fee Policy document and must be transparent and reasonable; the aim of this consultation is to seek your views on the proposed Fee Policy for Brentwood Borough.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend an existing licence
- annual licence fees for administering and monitoring existing site licences
- depositing of site rules including first and subsequent deposits as a
- consequence of variations
- serving of enforcement notices and recovery of costs incurred

The Mobile Homes Act provisions allow a local authority to include all reasonable costs such as administrative costs, site visits, travelling, consultations, meetings etc. when determining fees. The fee levels have been calculated based on the estimated time and

cost in undertaking the activities involved and cover the period from 1st April 2014 to 31st March 2015.

The Council must review the costs of administering the licence scheme to ensure that all costs are covered by fees received; annual fees may be adjusted to take account of any surpluses or deficits – the Council can only pass on to the site owner their costs in carrying out its licensing functions.

In several other authority areas it was felt appropriate to make smaller sites exempt from annual fees (but no other licensing fees) as these lower risk sites were considered less onerous to inspect and collecting annual fees from them would not be cost effective; we are therefore also consulting on opinion whether charges should be made for sites occupied by a single pitch and/or by up to 5 pitches.

Charging for Site Licensing on Permanent Residential Sites

Officers have drafted a proposed fee structure for fees for new site licences, annual licences, transfers and amendments of existing site licences.

Sites are proposed to be 'banded' depending on the size of the site:

Band	Number of pitches	Number of sites in Brentwood
A	1	5
B	2-10	3
C	11-50	1
D	51-100	0

Application for a new site licence or transfer or amendment of an existing licence

Application fees will need to be submitted with any Site Licence application form and with any application to amend or transfer the site licence.

Annual fee

Annual fees shall become payable 12 months from the date of the grant of a new site licence or for existing licenses, on 1st April 2015.

Site rules

This is the charge for registering site rules with the council.

Enforcement costs

These are not included in the site fees but will be an additional charge to the site owner.

The proposed fees are indicated below; for detailed information on the fee structure please also refer to the Council's draft Fees Policy document.

	Band A	Band B	Band C	Band D
Number of pitches	1	2 to 10	11 to 50	51 to 100
Annual Fee	£152.11	£274.39	£354.92	£477.20
New site licence application fee	£316.15	£393.69	£474.22	£566.68
Transfer of site licence fee	£125.27	£134.21	£143.16	£152.11
Amendment of site licence fee	£175.97	£199.83	£217.72	£247.55
Checking & registering Site Rules	£116.32	£116.32	£116.32	£116.32

The above fees are the total fee for a site in each band, **not** per pitch.

If the charges are agreed it is recommended that they will be implemented from 1st April 2015.

Please contribute to our consultation by answering the questions overleaf and return to the Town Hall in the enclosed self addressed envelope or by email to envhealth@brentwood.gov.uk to reach us by the 31st October 2014.

Consultation questions

Please complete the details below; these will not be published but will be used for contact in the event of a query and will help us to assess the responses received

Name

Address

Postcode

Phone number

Email address

1. Are you a

Site owner Site occupier Other

2. Should the Council make a charge for mobile home site licenses?

Yes No

If you answered no, please explain why not?

3. Should the fee policy be based on the size banding proposed (see above banding table)?

Yes No

4. Is the proposed annual licence fee fair?

Yes No

5. Do you think that residents of low risk sites with a single pitch occupied by the owner should pay a fee?

Yes No

6. Do you think that residents of low risk sites with less than 5 pitches should pay a fee?

Yes No

If you answered No to **either question 5 or 6**, please give the reason for your answer below:

7. Do you have any other comments to make?

Thank you for helping with this consultation. If you have any queries, or wish to discuss the proposals further please indicate below if you wish us to contact you about this, or contact us in the Environmental Health team at the Town Hall.

Please contact me further

Name	<input type="text"/>	
Preferred contact method	Phone	<input type="text"/>
	Email	<input type="text"/>

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Mobile Homes Licensing Consultation Responses

Q1 Are you a?

Majority response

Site owner	Site occupier	Other	
1	7		Occupier

Q2 Should the Council make a charge?

Yes	No	
5	3	Yes

Q3 Should fee policy be based on bands?

Yes	No	
8	0	Yes

Q4 Is annual licence fee fair?

Yes	No	
6	2	Yes

Q5 Should single pitch sites pay a fee?

Yes	No	
4	4	No

Q6 Should sites with <5 pitches pay a fee?

Yes	No	
5	3	Yes

Other comments

Wanted to have contact details for person overseeing rules on site

Pitch fees are already expensive - will increase rent further, no money has been spent on site
Ground rent fees increased every April to maximum amount under RPI - fee would increase it further, not fair on occupiers

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11 November 2014

Licensing Committee

Proposed Fee for Young Entrepreneurs Markets 2015/16

Report of: *Ashley Culverwell - Head of Borough Health, Safety and Licensing*

Wards Affected: *All*

The report is: *Public*

1. Executive Summary

- 1.1 This report seeks Members agreement on a £5 trial fee for teenage market stalls. This follows recommendation from the Business and Town Centres Committee.

2. Recommendation

- 2.1 **That Members agree to a fee of £5 as highlighted in paragraph 4.1 of this report and further that this be formally reviewed in 6 Months time.**

3. Background

- 3.1 A two year license for Essex Farmers Market to operate a weekly Friday and Saturday Market in Brentwood High Street was agreed at the Business and Town Centres Committee 16 July 2014. The new Friday Market has been in operation since 3rd October 2014.
- 3.2 Developing new niche market offerings would further benefit Brentwood with a likely increase in footfall to the permanent shops in the town and the interest that this would create, all helping to complement existing retailers and businesses. The Portas Review also supported street markets to help maintain a healthy shopping hub and provide a valuable addition to the local economy, with benefits including:
 - Supporting the local economy, businesses and retailers by increasing footfall
 - Attracting new visitors, local residents and shoppers
 - Providing a trading opportunity for small local producers and crafts people
 - Complementing existing retailers and businesses by providing a diverse and original product offer
 - Creating an attractive, colourful and welcoming atmosphere for customers

Young Entrepreneurs Markets

- 3.3** This is not a new idea as teenage brothers in their hometown of Stockport in 2012 introduced something similar. This became an instant hit with young people in the North West. The event quickly gained widespread media attention and received online backing and support from Mary Portas, who described the Market as 'game-changing'. They aim to attract visitors, develop skills, invest in new talent and create a new local economy, as well as making use of markets' role as a hub to promote strong, safe and prosperous communities
- 3.4** As well as a retail offer, the markets include a performance element, giving a much needed platform for young people to showcase their unique skills and talents in areas like comedy, dance, drama and music. By offering a free platform to specialist areas like catering, hairdressing, art, music and fashion, as well as young enterprise and fundraising schemes, students can gain valuable hands-on experience for their future careers.
- 3.5** Markets operated by young people often include the following trader categories: Art; Crafts and Stationery; Fashion; Food and Drink; Illustration and Design; Jewellery; Photography; T Shirts; Textiles and Vintage, however, they will be subject to restrictions and conditions of the current Street Trading and Market policy.
- 3.6** This fusion of creative retail and live performance creates a thriving, bustling marketplace which will act as a catalyst to attract a new generation of shoppers and visitors to the town centre.
- 3.7** Essex Farmers Markets have agreed to operate the market in the High Street or Crown Street. They are looking to trial the market on a Sunday in the New Year after obtaining sufficient interest and commitment. They will be approaching local schools, colleges, universities, clubs and groups to offer students a chance to engage directly with their town centre. They have hosted a stall from Shenfield School on the High Street Market in previous Christmas Seasons, so have already established a relationship with the school.
- 3.8** The current license fee for a market stall is £21 per day. To facilitate the launch of this enterprise for young people, the Business and Town Centres committee have recommended that the Licensing Committee consider a concessionary trial rate initially of £5 per stall.

4. Proposals

- 4.1** Members are asked to consider the recommendation from the Business

and Town centres Committee to set a fee of £5 in relation to Young Entrepreneur Market licences. Whilst below normal cost recovery levels for regular market stalls it is likely to be justified on the basis that these Markets will be overseen by adults such as Teachers, various group leaders etc and will be less frequent and of a smaller size to standard stalls.

- 4.2 The recommendation from the Business and Town Centres Committee was for the fee of £5 and also for this to be reviewed in 9 Months. However, Officers consider that given the requirement to ensure cost recovery that this should be formally reviewed in 6 Months.
- 4.3 It is anticipated that the requirement for enforcement and compliance requirements in relation to Teenage stalls will be minimal when compared to commercial stalls.
- 4.4 No licence will be issued to any person under the age of 17, although Teenagers who are under 17 years will be permitted to work the stalls and operate under provision of a licence held by an adult.

5. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

- 5.1 The actual cost to the licensing service of administering and enforcing these licences will be monitored and reviewed formally as resolved and as appropriate.

Legal Implications – Monitoring Officer Comment

Name & Title: Christopher Potter – Monitoring Officer and Head of Support Services

Tel & Email 01277 312860/ christopher.potter@brentwood.gov.uk

- 5.2 There is a right of appeal against a decision taken by the Licensing Committee in respect of the proposed increases to the fees and charges as set out in this report. Any appeal would most likely be by way of judicial review of the Committee's decision and if successful could result in costs being awarded against the Council

Other Implications

Equality and Diversity

- 5.3 Most aspects of licensing are strictly governed by statute, which

have undergone impact assessments at Central Government level. The Processes and Procedures have been designed to comply with legislative requirements and ensure that guidance and best practice are followed at all times. This allows for fair, open and transparent licensing processes with equality of access to licensing services for all.

6. Implications and References to Corporate Plan

6.1 *The proposal contained within this report links directly to the following priorities of the corporate plan:*

- **Street Scene and Environment** – *“Find new ways of working with our partners and communities and improve the way we play our part, to enhance the environment and attractiveness of the borough”*
- **A prosperous Borough** - *“Safeguarding public safety through a risk based regulation and licensing service”*
- **Localism** – *“Working with local businesses, community groups and the voluntary sector to develop projects that will enhance and support the local community”.*

Report Author Contact Details:

Name: Gary O’Shea

Telephone: 01277 312503

E-Mail: gary.oshea@brentwood.gov.uk

11 November 2014

Licensing Committee

Proposed General Licensing Fees and Charges for 2015/16

Report of: Ashley Culverwell - Head of Borough Safety, Health and Localism

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 This report seeks Members agreement on the proposed budget and Schedule of fees and charges for 2015/16 in respect of the general licensing functions other than Hackney Carriage and Private Hire and any statutory or centrally set fees.

2. Recommendation

- 2.1 That Members agree to the proposed schedule of fees and charges as shown in Appendix A of this report to come into force on 1 April 2015.
- 2.2 That a further report be presented to this Committee providing details of the outcome of the planned review of the current charging policies, which will then inform the 2016/17 charging levels.

3. Introduction and Background

- 3.1 Whilst some of the fees and charges are statutory and therefore determined through legislation, the Council must review its discretionary charges for all services to ensure that they reflect the current cost of providing the service, including reasonable and recoverable running costs for administration and in some cases enforcement.

4. Issues, Options and Analysis of Options

- 4.1 The key principles in setting fees and charges are as follows:

- Discretionary Fees and Charges will be subject to a full project review prior to the Fees setting process for 2016/7.

- Until a firm basis for setting Fees and Charges is available it is recommended that the Fees and Charges for 2015/16 are frozen in order that the outcome of the review can better inform the 2016/17 budget setting.
- Fees and Charges should aim to recover the full cost of the service being provided (where the legislation permits), however it is not anticipated that the freezing of charges will adversely affect discretionary fees applicable to most licence types. The exception to this is Taxi licensing which is subject of ongoing cost analysis and included in a separate report.

4.2 The individual charges that are being proposed are set out at **Appendix A** of this report.

5. Reasons for Recommendation

- 5.1** General licences for which the Council have full discretion over fees and charges include, market and street trading, Scrap Metal, Pavement permits for Cafes or Restaurants, sex establishments, animal welfare such as dog breeding, dangerous wild animals and animal boarding and environmental health licences such as tattoo parlours, skin piercing and electrolysis.
- 5.2** There are also licensing functions that the Council are legally obliged to administer but cannot charge a fee for such as house to house and street collection permits.
- 5.3** Unless otherwise indicated all increases to the fees and charges set for next year will be frozen in line with the Councils undertaking of a full review to influence fee setting for 2016/17.
- 5.4** Licensing fees should be set on a cost neutral basis unless the controlling legislation allows otherwise. Fees are generally required to be set at a level where the Council can recuperate reasonable and recoverable costs in running the particular service or function. The Council is not permitted to make a profit from the fees.
- 5.5** Hackney Carriage and Private Hire Fees are detailed in a separate report within this agenda.

Scrap Metal Fees

- 5.6** The Scrap Metal Dealers Act 2013 (SMDA) came fully into effect on 1 December 2013. The fees under the SMDA were approved by Members at the Licensing Committee held on 12 November 2013.

- 5.7** Schedule 1(6) of the SMDA provides that an application must be accompanied by a fee set by the local authority. The power to raise a fee is designed to ensure that local authorities have the necessary funding to administer the regime and ensure compliance.
- 5.8** In setting a fee, the authority must have regard to any guidance issued by the Secretary of State with approval of The Treasury. Guidance on setting fees was published on 12 August 2013 and provides a general principle as to what can be included in the cost of a Licence.
- 5.9** The proposed fees have been set by applying the national guidance to estimate the Council's reasonable costs of administering, enforcing against licensed operators and hearing licence appeals under the new regime. An undertaking was given on 12 November 2012 that the fees would be reviewed to ensure that the fee is cost neutral to the licensing service.
- 5.10** The estimate of fees agreed on 12 November 2012 has proven to be accurate and therefore it is proposed that scrap metal fees should also be frozen for 2015/16. They will however, continue to be kept under review to ensure they are maintained at the correct level.

Statutory Fees

- 5.11** Fees for the various licences under provision of the Licensing Act 2003 are set by central government and whilst provision was made under S121 of the Police Reform and Social Responsibility Act 2011 for licensing authorities to set their own fees, this provision has not to date been enacted. It is anticipated that this is likely to come into force in April 2015 and will therefore be reported to members once the commencement order has been published.
- 5.12** Fees under the Gambling Act 2005 may be charged at the licensing authority's discretion up to a statutory maximum level. The fees for 2015/16 have been left at 75% of the maximum fees on the basis that an increase would exceed cost recovery levels.

6. Reasons for recommendation

- 6.1** The Council are required to review fees regularly to ensure that the Taxi licensing regime remains cost neutral. Should any surplus accrue this must be adjusted in the follow years licence fees.

7. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

- 7.1 Historically, the Council has increased fees and charges in line with inflation (currently projected at 2% per annum). This is to reflect that the costs of running the service will rise by 2% and therefore we try to maintain fees and charges at the same level. There is therefore a risk that there will be an implicit cost to a freeze since it will not keep pace with inflationary cost increases, however, this cannot be quantified or confirmed until such time as the review of the current charging policies has been undertaken.

Legal Implications – Monitoring Officer Comment

Name & Title: Christopher Potter - Monitoring Officer and Head of Support Services

Tel & Email 020 8227 3389 / christopher.potter@brentwood.gov.uk

- 7.2 There is a right of appeal against a decision taken by the Licensing Committee in respect of the proposed increases to the fees and charges as set out in this report. Any appeal would most likely be by way of judicial review of the Committee's decision and if successful could result in costs being awarded against the Council

Other Implications

Equality and Diversity

- 7.3 Most aspects of licensing are strictly governed by statute, which have undergone impact assessments at Central Government level. The Processes and Procedures have been designed to comply with legislative requirements and ensure that guidance and best practice are followed at all times. This allows for fair, open and transparent licensing processes with equality of access to licensing services for all.

8. Implications and References to Corporate Plan

- 8.1 The proposal contained within this report links directly to the following priorities of the corporate plan:

- ***A prosperous Borough*** - *“Safeguarding public safety through a risk based regulation and licensing service”*

Report Author Contact Details:

Name: Gary O'Shea Principle Licensing Officer

Telephone: 01277 312503

E-Mail: gary.oshea@brentwood.gov.uk

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MISCELLANEOUS FEES AND CHARGES 2015-2016 (CHARGES EFFECTIVE FROM 1st APRIL 2015)

Description of charge	2014/15	2015/16
Animal Boarding Establishments (plus vets Fees)	158.00	158.00
Riding Establishments (plus Vet's fees)	158.00	158.00
Pet Shops (plus Vet's fees)	158.00	158.00
Pet Shops special events fee (plus £10 per stall)	158.00	158.00
Dog Breeders (plus Vet's fees)	158.00	158.00
Dangerous Wild Animals Act (plus vet's fees)	158.00	158.00
First Zoo Licence for six years (plus Vet's fees, Ministry Fees and any other inspection fees that may be required)	762.00	762.00
Renewal Zoo Licence for four years (plus Vet's fees, Ministry Fees and any other inspection fees that may be required)	383.00	383.00
Transfer of Zoo Licence (Per application not per annum)	84.00	84.00

MISCELLANEOUS FEES AND CHARGES 2015-2016 (CHARGES EFFECTIVE FROM 1ST APRIL 2015)

	2014/15	2015/16
Scrap Metal Dealers Act 2013		
Scrap Metal Collector (NEW)*	170	170
Scrap Metal Collector (Variation)*	69	69
Scrap Metal Site (New)*	365	365
Scrap Metal Site (Variation)*	69	69
Sex Establishments		
Sex Establishment Application (Per application not per annum)	2310.00	2310.00
Sex Establishment Renewal	1576.00	1576.00
Sex Establishment Transfer (Per application not per annum)	1050.00	1050.00
Sex Establishment Variation (Per variation not per annum)	525.00	525.00
Special Treatments		
Acupuncture, Tattoo and Ear/ Body Piercing Premises Licence	105.00	105.00
Acupuncture, Tattoo and Ear/Body Piercing-Practitioner	47.00	47.00
Description of charge	2014/15	2015/16

MISCELLANEOUS FEES AND CHARGES 2015-2016 (CHARGES EFFECTIVE FROM 1ST APRIL 2015)

Loading Area Control Consent (Sunday Trading)	168.00	168.00
Occasional Street Trader** Daily Fee	21.00	21.00
Fruit Stall – Brentwood High Street	280.00	280.00
Pavement Permit for tables and chairs (single fee not per annum)	358.00	358.00
Renewal of table and chair permit	205.00	205.00
Bingo Clubs		
-New Application	2,625.00	2,625.00
-Annual Fee	750.00	750.00
-Application to Vary	1,312.50	1,312.50
-Application to Transfer	900.00	900.00
-Application for Re-instatement	900.00	900.00
-Application for Provisional Statement	2,625.00	2,625.00
-Licence Application (provisional statement holders)	900.00	900.00
Betting Premises (excluding Tracks)		
- New Application	2,250.00	2,250.00
-Annual Fee	450.00	450.00
-Application to Vary	1,125.00	1,125.00
-application to Transfer	900.00	900.00
-Application for Re-instatement	900.00	900.00
-Application for Provisional Statement	2,250.00	2,250.00
-Licence Application (provisional statement holders)	900.00	900.00
Description of charge	2014/15	2015/16

MISCELLANEOUS FEES AND CHARGES 2015-2016 (CHARGES EFFECTIVE FROM 1ST APRIL 2015)

Tracks		
-New Application	1,875.00	1,875.00
-Annual Fee	750.00	750.00
-Application to Vary	937.50	937.50
-Application to Transfer	712.50	712.50
-Application for Re-instatement	712.50	712.50
-Application for Provisional Statement	1,875.00	1,875.00
-Licence Application (provisional statement holders)	712.50	712.50
Family entertainment Centres		
-New Application	1,500.00	1,500.00
-Annual Fee	562.50	562.50
-Application to Vary	750.00	750.00
-Application to Transfer	712.50	712.50
-Application for Re-instatement	712.50	712.50
-Application for Provisional Statement	1,875.00	1,875.00
-Licence Application (provisional statement holders)	712.50	712.50
Adult Gaming Centres		
-New Application	1,500.00	1,500.00
-Annual Fee	750.00	750.00
-Application to Vary	750.00	750.00
-Application to Transfer	900.00	900.00
-Application for Re-instatement	900.00	900.00
-Application for Provisional Statement	1,500.00	1,500.00
-Licence Application (provisional statement)	900.00	900.00
Copy of Licence (all gambling premises types)	15.00	15.00

11 November 2014

Licensing Committee

Proposed Hackney Carriage and Private Hire Fees and Charges for 2015/16

Report of: *Ashley Culverwell – Head of Borough Safety, Health and Licensing*

Wards Affected: *All*

This report is : *Public*

1. Executive Summary

- 1.1** This report seeks Members agreement on the proposed budget and Schedule of fees and charges for 2015/16 in respect of the Hackney Carriage and Private Hire licensing functions and for publication of the agreed fees and charges in accordance with statutory requirements.

2. Recommendation

- 2.1** That Members agree to the budget and proposed schedule of fees and charges for 2015/16 as shown in Appendix A of this report and for advertisement of the same to appear in a local newspaper in January 2015.

3. Introduction and Background

- 3.1** The Local Government (Miscellaneous Provisions) Act 1976 (the Act) permits the Council to charge such fees for the grant of vehicle and operators licences as may be resolved by them from time to time as may be sufficient in aggregate to cover in whole or in part the reasonable costs associated with these licensing functions.
- 3.2** The Act prescribes either that the maximum fee in respect of the grant of vehicle and operator licences should be set at £25 or that it may be set at “such other sum as the Council may from time to time determine” subject to:
- a) publication of a notice in a local newspaper; and
 - b) retention of a copy of the notice at the offices of the Council for a period of 28 days

- 3.3 Following advertising of any proposed amendment to the fees and charges there is a 28 day period during which objections may be received. In the event that written objections are received the Council are required to consider these and to set either the proposed or a revised fee within a 2 month period from the end of the 28 day consultation.
- 3.4 If no objections are received to the fees and charges these come into immediate effect at the end of the 28 consultation.
- 3.5 By virtue of sections 53(2) and 70(1) of the Act the Council is entitled to recover the cost of administration of the taxi and private hire licensing functions on a cost recovery basis.
- 3.6 With regard to vehicles the recovery of costs may include the costs of control and supervision of those vehicles and in respect of hackney carriages only, this may include costs associated with the provision of stands (ranks).
- 3.7 In relation to hackney carriage drivers and private hire driver and operators licences there is no provision that permits recovery of enforcement costs, therefore such costs are non-recoverable through the taxi trading account and must be met from the Councils' general fund.

4. Issues Options and Analysis of Options

Budget and Fee Setting 2015/16

- 4.1 The taxi account has been split into three specific areas of recoverable and non-recoverable costs for driver, vehicle and operator licences since 9 May 2011. This allows for time recording and structuring of the budgets on an individual basis in respect of each licence type to ensure that fees are set as a reflection of the true cost in each case.
- 4.2 The licensing team continue to record their time on a daily basis in order to feed information into the budget setting process as accurately as possible.
- 4.3 Guidance has been issued to staff on how time recording data should be entered so as to ensure accuracy of the information.
- 4.4 The proposed fees have been calculated in accordance with legislative requirements and are based on the time recording analysis figure and include the appropriate element of central support costs.

- 4.5 The proposed schedule of taxi and private hire fees and charges for the year 2015/16 has been discussed with representatives of the trade at the Taxi Trade Consultative Group (TTCG) on 7th October 2014 and is attached as **Appendix A**.
- 4.6 It is proposed that, if agreed in principle, the increased fees should be advertised in January 2015 in accordance with legislative requirements as highlighted in paragraph 3.2. Advertising in January will avoid any scenario whereby fees come into effect too soon, as these are automatically in force should there be no objections. However, this would also allow time to consider any objections prior to 1 April 2015.

Financial and Budgetary Information

- 4.7 The fees and charges for vehicles are proposed to remain at the level as set for 2014/15. The fees for drivers and operators are proposed to increase by 6% and 2% respectively.
- 4.8 The budget trading accounts that support the fees calculations are attached as **Appendix C**.
- 4.9 The operator fees are running at a deficit. However, these were considerably increased last year along with a reduction in the term of a licence from 5 years to 3 years. Whilst the deficit remains uncorrected by last years increase, this is due to the length of time between renewals meaning that it will take another 2 to 3 years before the effects of the previous increase are fully realised. For this reason a small increase of 2% is advocated in order to keep up with an approximate measure of inflation.
- 4.10 At the TTCG meeting on 7 October 2014, concern was again raised by trade representatives over the level of recharges. They complimented the Council on the reduction of the cost of running the licensing service but maintain their stance that the level of recharges from other services remains high. All costs should be reasonable and in this regard the trade has asked for detail to be provided to identify how the recharges are calculated and allocated to each function.
- 4.11 The Finance Team have provided a breakdown of the various recharges and indicated in the charts attached at **Appendix B** the basis of calculation in each case. Once the overall recharge figure to the licensing section is known (based on the methodologies illustrated in the last column of each chart) these are apportioned across the trading accounts using the percentages from the licensing team time sheets, there being a correlation between the hours spent on each function across departments.

4.12 The recharges in general represent a reduction on last year. It is anticipated that with further planned efficiencies the trend of reduction should continue at least in the short to medium term. There are also planned reductions in overheads as a result of the Town Hall project.

4.13

The licensing processes have recently undergone a review to ensure not only that all statutory functions are being fully met but that bureaucracy and subsequently costs of providing the licensing service are streamlined. Once the new processes are fully bedded into place it is anticipated that efficiencies will improve further.

4.14

Benchmarking of the fees for all Essex authorities has not been provided in this report as the law requires that fees are set purely on cost recovery without consideration to charges levied elsewhere.

5. Reason for Recommendations

5.1 The Council are required to review fees regularly to ensure that the Taxi licensing regime remains cost neutral. Should any surplus accrue this must be adjusted in the follow years licence fees.

6. References to Corporate Plan

6.1 The proposals contained within this report link directly to the following priorities of the corporate plan:

A prosperous Borough – “Safeguarding public safety through a risk based regulation and licensing service.”

7. Consultation

7.1 The process of consulting on fees is laid down in legislations as highlighted in paragraph 3.2, which allows opportunity to any person to object to any increase in fees and charges. Such objections must then be considered by Licensing Committee.

7.2 Consultation also took place with TTCG on 7 October 2014

8. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

- 8.1 The impact of the revised fees and charges will be incorporated within the Medium Term Financial Plan.

Legal Implications – Monitoring Officer Comment

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 There are potential cost implications in the event of failure to calculate or advertise fees in the proper manner, however, the fees proposed in this report have been calculated on a cost recovery basis and will be advertise in accordance with legislative requirements and there are no additional anticipated implications pertaining to legal, health and safety, asset management or equality and diversity or risk management (other than as already identified).

Other Implications

Equality and Diversity

- 8.3 Most aspects of licensing are strictly governed by statute, which have undergone impact assessments at Central Government level. The Processes and Procedures have been designed to comply with legislative requirements and ensure that guidance and best practice are followed at all times. This allows for fair, open and transparent licensing processes with equality of access to licensing services for all.

9. Appendices to this report

Appendix A – Schedule of Fees

Appendix B - Breakdown of Recharges

Appendix C - Budget Trading Accounts

Report Author Contact Details:

Name: Gary O'Shea – Principle Licensing Officer

Telephone: 01277 312503

E-Mail: gary.oshea@brentwood.gov.uk

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Appendix A

Proposed Schedule of Fees and Charges for Hackney Carriage and Private Hire licences 2015/16

Type of Licence	Current Fee 2014/15	Proposed Fee 2015/16
Vehicle Licence – Hackney Carriage		
Vehicle Licence – Including Plate	243.00	243.00
Vehicle Replacement (Net cost charged at full rate with refund of a portion of the original licence)	75.00	75.00
Vehicle Licence – Private Hire		
Vehicle Licence – Including Plate	225.00	225.00
Vehicle Replacement (Net cost charged at full rate with refund of a portion of the original licence)	75.00	75.00
Drivers Licence – Hackney Carriage and Private Hire		
Combined Driver new (this is a one year licence)	215.00	228.00
Combined Driver Renewal – 1 Year	155.00	164.00
Combined Driver Renewal – 2 Year	260.00	276.00
Combined Driver Renewal – 3 Year	335.00	355.00
Hackney Carriage Driver new (this is a one year licence)	215.00	228.00
Hackney Carriage Driver Renewal (this is a one year licence)	155.00	164.00
Re-Test – Knowledge Test	35.00	35.00
Disclosure and Barring Service (DBS) check (at cost – currently)	44.00	44.00
Driver and vehicle Licensing Agency (DVLA) check (at cost – currently)	5.00	5.00
Private Hire Operators		
Single Vehicle Operators Licence	180.00	185.00
Operator Licence – 2 to 5 Vehicles	600.00	615.00
Operator Licence – More than 5 Vehicles	744.00	760.00
The following fees are levied by the licensing department but are charged at cost and therefore not determined by Licensing Committee. In the case of Vehicle Inspections these are the cost to the licensing department as set from time to time by Environment Committee.		
Vehicle Inspections	47.00	47.00
Trailer Inspection - Non Braked	15.00	15.00
Trailer Inspection - Braked	23.00	23.00
Re – Inspection (minimum fee)	12.50	12.50
Re – Inspection 2 (maximum fee – full re-test)	47.00	47.00
Replacements		
All at Cost and subject to change in line with supplier prices		
ID Cards	6.00	6.00
PHV Cards	6.00	6.00
Tariff Cards	6.00	6.00
Replacement Plates	12.00	12.00
Replacement Door Signs (per pair)	15.00	15.00
Plate Platforms (optional)	6.00	6.00

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Appendix 2 – Breakdown/Apportionment of Charges

Driver Administration Outturns from 2013/14

	£	
Officer direct salaries	23,821	
Training	460	
Printing, Stationery & Office Expenditure	250	
Communications & Computing	1,500	
Equipment, Furniture & Materials	2,300	
Refunds	1,200	
Legal Expenses	2,000	
Depreciation	98	
	-	
External Income from Secondment	3,954	
Recharges	25,975	Breakdown below - split between licensing based on staff costs
	53,650	
Inflation:		
Add 1% Pay award	238	
Central Support 1%	221	
2% Inflation	154	
Total Costs 2015/16	54,263	

Driver – Recharges to the Driver Account				
<u>Recharging Service</u>	Total Cost £	Recharge to driver Account £	% to driver Account	Apportionment Method to Licensing
Corporate Leadership Team	1,154,125	2,533	0.2%	Each member of staff estimates the time they spend working on a specific service.
Corporate Support	442,696	1,269	0.3%	Provides scanning services for Licensing and the recharge is based on an estimate of staff's time spent on licensing work.
Design And Print	141,083	276	0.2%	All services use the design and print service and are charged a flat fee for these. High use services are charged more which reduces the flat fee.
Financial Services	1,171,565	8,012	0.7%	Based on proportion of staff time as estimated by the Chief Finance Office in agreement with the Finance team.
Human Resources	398,297	951	0.2%	Split based on the number of posts that are in each service.
Information & Comms Technology	1,010,083	3,240	0.3%	Split based on the number of posts that are in each service as a proxy for IT users.
Legal Services	434,099	4,187	1.0%	Based on total staff time spent working on a service as recorded by each member of staff.
Office Accommodation	615,676	1,447	0.2%	Area of office space occupied by each service.
Payroll Services	262,514	516	0.2%	Split based on the number of posts that are in each service.
Business Transformation	319,008	829	0.3%	Split based on the number of posts that are in each service.
Customer Contact Centre	107,490	1,429	1.3%	Costs are split based on the number of queries received relating to each service.
Environmental Health Admin	94,265	1,287	1.4%	Based on a estimate of staff time spent on each area agreed by managers and the team.
	6,150,900	25,975	0.4%	

Appendix 2 – Breakdown/Apportionment of Charges

Vehicle Administration Expenditure

	£	
Officer direct salaries	42,987	
Training	500	
Printing, Stationery & Office Expenditure	250	
Communications & Computing	1,500	
Equipment, Furniture & Materials	3,050	
Refunds	500	
Maintenance of ranks	5,000	
Inspection Costs	19,000	
Legal Expenses	1,000	
Depreciation	176	
	-	
External Income from Secondment	7,131	
Recharges	46,870	Breakdown below - split between licensing based on staff costs
	113,702	
Inflation:		
Add 1% Pay award	430	
Central Support 1%	399	
2% Inflation	616	
Total Costs 2015/16	115,147	

Vehicle – Recharges to the Vehicle Account				
Recharging Service	Total Cost £	Recharge to Vehicle Account £	% to Vehicle Account	Apportionment Method to Licensing
Corporate Leadership Team	1,154,125	4,571	0.4%	Each member of staff estimates the time they spend working on a specific service.
Corporate Support	442,696	2,289	0.5%	Provides scanning services for Licensing and the recharge is based on an estimate of staff's time spent on licensing work.
Design And Print	141,083	497	0.4%	All services use the design and print service and are charged a flat fee for these. High use services are charged more which reduces the flat fee.
Financial Services	1,171,565	14,457	1.2%	Based on proportion of staff time as estimated by the Chief Finance Office in agreement with the Finance team.
Human Resources	398,297	1,716	0.4%	Split based on the number of posts that are in each service.
Information & Comms Technology	1,010,083	5,846	0.6%	Split based on the number of posts that are in each service as a proxy for IT users.
Legal Services	434,099	7,556	1.7%	Based on total staff time spent working on a service as recorded by each member of staff.
Office Accommodation	615,676	2,611	0.4%	Area of office space occupied by each service.
Payroll Services	262,514	931	0.4%	Split based on the number of posts that are in each service.
Business Transformation	319,008	1,496	0.5%	Split based on the number of posts that are in each service.
Customer Contact Centre	107,490	2,578	2.4%	Costs are split based on the number of queries received relating to each service.
Environmnetal Health Admin	94,265	2,322	2.5%	Based on a estimate of staff time spent on each area agreed by managers and the team.
Total Recharge	6,150,900	46,870	0.8%	

Appendix 2 – Breakdown/Apportionment of Charges

Operator Administration Expenditure

	£
Officer direct salaries	1,193
Training	10
Depreciation	5
External Income from Secondment	- 192
Recharges	<u>1,294</u>
	2,310
Inflation:	
Add 1% Pay award	12
Central Support 1%	<u>11</u>
 Total Costs 2015/16	 <u>2,333</u>

Breakdown below - split between licensing based on staff costs

Appendix 2 – Breakdown/Apportionment of Charges

Operator – Recharges to the Operator Account				
Recharging Service	Total Cost £	Recharge Operator Account £	% to Operator Account	Apportionment Method to Licensing
Office Accommodation - Town Hall	1,154,125	126	0.0%	Each member of staff estimates the time they spend working on a specific service.
Corporate Leadership Team	442,696	63	0.0%	Provides scanning services for Licensing and the recharge is based on an estimate of staff's time spent on licensing work.
Corporate Support	141,083	14	0.0%	All services use the design and print service and are charged a flat fee for these. High use services are charged more which reduces the flat fee.
Design & Print	1,171,565	399	0.0%	Based on proportion of staff time as estimated by the Chief Finance Office in agreement with the Finance team.
Finance	398,297	47	0.0%	Split based on the number of posts that are in each service.
HR	1,010,083	161	0.0%	Split based on the number of posts that are in each service as a proxy for IT users.
ICT	434,099	209	0.0%	Based on total staff time spent working on a service as recorded by each member of staff.
Legal Services	615,676	72	0.0%	Area of office space occupied by each service.
Payroll	262,514	26	0.0%	Split based on the number of posts that are in each service.
Business Transformation	319,008	41	0.0%	Split based on the number of posts that are in each service.
Customer Contact	107,490	71	0.1%	Costs are split based on the number of queries received relating to each service.
Environmental Health & Admin	94,265	64	0.1%	Based on a estimate of staff time spent on each area agreed by managers and the team.
Total Recharge	6,150,900	1,294	0.0%	

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Driver Trading Account

Driver Licences				Drivers				
				2013/14	2014/15	2015/16	2016/17	2017/18
				£	£	£	£	£
Total Costs				53,650	54,263	54,963	55,617	56,728
TOTAL EXPENDITURE				53,650	54,263	54,963	55,617	56,728
No of Licences	Current Fee	Increase by 6% Rounded	Anticipated Income (actual for 2012/13 & 2013/14)					
Income 2012/13				£				
New 1 year Licence	32	215.00	N/A					
Renewed 1 year Licence	237	155.00						
Renewed 2 year Licence	28	260.00		3,640				
Renewed 3 year Licence	98	335.00		10,943	10,943			
Total	395			14,583	10,943	0	0	0
Income 2013/14				£				
New 1 year Licence	43	215.00	N/A	9,245				
Renewed 1 year Licence	104	155.00		16,120				
Renewed 2 year Licence	24	260.00		3,120	3,120			
Renewed 3 year Licence	60	335.00		6,700	6,700	6,700		
Total	231			35,185	9,820	6,700	0	0
Income 2014/15								
New 1 year Licence	30	215.00	N/A		6,450			
Renewed 1 year Licence	116	155.00			17,980			
Renewed 2 year Licence	34	260.00			4,420	4,420		
Renewed 3 year Licence	39	335.00			4,355	4,355	4,355	
Total	219			0	33,205	8,775	4,355	0

Driver Trading Account

			Drivers							
			2013/14	2014/15	2015/16	2016/17	2017/18			
			£	£	£	£	£			
Income 2015/16										
New 1 year Licence	30	215.00	228.00			6,840				
Renewed 1 year Licence	122	155.00	164.00			20,008				
Renewed 2 year Licence	28	260.00	276.00			3,864	3,864			
Renewed 3 year Licence	99	335.00	355.00			11,715	11,715	11,715		
Total	279					42,427	15,579	11,715		
Income 2016/17										
New 1 year Licence	30	215.00	228.00				6,840			
Renewed 1 year Licence	127	155.00	164.00				20,828			
Renewed 2 year Licence	37	260.00	276.00				5,106	5,106		
Renewed 3 year Licence	64	335.00	355.00				7,573	7,573		
Total	258					0	0	40,347	12,679	
Income 2017/18										
New 1 year Licence	30	215.00	228.00						6,840	
Renewed 1 year Licence	132	155.00	164.00						21,648	
Renewed 2 year Licence	31	260.00	276.00						4,278	
Renewed 3 year Licence	45	335.00	355.00						5,325	
Total	238					0	0	0	38,091	
TOTAL INCOME						49,768	53,968	57,902	60,281	62,485
Surplus / (Deficit)						-3,881	295	2,939	4,664	5,757
Reserves						2013/14	2014/15	2015/16	2016/17	2017/18
Brought Forward						-1,152	-5,033	-4,738	-1,799	2,865
Surplus/(Deficit)						-3,881	295	2,939	4,664	5,757
Carry Forward						-5,033	-4,738	-1,799	2,865	8,622

Driver Trading Account

Assumptions:

Expenditure

1% Pay Award has been applied to Salaries & Central Support Costs from 2013/14 and each consecutive year

2% Inflation has been applied to Direct Costs

Number of new licences averaged at 30 PA

1 yr = 1yr licences from previous yr + 50% of new from previous year

2 yr = 2 yr licences from the year preceding the last + 20% of new from previous year

3yr = 3 yr licences from 2 years preceding the last year + 30% of new from previous year

In all cases the total number of estimated licences is reduced by 7% this being the approximate annual rate of non renewal

Vehicle Trading Account

Vehicle Licences							Vehicles				
							2014/15	2015/16	2016/17	2017/18	
Total Costs							£	£	£	£	
TOTAL EXPENDITURE							113,702	115,147	116,927	118,551	
	No of Licences	Current Fee	Keep Fee the Same	15/16 Anticipated	16/17 Anticipated	17/18 Anticipated					
Private hire											
Licence	41	225.00	225.00	42	43	44	9,225	9,450	9,675	9,900	
Replacement vehicle	11	75.00	75.00	12	12	12	825	900	900	900	
Inspection	93	47.00	47.00	96	98	100	4,371	4,512	4,606	4,700	
Re-Tests	21	12.50	12.50	21	21	21	263	263	263	262.5	
Hackney carriage											
Licence	261	243.00	243.00	263	265	267	63,423	63,909	64,395	64,881	
Replacement vehicle	108	75.00	75.00	108	110	112	8,100	8,100	8,250	8,400	
Inspection	598	47.00	47.00	634	640	646	28,106	29,798	30,080	30,362	
Re-Tests	132	12.50	12.50	142	145	149	1,650	1,775	1,813	1,863	
TOTAL INCOME							115,963	118,707	119,981	121,268	
Surplus / (Deficit)							2,261	3,560	3,054	2,717	

Vehicle Trading Account

Reserve	2013/14	2014/15	2015/16	2016/17
Brought Forward	(6,906)	(4,645)	(1,085)	1,969
Surplus/(Deficit)	2,261	3,560	3,054	2,717
Carry Forward	(4,645)	-1,085	1,969	4,686

Assumptions:

Expenditure

1% Pay Award has been applied to Salaries & Central Support Costs from 2013/14 and each consecutive year

2.5% Inflation has been applied to Direct Costs

Income

Number of Licences have been provided from Service Managers and are the volumes of 11/12 actuals

Operator Trading Account

Assumptions:

1% Pay award added to salaries and central support costs year on year.

2.5% Inflation has been added to direct costs

Operator licences							2013/14	2014/15	2015/16	2016/17
							£	£	£	
Increase by 3%										
Total Costs							2,242	2,310	2,333	2,357
TOTAL EXPENDITURE							2,242	2,310	2,333	2,357
	volumes 13/14	volumes 14/15	volumes 15/16	volumes 16/17	Proposed Fee					
Single	4	6	7	8	£185	740	1,110	1,295	1,480	
2 to 5 Vehicles	1	1	0	0	£615	205	410	410	410	
Over 5 Vehicles	1	0	0	1	£760	253	253	253	506	
TOTAL INCOME							1,198	1,773	1,958	2,396
Surplus / -Deficit							-1,044	-537	-375	-39
Reserves							2013/14	2014/15	2015/16	2016/17
Brought Forward							-4,494	-5,538	-6,075	-6,446
Surplus/(Deficit)							-1,044	-537	-371	-39
Carry Forward							-5,538	-6,075	-6,446	-6,485

11 November 2014

Licensing Committee

Hackney Carriage Proposed Tariff Change

Report of: Ashley Culverwell – Head of Borough Health, Safety and Localism

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 This report is to consider an application received via the Taxi Trade Consultative Group (TTCG) for an increase in the maximum fares permitted to be charged by licensed Hackney Carriage Vehicles within the Borough of Brentwood.

2. Recommendations

- 2.1 **It is recommended that Members consider the proposed increase and either:**
- a) **Agree in principle the increase in the maximum fare/tariff as attached at Appendix A, to be advertised in accordance with the relevant legislative requirements; and that the increased tariff should come into force at the end of a period of 14 days from the first date of advertisement if no objections are received; or be reported back to Licensing Committee for further determination in December 2014 if one or more objections are received; or**
 - b) **Refuse the application to increase the fare tariffs at this time in favour of retaining the current table of maximum fares/tariff as adopted in July 2011.**

3. Introduction and Background

- 3.1 The setting of fare tariffs in respect of Hackney Carriage Vehicles is legislated under provision of section 65 the Local Government (Miscellaneous Provisions) Act 1976 (the Act). There is no provision for the Council to set tariffs in respect of private hire vehicles.
- 3.2 From time to time the fare tariffs may be amended in accordance with the legislation, usually following a request from the Taxi trade and appropriate advertising of the proposals in accordance with the provisions of the Act.
- 3.3 The current fares have been in place since August 2011, meaning that there has been no increase in taxi fares within the Borough of Brentwood for three years.

- 3.4 A previous request for an increase in tariff was submitted at the TTCG held on 4 August 2014, which was considered and rejected by Licensing Committee on 13 October 2014.
- 3.5 Following the Licensing Committee held on 13 October 2014, the trade submitted a revised proposal, which is attached as **Appendix A**. This proposal was discussed and formally submitted at a TTCG meeting held on 3 November 2014.
- 3.6 The proposal is a maximum fare/tariff only and it is therefore up to the individual hackney carriage proprietor as to whether they wish to charge the maximum. There is no legal obligation to charge the maximum, although it is unlawful to charge more.

4. Consultation and Legal Requirements

- 4.1 If the TTCG request for an increase to the maximum tariff that may be charged by Brentwood licensed Hackney Carriage vehicles is agreed in principle by Members it must then be advertised in a local newspaper along with an implementation date of not less than 14 days from the date of publication of the notice.
- 4.2 If any written objections to the proposed increase are received by the Council within the 14 day period, these must be considered by the Licensing Committee at a further meeting to be held not later than 2 months after the date that the maximum tariff was scheduled to come into force. At this time the Licensing Committee could either implement the fares as originally advertised or revise them accordingly, in either case having fully considered the objection(s) made.
- 4.3 If following the advertising of any proposed increase to the tariffs there are no objections received, the new fares will come into effect at the end of the 14 day period without further need for consideration by Licensing Committee. A flow chart to illustrate the process is attached at **Appendix B**.
- 4.4 Whilst there is no formal consultation process other than identified in paragraph 4.1, it is normal practice to consult all existing drivers, vehicle proprietors and companies to make them all aware of the proposed increase in tariff and to give opportunity to comment or propose any alternative solution. Whilst traditionally this has been undertaken prior to a committee meeting it is proposed on this occasion that it be undertaken in unison with the newspaper advert. This will still ensure that full consultation takes place and that all drivers will be adequately informed.

- 4.5 Tariffs in Brentwood have not been increased for over three years although clearly the costs to the trade have increased, for example higher fuel prices, increased maintenance costs, increases in insurance premiums, inflation etc.
- 4.6 The trade believe that given the increase in operating costs the proposed revised increase in tariff represents a modest request, which retains fares in real terms at a lower level that when last increased in August 2011.
- 4.7 The following chart illustrates a comparison between the current and the proposed fares on the basic **tariff 1** charge which has effect during the day (except Sunday) between 6am and 8pm (until only 6pm Saturdays):

	Start	1 Mile	2 Miles	5 Miles	10 Miles
Current Maximum Tariff	£2.80	£3.66	£5.81	£12.25	£22.98
Proposed Maximum Tariff	£3.00	£3.89	£6.12	£12.81	£23.95

All other elements of the current tariff, such as extras, soiling charges, London Congestion charge etc, are proposed to remain the same.

5. Comparison with other Essex Authorities

- 5.1 Comparing tariffs between different authorities is not straight forward as there are differences not only in the rates charged but also with the distance covered.

For example under the new proposal, a Brentwood meter commences at £3.00 with an addition of 20p after the first 1053 yards and a further addition of 20p after each subsequent 158 yards. By comparison, Harlow meters (which also commence at £3.00) increase by 20p after the first 219 yards and by a further 20p with each subsequent 148 yards. This means that the authority with the cheapest initial fare is not necessarily the cheapest over 1 mile, 2 miles etc.

- 5.2 The fares on tariff 1, taking into account the proposed increase will leave Brentwood approximately around the median figure for fares within Essex on journeys of up to 1 mile.
- 5.3 The chart at **Appendix C** provides full benchmarking figures for Essex authorities, however, these are for information only and **must not** influence a decision on any increase, which must be based on the relevance to Brentwood alone.

- 5.4 It should be noted however; that most Essex authorities have not increased their maximum fares for at least 2 to 3 years.

6. References to Corporate Plan

- 6.1 The proposals contained within this report link directly to the following priorities of the corporate plan:

A prosperous Borough – “Safeguarding public safety through a risk based regulation and licensing service.”

7. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

- 7.1 There are costs involved in advertising the proposals and in dealing with any other matters that may arise from the proposed increase, including the costs associated with printing of new tariff cards and calibration of taxi meters. However, these costs are directly attributable to the taxi trading accounts and recovered by the Council through licence fees. It is not anticipated that there will be any additional or hidden costs relating to any increase in tariffs.

Legal Implications – Monitoring Officer Comment

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email 020 8227 3389 / christopher.potter@brentwood.gov.uk

Any decision to increase tariffs may be challenged by way of appeal to the Magistrates Court or by Judicial Review of the decision. It is essential that all procedures are conducted in full accordance with the provisions of section 65 (1) to (7) of the Act as failure to do so may result in heavy cost implications in respect of any successful litigation.

8. Appendices to this report

- **Appendix A** – Current and Proposed Tariff
- **Appendix B** – Process Flow chart
- **Appendix C** - Essex Comparison Chart

Report Author Contact Details:

Name: Gary O’Shea

Telephone: 01277 312503

E-mail: gary.o'shea@brentwood.gov.uk

Proposed Tariffs

	Tariff 1	Tariff 2	Tariff 3	Tariff 4
Initial Price	100.00%	112.50%	125.00%	200.00%
Unit Price	£3.00	£3.30	£3.70	£5.90
	£0.20	£0.20	£0.20	£0.20
Yards to flagfall	1053	1000	1020	1017
Yards per drop	158.00	141.00	126.00	79.00
Initial Wait (secs)	240	227	227	245
Unit Wait (secs)	36	32	28	19
1st Mile	£3.89	£4.38	£4.87	£7.78
Per Mile	£2.23	£2.50	£2.79	£4.46
Waiting time	£20.00	£22.50	£25.71	£37.89
First Mile Increase	6.36%	6.60%	6.98%	6.23%
Per Mile Increase	3.80%	3.55%	3.97%	3.80%

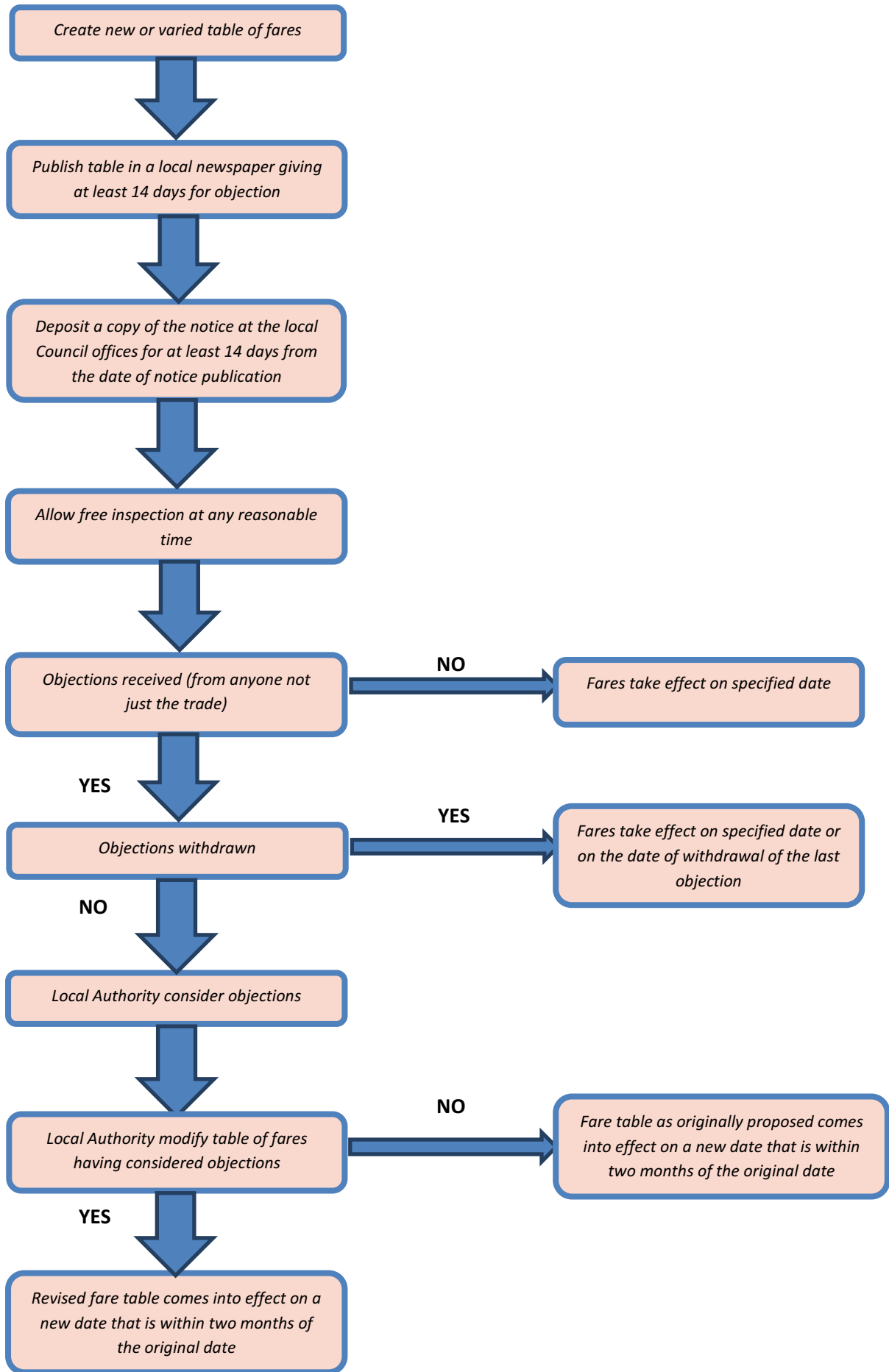
Sample Fares

Mileage	Tariff 1	Tariff 2	Tariff 3	Tariff 4
1	£3.89	£4.38	£4.87	£7.78
2	£6.12	£6.87	£7.67	£12.24
3	£8.35	£9.37	£10.46	£16.69
4	£10.58	£11.87	£13.26	£21.15
5	£12.81	£14.36	£16.05	£25.60
6	£15.03	£16.86	£18.84	£30.06
7	£17.26	£19.36	£21.64	£34.52
8	£19.49	£21.85	£24.43	£38.97
9	£21.72	£24.35	£27.22	£43.43
10	£23.95	£26.85	£30.02	£47.88

Current Tariffs Sept 11

	Tariff 1	Tariff 2	Tariff 3	Tariff 4
Initial Price	100.00%	112.50%	125.00%	200.00%
Unit Price	£2.80	£3.10	£3.50	£5.60
	£0.20	£0.20	£0.20	£0.20
Yards to flagfall	1053	1025	1068	1053
Yards per drop	164.00	146.00	131.00	82.00
Initial Wait (secs)	231	225	228	244
Unit Wait (secs)	36	32	28	19
1st Mile	£3.66	£4.11	£4.56	£7.32
Per Mile	£2.15	£2.41	£2.69	£4.29
Waiting time	£20.00	£22.50	£25.71	£37.89
Tariff One Increase				
	£0.23	£0.31	£0.40	£0.48
	6.36%	5.41%	4.97%	4.72%
	£0.56	£0.64	£0.72	£0.80
	4.56%	4.45%	4.36%	4.30%
	£0.88	£0.88	£0.88	£0.88
	4.25%	4.25%	4.25%	4.25%
	£0.97	£0.97	£0.97	£0.97
	4.21%	4.21%	4.21%	4.21%

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Appendix C

Appendix C - Essex Fares Comparison Chart

Essex Authorities Fares Comparison (assumes the increased tariff for Brentwood)

Tariff 1 – Day Time Rate

Authority	Start Tariff	1 Mile	2 Miles	5 Miles
Basildon	£2.20	£3.80	£5.60	£11.60
Braintree	£3.20	£4.20	£5.80	£10.50
Brentwood	£3.00	£3.89	£6.12	£12.81
Castlepoint	£2.80	£4.00	£6.00	£12.00
Chelmsford	£3.10	£4.20	£6.50	£12.60
Colchester	£2.60	£4.70	£6.80	£10.70
Epping	£3.50	£3.50	£5.50	£11.50
Harlow	£3.00	£4.80	£6.20	£10.20
Maldon	£3.10	£4.20	£6.20	£12.60
Rochford	£2.80	£4.20	£6.00	£12.20
Southend	£2.80	£4.20	£6.00	£12.20
Tendring	£2.80	£4.20	£5.95	£11.20
Thurrock	£2.80	£4.40	£6.00	£11.00
Uttlesford	£3.20	£3.70	£5.80	£12.20

Appendix C - Essex Fares Comparison Chart

Tariff 2

Not all authorities have a tariff 2 rate for journeys between 8PM and 11PM and use tariff 1 instead. Where this is the case, tariff 1 figures have been used instead of tariff 2 to illustrate an accurate comparison. For authorities where tariff 2 is used for the same purpose as Brentwood, the hours of operation of that tariff have been entered as these may differ to Brentwood.

Authority	Start Tariff	1 Mile	2 Miles	5 Miles
Basildon As Tariff 1	£2.20	£3.80	£5.60	£11.60
Braintree As Tariff 1	£3.20	£4.20	£5.80	£10.50
Brentwood 8PM to 11PM Mon to Fri 6PM to 11PM Saturday	£3.30	£4.38	£6.87	£14.36
Castlepoint 9pm to Midnight	£3.80	£5.00	£7.00	£13.00
Chelmsford As Tariff 1	£3.10	£4.20	£6.50	£12.60
Colchester As Tariff 1	£2.60	£4.70	£6.80	£10.70
Epping As Tariff 1	£3.50	£3.50	£5.50	£11.50
Harlow As Tariff 1	£3.00	£4.80	£6.20	£10.20
Maldon As Tariff 1	£3.10	£4.20	£6.20	£12.60
Rochford As Tariff 1	£2.80	£4.20	£6.00	£12.20
Southend 9pm to Midnight	£3.80	£5.20	£7.00	£13.20
Tendring As Tariff 1	£2.80	£4.20	£5.95	£11.20
Thurrock As Tariff 1	£2.80	£4.40	£6.00	£11.00
Uttlesford As Tariff 1	£3.20	£3.70	£5.80	£12.20

Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Licensing Committee Terms of Reference

General Powers of Committees

This scheme of delegation sets out the functions of the Council to be discharged by its Committees and Sub- Committees and includes the terms of reference of statutory and non statutory bodies set up by the Council.

Each committee or sub committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the Committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the Committee;

Licensing Committee

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Licensing Committee.

- (d) To be responsible for all the Council's licensing and registration functions as detailed in Part B of Schedule 1 Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) in so far as they pertain to matters concerned with:
1. Trading Requirements
 2. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
 3. Animal Welfare and Security
 4. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 5. Sex establishments (including Sex Entertainment Venues (SEV))
 6. Pavement Permits
 7. Charitable Collections
 8. Camping, Caravan Sites and Mobile Homes
 9. Scrap Metal
 10. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing