



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

LICENSING COMMITTEE

Tuesday 24th March 2015

6.00 pm

**Meeting Room G2, Ground Floor,
Addenbrooke House, Ironmasters Way,
Telford, TF3 4NT**

Lead Officer

Liz Noakes
Assistant Director:
Health, Well-Being
& Public Protection

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**Democratic
Services**

Phil Smith

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Media Enquiries

Corporate
Communications

(01952) 382408

LICENSING COMMITTEE

Membership:

Cllr C N Mason – Chair	(Lab)
Cllr C R Turley – Vice Chair	(Lab)
Cllr T J Hope	(Con)
Cllr A A Mackenzie	(Lab)
Cllr L A Murray	(Lab)
Cllr J Pinter	(Lab)
Cllr R G Scammell	(Con)
Cllr J M Seymour	(Con)
Cllr B J Thompson	(Lab)
Cllr K L Tomlinson	(Lib Dem/Ind)

Substitutes:

Cllr S Bentley	(Con)
Cllr M B Hosken	(Con)
Cllr R T Kiernan	(Con)
Cllr R J Sloan	(Lab)
Vacant	(Lab)
Vacant	(Lab)
Vacant	(Lab)
Vacant	(Lib Dem/Ind)

Terms of Reference:

The Committee has responsibility for all matters relating to licensing matters within the statutory provisions of the Licensing Act 2003 and the Gambling Act 2005. In connection with the consideration and determination of applications under the provisions of the Licensing Act 2003, the Committee has delegated powers for hearings to be dealt with by the Council's Licensing Sub-Committee.

The Committee also undertakes the licensing functions of the council in respect of health and safety at work/fire safety, Health Act 2006 and Elections. A full list of the functions can be found in the Council's Constitution.

Additional Information:

Members of the public are welcome to attend and observe the proceedings of the meeting whilst in open session. The filming, recording or taking of photographs of proceedings is allowed, as well as the use of social networking and micro-blogging to communicate with people about what is happening at the meeting. These activities are subject to a protocol, which can be accessed from the following link http://www.telford.gov.uk/info/354/council/minutes_agendas_and_reports/1596/filming_photography_recording_and_use_of_social_networking_at_meetings

Meetings of the Committee are held in public, although items concerning individual applications or complaints against individual licence-holders are usually heard in private session. A copy of the Agenda and papers are available from Addenbrooke House, electronically upon request or by visiting the Council's website, www.telford.gov.uk

Emergency Evacuation Procedure:

On hearing the fire alarm, please evacuate the building as quickly as possible by the nearest Fire Exit. A Democratic Services Support Officer will direct you to the assembly point.

LICENSING COMMITTEE

Meeting to be held on Tuesday, 24th March 2015
in Meeting Room G2, Addenbrooke House,
Ironmasters Way, Telford at 6.00 pm

AGENDA

1. **Minutes** Appendix A
To confirm the Minutes of the meeting of the Licensing Committee held on 9 July 2014
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Street Trading Consent Policy and Conditions** Appendix B
The report of the Service Delivery Manager - Public Protection
5. **Licence Fees Review** Appendix C
The report of the Service Delivery Manager - Public Protection

LICENSING COMMITTEE

**Minutes of a meeting of the Licensing Committee held on Tuesday
24th March 2015 at 6.00 pm at Addenbrooke House, Ironmasters Way, Telford**

PRESENT

Councillors C Mason (Chair), L Murray, J Seymour, R Sloan (substitute for A Mackenzie), B J Thompson and C Turley

Officers in attendance: L Noakes (Assistant Director: Health, Wellbeing and Public Protection), N. Minshall (Service Delivery Manager: Public Protection), L Fletcher (Public Protection Manager), S Fisher (Principal Licensing Officer), C Phillips (Licensing Technical Officer), T Street (Solicitor) and P Smith (Democratic Services Team Leader)

LC-5 MINUTES

RESOLVED – that the minutes of the Licensing Committee meeting held on 9 July 2014 be confirmed and signed by the Chair.

LC-6 APOLOGIES FOR ABSENCE

Councillors A Mackenzie and R Scammell

LC-7 DECLARATIONS OF INTEREST

None.

LC-8 STREET TRADING CONSENT POLICY AND CONDITIONS

The Licensing Technical Officer presented the report of the Service Delivery Manager – Public Protection, which outlined a proposal to amend the current Policy and Conditions in respect of Street Trading Consents, subject to an eight week consultation period with affected bodies.

The current Policy and Conditions applicable to street trading were reviewed in early 2014, which resulted in the introduction of street trading day consents in addition to the full year consents. The cost of a day consent (for a period up to 7 days) was agreed at £60 for the first day and £18 for each additional day. The Licensing Service had since received concerns from event organisers about the prohibitive cost of the day consents, given that each commercial trader at the event was required to apply for a consent. It had been suggested that an ‘umbrella’ consent could be introduced to cover a number of commercial traders at one event. Following discussions with local event organisers, it was proposed that such an ‘umbrella’ consent would consist of a day consent for up to five commercial traders limited to one specific event. It was considered that there would still be a demand for day consents from individual traders, and this option should continue to be offered.

Appendix 1 of the report identified revisions to the existing Conditions, along with the addition of some new conditions in order to reflect the proposed changes and to provide clarification of existing conditions. New conditions were proposed in relation to requirements for wash hand facilities and a temperature probe to ensure correct food temperatures were maintained. Guidance notes for applicants had also been modified and were attached to the report, along with a Community Impact Assessment.

It was proposed to undertake an 8 week consultation exercise on the proposed changes to the Policy and Conditions with all current licensed street traders in the Borough and other interested bodies/organisations. Consultation responses would be considered by the Licensing Service in association with the Chair, and any significant comments would be brought back to the Committee.

During the ensuing discussion on the proposed 'umbrella' consent, a question was asked about how the Council could ensure that each of the traders covered under such a consent met the conditions. The Licensing Technical Officer advised that the application process would be the same, with the necessary certificates/checks being required for each trader. It was accepted that the process could take longer, and therefore any applications for an 'umbrella' consent would have to be submitted at least 14 days before an event. Members referred to the potential extra costs and Licensing Officer time in processing 'umbrella' consent applications, and asked how the figure of up to 5 commercial traders had been determined. The Service Delivery Manager: Public Protection and the Licensing Technical Officer stated that there would be a different fee structure for 'umbrella' consents that would reflect the need for additional checking etc. The number of potential street traders operating under an 'umbrella' consent had been based on the optimum cost recovery basis – any more would be prohibitive for organisers. However, costs arising from environmental/trading standards checks of traders could not be recouped through the licensing process.

Members broadly welcomed the proposal for an 'umbrella' consent which would help to make local events more cost effective, and simpler to organise. It was suggested that if adopted following the consultation period, the new consent should be reviewed after a few months operation.

RESOLVED -

- (a) that the amendments to the Street Trading Consent Policy and Conditions, as set out in the report and appendices, be approved for consultation for an eight week period.**
- (b) that authority be delegated to the Principal Licensing Officer, in consultation with the Chair, to consider and determine the results of the consultation, subject to any significant comments being brought back to Licensing Committee for consideration.**

LC-9 LICENCE FEES REVIEW

The Principal Licensing Officer presented the report of the Service Delivery Manager – Public Protection, which detailed the proposed level of fees and charges for 2015/16 for Hackney Carriages, the Private Hire trade, Gambling and General Licences.

The current level of licence fees was implemented on 1 May 2014. In reviewing the level of fees and charges, the Committee needed take account of the need to recover the costs of administering licences so as not to subsidise the service area to the detriment of front line services, but at the same time to have regard to the impact that any increase might have upon the livelihood of licence holders. The licence fees had been reviewed in conjunction with an analysis of the costs of administering the licensing service. Appended to the report was a table showing the current and proposed new licence fees. The table also showed the projected cost recovery for each licence for the 2015/16 financial year, with the proposed licence fees largely corresponding with the cost recovery figure. A couple of minor typographical errors in the Gambling Licences fees were amended, and there was a missing line for new Sex Establishment licence applications – the figures for this were current licence fee £3000, cost recovery for 2015/16 £1161, proposed 2015/16 fee £1161. The fees and charges had been benchmarked against several other local authorities, and this information had been appended to the report and displayed at the meeting. A Community Impact Assessment had been carried out, and was appended to the report.

In response to a question about the costs that the Council could recover, the Principal Licensing Officer advised that the administrative cost of processing and issuing a licence could be recouped, but that enforcement costs for taxi licensing could not be recovered through the fees charged to licensees. A question was asked about the proposed increase in the cost of the street knowledge repeat test for taxi drivers from £10 to £128. The Service Delivery Manager – Public Protection responded that the driver training element of the licensing process was being taken out of the fee charged, so that effectively the first street knowledge test would be free. If an applicant needed to re-take the test, the £128 fee was based on the cost of administering the test. A further question was asked about the increase in cost for a performing animal registration and what checks were made on such animals, to which the Principal Licensing Officer advised that checks were done before the licence was issued, but there were no regular planned follow-up checks unless information was received from the public. Concern was also raised at the increase in fees for riding establishments given the pressures facing small businesses. The Service Delivery Manager – Public Protection stated that such establishments had to be visited by an Officer and the cost of administering this particular licence was reflected in the proposed fee.

Members acknowledged that there were significant variations in the cost of some licences, but were satisfied that the costs of administering and issuing the licences had been rigorously assessed and that the proposed fees now more accurately reflected these costs. It was noted that income targets and the administrative costs of the licences would continue to be monitored to ensure that an efficient and effective service was being provided.

RESOLVED - that the level of proposed fees, as shown at Appendix A of the report as amended, be approved to come into force on 1 June 2015, subject to any consultation responses received.

The meeting closed at 7.00pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday 9th July 2014 at 6.00 pm at the Business Development Centre, Stafford Park, Telford

PRESENT

Councillors C Mason (Chair), T Hope, L Murray, J Pinter, J Seymour and C Turley

Officers in attendance: L Noakes (Assistant Director: Health, Wellbeing and Public Protection), M Cumberbatch (Legal Services Manager), C Phillips (Licensing Technical Officer) and P Smith (Democratic Services Team Leader)

Access could not be gained to the designated meeting room. The Chair formally opened and then adjourned the meeting, in order for Members and Officers to relocate to an alternative meeting room at Darby House, Telford Town Centre.

The meeting re-convened at 6.15pm at Darby House.

LC-1 MINUTES

RESOLVED – that the minutes of the Licensing Committee meeting held on 12th March 2014 be confirmed and signed by the Chair.

LC-2 APOLOGIES FOR ABSENCE

Councillors A Mackenzie, R Scammell, B J Thompson and K Tomlinson

LC-3 DECLARATIONS OF INTEREST

None.

LC-4 PROPOSAL TO LICENCE RICKSHAWS AS HACKNEY CARRIAGE VEHICLES

The Licensing Technical Officer presented the report of the Service Delivery Manager – Public Protection, which detailed an application to licence three rickshaws as Hackney Carriage Vehicles (HCVs).

An application had been received to licence three rickshaws along specified routes based on the Silkin Way within the Town Park and between the Town Park and locations in the Ironbridge Gorge. All of the designated routes were based on existing cycle routes. A copy of the application and the applicants' business proposal were appended to the report. The Licensing Service had discussed the proposal with the applicants, and offered advice on what criteria would be required. Case law had determined that a pedi cab (or rickshaw) was a Hackney Carriage Vehicle for the purposes of the Town Police Clauses Act 1847 if the rickshaw was to be used to ply for hire and reward. Therefore, if the application was approved, the rickshaws

would need to display a HCV plate and be fully insured. Following discussion with the applicants, a number of Licence conditions were being suggested, and these were set out in the report.

Also appended to the report were details of the specified routes that the applicants intended to operate, and the Licensing Technical Officer advised of the proposed fare tariffs that had been provided by the applicants in relation to each route. These were flat-rate charges irrespective of the number of passengers. Any separate tariff for rickshaws would require advertising and a period of consultation would be undertaken. In terms of the general proposal for licensed rickshaws, the applicants had consulted the Town Park, the Council's Highways department and Rights of Way Officer, and The Gorge Parish Council, none of whom had raised any objections. In response to a question, the Licensing Technical Officer confirmed that part of the proposed routes would involve travel on main roads, but there had not been any adverse comments on this from Highways.

The applicants, Mr S Singh and Mr J Lewis-Owen, were present and were invited by the Chair to make a statement in support of their application. The applicants explained how they had come up with the idea, provided details of their business model and stated that the rickshaw journeys would enhance the visitor experience in Telford and help promote the town and its history. In response to questions from Members, the applicants confirmed that the rickshaws would have a small battery powered motor and that journeys could be pre-booked as well as by hailing them along the routes. The Licensing Technical Officer added that there would be a clearly defined "start point" in the Town Park, and that a "finish point" in the Ironbridge Gorge was being negotiated. In terms of operating times, the applicants confirmed that it would be an all year round operation, but that trade would be focussed on the summer months and at holiday times/special occasions. Reference was made to some of the specified journeys being along multi-user routes, and that the applicants needed to be aware of the presence of horses, cyclists and pedestrians on these routes.

The applicants then left the room while the Committee determined the application. Members were supportive of two young entrepreneurs who had come up with an innovative business proposal that would also benefit tourism and enhance the facilities in the Town Park. It was felt that the proposed conditions would satisfactorily ensure the safety of passengers. In terms of the fare tariffs, it was confirmed that there would be a fixed rate fare structure and this would need to be clearly displayed. The Licensing Technical Officer also confirmed that the drivers of the rickshaws would need to be licensed. Having considered all the information that had been presented to the Committee, and the responses given by the applicants to Members' questions, it was

RESOLVED -

- (a) that the application to licence three rickshaws as Hackney Carriage Vehicles be approved, subject to:**
 - i) the attachment of the conditions set out at paragraph 4.1.5 of the report; and**

ii) the use of the rickshaws being limited to the designated routes shown at Appendix B of the report.

(b) that the proposed fare tariffs be approved for consultation.

The meeting closed at 6.50pm.

Chairman:

Date:

Local Government (Miscellaneous Provisions) Act 1982

Street Trading – Standard Conditions of Consent

Portfolio	Health, Wellbeing and Public Protection
Business Unit	Public Protection
Service Area	Licensing

1. Telford & Wrekin Council (“the Council”), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) has adopted Schedule 4 of the Act to control street trading in the district.
2. The Council has resolved that every street within Telford & Wrekin is to be designated as a Consent Street under the Act
3. A street trading Consent is issued by the Council subject to the following conditions, insofar as they do not conflict with or are amended by any specific conditions imposed on the grant of the Consent:-
 - (a) The Consent is valid for the period shown on the Consent
 - (b) The Applicant shall pay a fee to the Council in accordance with the approved list of fees.
 - (c) The Consent may be surrendered by the Applicant at any time, providing that the Council shall repay to the Applicant that part of the fee considered by the Council appropriate for the unexpired period of the licence.
 - (d) The Applicant must at all times while trading display in a prominent position the Consent issued by the Council.
 - (e) The Applicant shall not carry on his/her trade in such a way as to cause obstruction of any part of the street in which he/she is trading, or danger to persons using the street.
 - (f) The Applicant shall not carry on his/her trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.
 - (g) The Applicant shall not sell any type of food, goods or merchandise other than that specified in the Consent.
 - (h) ***The Applicant must comply with all relevant Food Safety Legislation and have in place a documented food safety management system such as a Safer Food Better Business (SFBB) pack. They should also hold a basic Food Hygiene (Level 2) Certificate.***

- (i) The Applicant shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. Proof of a Trade Waste Agreement should accompany the application. The Applicant shall be responsible for any damage to the highway or otherwise resulting from the trading activity.
- (j) The Applicant shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.
- (k) The Applicant shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.
- (l) The Applicant shall not trade outside the times and days permitted by the Consent
- (m) The Applicant shall not trade in any location other than the location permitted by the Consent
- (n) The Consent does not permit sale or display goods within 50 metres of an established commercial premises or within 100 metres of another street trader dealing in the same commodities, during the opening hours of such commercial premises or other trader unless otherwise agreed in writing.
- (o) ***The Consent does not permit the sale or display for sale goods within 250 metres of any school, college or child nursery.***
- (p) Where refuse is generated storage must be provided to the street trading area. The storage must be of a substantial construction, waterproof and animal proof. The refuse must be removed to an approved disposal area at the end of each working day, or, if the amount of refuse warrants it, when the means of the refuse storage is full, whichever is the sooner.
- (q) Any vehicle, stall or container used by the Applicant in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
- (r) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.
- (s) The Consent shall not operate for any other purpose than to permit the Applicant to trade in a Consent street in accordance with the conditions imposed. The Applicant must ensure that he/she has obtained any other

approval or registration required under any other statutory provisions relevant to his/her trade.

- (t) The Applicant must be 18 years of age or over and shall be responsible at all times for control of the stall. All persons assisting on the stall shall be 18 years of age or over.
 - (u) The Consent is personal to the Applicant and shall not be assigned or transferred to any other person or company.
 - (v) The Applicant or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
 - (w) The Applicant shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon the request.
 - (x) ***Trailers/Food Stalls must have suitable wash hand facilities, (such as running hot & cold water, bowls, soap and provision of paper towels) where applicable***
 - (y) ***Where applicable Trailers/Food Stalls must have a temperature probe to ensure the correct temperatures are maintained.***
4. Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.
 5. Nothing contained in these conditions shall relieve or excuse the Applicant or his/her employee or agent from any legal duty or liability and the Applicant shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
 6. The conditions attached to the Consent may be varied by the Council at any time.
 7. Any breach of these conditions may lead to the Consent being suspended or revoked.
 8. In these conditions "the Consent" means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Street Trading

Information Pack

What is a Street Trader?

A Street Trader is someone who:-

- i. Trades on any road, footways, highways, and other adjacent areas to which the public have access without payment. Traders must obtain land owners' permission when trading on private land.
- ii. Sells or exposes or offers for sale any article, whether food or non-food, including a living thing in a street, whether with or without a stall or vehicle.
- iii. Trades from a fixed location.

Does the Control apply to all Traders?

No, there are various exemptions to the requirement to hold a Street Trading Consent:-

- i. Trading as a pedlar with a valid Pedlar's certificate issued under the Pedlars Act 1871. A pedlar is a person who travels and trades on foot and goes from town to town or from house to house carrying goods to sell. A pedlar cannot trade from a fixed spot. Pedlar's certificates are obtained from any main Police Station.
- ii. A roundsman, who is a person who delivers orders to the customer's door. This is a trader who calls by prior arrangement with the customer and sells at the customer's premises. Ice cream sellers or mobile food sellers are not deemed to be "roundsmen" and require a licence to trade in the street.
- iii. News vendors selling only newspapers and periodicals, unless the stall exceeds one metre in length or width, or two metres in height.
- iv. Trading from the forecourt of a petrol filling station.
- v. Trading from a stall outside a shop as an extension of that business.

How is Street Trading Controlled in Telford & Wrekin?

Telford & Wrekin Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can effectively control street trading.

- i. All streets within Telford & Wrekin have been designated as consented streets.
- ii. This means that it is an offence to trade without a Consent granted by Telford & Wrekin Council in any street, road, footway, highway, or adjacent area to which the public have access without payment, other than those prohibited where no trading at all can take place.

- iii. Trading without consent may result in prosecution.
- iv. If a trader has been granted a consent the Council has the right to vary or revoke the Consent at any time if the trader fails to comply with the conditions attached to the Consent.
- v. If you wish to trade outside of Telford & Wrekin you should contact the appropriate District Council for that area. Please note that different Councils may have different procedures and rules regarding street trading.
- vi. If you wish to trade within Telford & Wrekin, an application should be made to Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA. Applications can be obtained by telephoning us on 01952 383267 or by email at licensing@telford.gov.uk, or at www.telford.gov.uk
- vii. The Licensing Service feels it is important to advise applicants that it is highly probable that any grant of a street trading consent is also likely to require planning consent. Applicants are strongly advised to contact the Planning Department, Wellington Civic Offices, Wellington, Telford, TF2 2FH. Telephone 01952 380380. Email – planning.control@telford.gov.uk
- viii. The Licensing Service will not expect applications for street trading consents from applicants who are selling or exposing for sale any article (whether food or non-food) that is for the benefit of a bona-fide charity.

How do I apply for Consent?

- i. Complete the appropriate application form – for a “static trader” if you wish to trade from a pitch, ~~or~~ for a “mobile” trader if you sell from street to street.
- ii. The application form must be accompanied by the following documentation:-

Proof that the business is registered with Telford & Wrekin Council as a Food Business (if applicable). If the business is registered outside of the Borough, then a copy of the registration form must be provided from that authority.

Food Hygiene Certificate (if applicable).

Written consent from the landowner if the street trading unit is to be located on private land.

A photograph showing the exact location of the pitch where you wish to trade from.

- iii. Post or bring the application to the Licensing Service to our address at Darby House. Please note that if you would like to meet with a relevant Officer an appointment is required;

What Are the Fees Payable for Consent?

- i. Fees are payable for each unit or site. Fees should be sent with the completed application form.
- ii. Fees may be payable in instalments, by agreement with the Council.
- iii. Fees are reviewed annually and are applicable from 1st April each year.
- iv. Fees payable for static traders who trade from a fixed pitch are:-

	Food		Non Food	
	<i>Initial</i>	<i>Renewal</i>	<i>Initial</i>	<i>Renewal</i>
Single Unit up to 12m ² (max 5m length) for 12 months	£300.00	£280.00	£300.00	£280.00
Mobile traders for 12 months	£300.00	£280.00		
Day Consents	£60.00 (each additional day up to one week £18.00 per day)			

The above fees are subject to amendment as part of the 'Review of Licence Fee' Report.

How Long Does Consent Last for?

- i. Consent can be issued for any period up to a maximum of 12 months, unless surrendered earlier.
- ii. Renewals will take place on receipt of a completed renewal application form and payment of the appropriate fee.

Are Consents Transferable?

- i. No, they are not.
- ii. The Consent holder is entitled to a refund of part of the fee paid if the Consent is surrendered part way through the year.
- iii. Refunds may be made on a pro rata basis, subject to an administration charge.
- iv. If you do not renew the Consent on or before the expiry date or if you surrender it before that date, then any other person will be able to apply to trade from that site.

What are the Responsibilities of a person granted consent?

Such a person is responsible for ensuring that:-

- i. The consent conditions are complied with.
- ii. All relevant certificates are produced to the Council with any application for Consent.
- iii. The vehicle or stall (if stored at an address within Telford & Wrekin) is registered with the Council if selling food of any description. Food Business Registration Forms are obtained by contacting 01952 381818 or email environmental.health@telford.gov.uk
- iv. The Council will not be held responsible for any acts or omissions arising from the grant of Consent.
- v. Where trading is on private land, to which the public has access without restriction, permission to trade must be obtained from the owner/occupier as well as the Council

Does the Grant of Consent by the Council give any other entitlement?

- i. No - It only permits trading within the terms of the Consent as specified. The Consent does not override any parking restriction or other traffic regulation.
- ii. The Consent to trade does not imply approval from any other person or authority.

Consideration and Determination of your Application

- i. When received by the Licensing Service your application form will be checked. Provided there are no queries arising from the application form, your application will be acknowledged in writing within 5 working days of receipt. If there is a query then you will be contacted in writing and/or by telephone and given the opportunity to respond.
- ii. The Council may consult with the following agencies:
 - The Highways Authority
 - The Chief Officer of Police;
 - Public Protection (Food, Health & Safety)
 - Public Protection (Pollution)
 - Planning Department
 - The Council's Community Safety Team;
 - The Parish Council (if any) in which the Trading Unit is to be located;
 - The Ward Councillors; and
 - The owners/occupiers of any properties near to the proposed location of trading site.
 - Any other relevant agency
- iii. For all static and mobile street trading consents, The Licensing Service will undertake a four week consultation with all responsible bodies.

- iv. If queries are raised at this stage then you will be contacted in writing and/or by telephone and given the opportunity to address them.
- v. Having received all comments/recommendations and taking into account the Council's adopted Street Trading Policy, then the Principal Licensing Officer, under the Council's Scheme of Delegation, may then determine applications. If any relevant representations to the application are received, determination of an application could take longer, as the matter may require determination by a Licensing Committee hearing.
- vi. You will be informed in writing if your application needs to be referred to the Licensing Committee and the date of the meeting, to which you will also be invited to attend.
- vii. If your application is granted, the Consent will be issued, together with a copy of the Standard Conditions applicable to street trading Consents plus any Special Conditions deemed necessary by the Council.
- viii. If the Committee refuses your application you will be notified in writing of the reasons for refusal.
- ix. There is no right of appeal in the case of refusals or against the application of conditions.

x For any events that require a day street trading consent, the Licensing Service will not accept any amendments to the submitted application less than 14 working days prior to the event. Any amendments required within this period will need a new application together with the requisite fee. In addition, no application will be accepted that is less than 5 working days of an event.

Is there an Independent Body which represents Street Traders?

There is a body which offers advice on all aspects of outside catering. This body is called National Caterers Association Limited (formerly known as Mobile and Outside Catering Association Ltd.) and is located at:-

Britannic Court

The Lakeside

180 Lifford Lane

Kings Norton

B30 3NU

Tel 0121 603 2524

Website www.ncass.org.uk

Portfolio	Health & Wellbeing, Public Protection
Business Unit	Public Protection
Service Area	Licensing

Street Trading – Consultation

List of consultees

- Chief Constable for West Mercia Police
- Police Licensing Officer for Telford and Wrekin area
- Shropshire Fire and Rescue Service
- Telford and Wrekin Council Members
- Environmental Health – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Neighbourhood and Leisure Services – Telford and Wrekin Council
- Public Health – Telford and Wrekin Council

- All current Telford & Wrekin licensed street traders.

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council

- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Event Organisers

- Wellington Carnival Committee
- Oakengates Carnival Committee
- Lions Day Committee

Community Impact Assessment

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

You will find the information from this assessment useful for the Equality Implications section of any report you are completing.

Section 1 – Overview

1. What is the title of the policy?

Review of the Council's Street Trading Policy & Conditions.

2. What are the objectives of the policy? For example, what are we aiming to achieve? Please provide a brief description

The objective is to consider and consult with partners, the community and existing street traders on:

1. The reviewing the Policy & Conditions applicable to street trading consents.

3. This policy affects

- Existing Street Traders and those applicants who are considering applications.
- People who use street trading units.
- Residents and Businesses that are near street trading operators.

4. What period does the policy cover?

The consultation will commence on 25 March 2015 and will be undertaken over a eight week period.

5. Your contact details:

Name of person completing impact assessment and their post	Carl Phillips, Licensing Technical Officer
Telephone	01952 383267
Date	25 th February 2015

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?

Yes (go to Q2)

2. The Policy contributes to the following [Priority Plan objectives](#)

1. 'Business Supporting, Business Winning Council'

Ensure Compliance – Business

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages
[Helpbox - Age](#)

People with ill health or people with a disability
[Helpbox - Disability](#)

People of different gender
[Helpbox - Gender \(Sex\)](#)

People who are transgender
[Helpbox - Transgender](#)

Different racial groups
[Helpbox - Race](#)

People with different religion or beliefs
[Helpbox - Religion or Beliefs](#)

People of different sexual orientation
[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding
[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership
[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation
[Helpbox - people affected by deprivation](#)

Impact (X)		
Positive	Negative	None
		X
		X
		x
		X
		X
		X
		X
		X
		X
		X

4. What is the expected impact?

Whilst the Licensing Service believe that there will be no significant impact on the above groups, we are aware of the possible environmental impact. Additional street traders could result in greater impact on the surrounding environment with more litter. The Licensing Service have addressed these concerns by ensuring a set of robust conditions are in place to tackle the effects of litter.

5. What engagement and consultation have you already carried out?

A full consultation exercise will be undertaken from 25th March 2015 with the street traders, partner organisations, Councillors, Town & Parish Councils, Residents Associations, Community Associations. The consultation will finish on 25th May 2015. In addition the consultation will be published on the Council's website and copies were also placed in libraries within the borough.

You can contact the Community Engagement team for support – 82131

You are at the end of Section 2 - have you completed all questions in this section?

Please ensure all questions are answered and then send your information to;
Equalityanddiversity@telford.gov.uk

The Equality and Diversity Team will help you address/respond to any issues in
Section 3 – Mitigating Actions

Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?

Any negative impact (environmental impact) will be addressed by way of ensuring robust conditions are put in place to address matters such as littering.

2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

The introduction of day street trading consents will benefit businesses who want to trade within Telford & Wrekin Council. In association with Neighbourhood & Leisure Services, we intend to promote the open spaces of the Borough and encourage street traders who wish to apply for sites within the parks. This could result in greater access to our parks and offer the users of the parks more catering facilities.

- 4..The policy contributes to the following aims of the General Equality Duty;
 - **advance equality of opportunity**

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

Any amendments to the policy and conditions resulting from this consultation exercise will be implemented at a date to be determined by the Chair of the Licensing Committee in discussions with the Principal Licensing Officer. Any adverse comments to the consultation will result in the matter being referred back to Members of the Licensing Committee.

2. When will the actual impacts of the policy be monitored and reviewed?

The Licensing Service will collate comments from the consultees and any feedback from the consultation will be reviewed by the Chair of the Licensing Committee and Principal Licensing Officer (and Licensing Committee if appropriate).

3. How will the actual impact of the policy be monitored and reviewed?

Any changes to the Council's Policy & Conditions of licence resulting will be monitored by the Licensing Service on a regular basis. If any concerns come to light after the introduction of the new Policy & Conditions, every effort will be made to address such matters, and if necessary a further report to Members of the Licensing Committee can be instigated.

Appendix D

Ensure that appropriate confirmation has been given by your line manager.

DRAFT

Appendix D

Line Manager/Head of Service Agreement

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; equalityanddiversity@telford.gov.uk

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail equalityanddiversity@telford.gov.uk

Telford & Wrekin Council

Licensing Committee – 24 March 2015

Street Trading Consent Policy & Conditions.

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To inform Members of the proposal to amend the current Policy & Conditions in respect of Street Trading Consents and to approve an eight week consultation with affected bodies.

2. Recommendations

- 2.1.1 That Members approve an eight week consultation to amend the current Policy & Conditions in relation to Street Trading Consents.
- 2.1.2 That Members of the Licensing Committee allow for the Chair of the Licensing Committee and the Principal Licensing Officer to consider and determine the results of the consultation. If there are any significant comments made as a result of the consultation, then matters will be brought back to Members of the Licensing Committee for consideration.

3. Previous Minutes

- 3.1 LC13 Licensing Committee 14th January 2014.

4. Information

4.1 Background.

- 4.1.1 Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982. As a result, Telford & Wrekin Council, in pursuant to Section 3 of the 1982 Act, has resolved to adopt Schedule 4 of the Act to control street trading within the Borough. Furthermore, the Council has resolved every street within Telford & Wrekin should be designated as a Consent street under the Act.

4.1.2 Street trading involves the sale and exposing or offering for sale, of any article in a street. Street includes any road, footway, or other area to which the public have access without payment and includes any part of a street.

4.1.3 Members should note that for the purposes of the Act, the following matters are not deemed to be street trading;-

- Trading by a person acting as a Pedlar under the authority of a Pedlars Certificate granted under the Pedlars Act 1871. Such certificates are issued by the Police Authority and not the local authority.
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment or order.
- Trading as a news vendor.
- Selling items, or offering or exposing them for sale, as a rounds person.
- Trading which is carried on at a premises used as a petrol filling station, or is carried on at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.

4.1.4 Telford & Wrekin Council has approved conditions to control street trading.

4.1.5 In addition to the conditions, there are Guidance Notes issued to applicants to assist with the application process.

4.1.6 The current Policy & Conditions applicable to street trading was reviewed in January 2014. This review resulted in the Licensing Service introducing street trading *day* consents. This change was approved as the previous Policy did not allow for day consents, and if any businesses wanted to undertake trading for a day or weekend (e.g. Carnivals), then the only available opportunity would be for that business to apply for a full year's consent.

4.1.7 The Licensing Service was receiving a growing number of requests to provide Day Street Trading consents. In addition, the Licensing Service had liaised with the Town Park Managers and Neighbourhood & Leisure Services, with an attempt to encourage the use of the

Borough's open spaces. All parties were keen to provide a number of possible street trading sites within the parks.

4.1.8 It was evident that the failure to provide day street trading consents was seen as a barrier to a number of possible applicants, and the current fee structure approved by Members of the Licensing Committee could be considered as prohibitive.

4.1.9 At the time of preparing this report, the Licensing Service currently issues:-

30 Street Trading Consents for static sites.

25 Street Trading Consents for mobile units.

In addition, since the introduction of the new Policy in April 2014, the Licensing Service has approved and issued 8 street trading day consents.

4.1.10 Telford & Wrekin Council issues static consents for units such as food catering trailers that operate from a designated fixed pitch.

4.1.11 Telford & Wrekin Council issue mobile consents for units such as ice cream vans and jiffy vans who are only stationary whilst conducting a sale.

4.1.12 All street trading consents are issued for a period up to one year and are renewed annually. Currently, Telford & Wrekin Council charge £300 for a street trading consent, and this is renewed at a cost of £280 (Members will note that revised fees are under consideration as part of the Review of Licence Fees Report)

4.1.13 Street trading day consents are issued for a period of up to 7 days at a cost of £60 for the first day and £18 for each additional day (Again Members will note that this fee is under consideration as part of the Review of Licence Fees Report).

4.1.14 However, since the implementation of the day consents, the Licensing Service has received concerns from organisers of events in the Borough. The concerns relate to the cost of the day consent, and the fact that each commercial trader is required to apply for the consent.

4.1.15 As a result, the Licensing Service has been exploring the benefits of introducing an 'umbrella' consent to cover a number of commercial traders at one event. A number of meetings have taken place with various organisers of large and popular events within the Borough, and

there is general consensus of a move towards the 'umbrella consent' consisting of a day consent for **up to 5 commercial traders limited to one specific event**.

4.1.16 Members should note that the Licensing Service would like to maintain the day consent for individual commercial traders. There is (and will continue to be) demand from traders to have a day consent in their own right.

4.1.17 In addition amendments are proposed to the existing conditions together with the addition of new conditions. A copy of the revised conditions to be consulted upon is attached as **Appendix A**, and amendments are highlighted in red.

4.1.18 After consultation with colleagues in Environmental Health, it is considered beneficial to look at introducing and amending some conditions for all our street trading consents. In particular, the Licensing Service would like to amend *Condition (O)* to state:-

'The Consent does not permit the sale or display for sale goods within 250 metres of any school, college or child nursery'.

4.1.19 Similarly, the Licensing Service would like to amend *Condition (h)* to state:-

- ***'The Applicant must comply with all relevant Food Safety Legislation and have in place a documented food safety management system to include a basic Food Hygiene (Level 2) Certificate. In addition, the applicant should have completed a Safer Food Better Business (SFBB) pack where applicable.***

4.1.20 As well as the above amendments, the Licensing Service would like to add the following conditions:-

- ***Trailers/Food Stalls must have suitable wash hand facilities, (such as running hot & cold water, bowls, soap and provision of paper towels) where applicable.***
- ***Trailers/Food Stalls must have a temperature probe to ensure the correct temperatures are maintained where applicable.***

4.1.21 Members should be aware that the above amendments and additional conditions have only been requested due to consultation with Environmental Health. The inclusion of these conditions is an important

element to ensure that the Licensing Service's key aim, that of public safety, is maintained.

4.1.22 Guidance Notes used to assist applicants have been modified and are attached as **Appendix B**, and again, amendments are highlighted in red.

4.1.23 The Licensing Service will consult with all current Telford & Wrekin licensed street traders. **Appendix C** lists other bodies that will be asked for their comments and views to the new Policy & Conditions for street trading.

4.1.24 All comments received from the consultation will be collated and viewed by the Licensing Service. It is proposed that the Chair of the Licensing Committee and the Principal Licensing Officer consider and determine the results of the consultation. If there are any significant comments made as a result of the consultation, then matters will be brought back to Members of the Licensing Committee for consideration. Significant comments being those which would propose a change to the definition of, or removal of, the proposed policy and/or condition(s).

4.1.25 It should be noted that this report makes no reference to the fee structure proposed for issuing the new umbrella day consent. If approved this will be included in the 'Review of Licence Fees' Report and considered by the Licensing Committee. Members should note that amendments to street trading fees require a statutory 28 day consultation with members of the public.

5.2 Equal Opportunities

5.2.1 A Community Impact Assessment has been carried out on this review of Council's Policy and Conditions in respect of Street Trading and is attached at **Appendix D**.

5.3 Environmental Impact

5.3.1 The Licensing Service is fully aware that there may be an environmental impact as a result of this report. Additional Street Trading consents could possibly lead to a rise in littering. Members should note that any such impact has already been addressed in the conditions which are attached to this report.

5.4 Legal Comment

5.4.1 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 allows councils to resolve that schedule 4 of the Act apply to the licensing and consent regime.

- 5.4.2 Paragraph 8, Schedule 4 states that the council may charge such fees as considered reasonable for the grant or renewal of a street trading licence.
- 5.4.3 The consultation process enables consultees to make representations during the consultation period. All representations will be considered and any significant representations made will be referred to the Licensing Committee. The Licensing Committee will consider all the evidence before it to make a reasoned decision.
- 5.4.4 The decision that the Licensing Committee are being asked to make today must include the following in order to ensure fair, transparent decision making:-
- All members of the Licensing Committee taking part in this decision must read this report in its entirety including the recommendations and the appendices.
 - If any member of the Licensing Committee believes that any aspect of the report or document is ambiguous or requires further explanation then questions should be raised with those officers presenting the report before any decision is made.

TS 12 March 2015

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

Protect and Create Jobs as a 'Business Supporting Winning Council'

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy.

5.7 Financial Implications

5.7.1 There are no financial implications as regards to this report.

6. Ward Implications

6.1.1 This report has implications for all wards in the District.

7. Background Papers

7.1.1 Equality Act 2010

7.1.2 Local Government (Miscellaneous Provisions) Act 1976.

7.1.3 Telford & Wrekin Council's Street Trading Policy

7.1.4 Telford & Wrekin Council's Street Trading Conditions.

7.1.5 EU Regulations 852/2004.

Report prepared by, Carl Phillips – Licensing Technical Officer - For further information please telephone 01952-383267 or email licensing@telford.gov.uk.

Appendix A – Proposed Licence Fees

Private Hire/Hackney Carriage

	A	B	C
Licence	Current Fee £	Cost Recovery for Financial Year 2015/16 £	Proposed Licence Fees for Financial Year 2015/16 £
Driver (HC&PH) 3yr licence – New Application	170 (3yrs)	188 (3yrs)	188 (3yrs)
Driver (HC&PH) 3yr licence – Renewal Application	160 (3yrs)	162 (3yrs)	162 (3yrs)
Street Knowledge Repeat Test	10	128.00	128.00
Private Hire Vehicle/Hackney Carriage (12mth licence) – New Application	170	110	110
Private Hire Vehicle/Hackney Carriage (12mth licence) – Renewal Application	160	77	77
Vehicle Transfer	40	46	46
Private Hire Operator - New Application	220	316	316
Private Hire Operator – Renewal Application	200	201	201
Hackney Carriage Compliance Test	61	62	62
Hackney Carriage Retest	0	0	0
Private Hire Vehicle Compliance Test	48	49	49
Private Hire Vehicle Retest	0	0	0

Gambling Licences

Classes Premises Licence		Fee in respect of Provisional Statement Premises £	Fee in respect of other Premises £	First Annual Fee (Payable within 30 Days of Issue of Licence) £	Annual Fee £	Fee for Application to Vary a Licence £	Fee for Application to Transfer a Licence £	Fee for Application for Reinstatement of a Licence £
Regional Casino Premises Licence	Current Cost Recovery	6,960 6,960	13,050 13,,050	9,790 9,790	13,050 13,050	6,530 6,530	5,660 5,660	5,660 5,660
	Proposed 2015/16	6,960	13,050	9,790	13,050	6,530	5,660	5,660
Large Casino Premises Licence	Current Cost Recovery	4,350 4,350	8,700 8,700	6,530 6,530	8,700 8,700	4,350 4,350	1,870 1,870	1,870 1,870
	Proposed 2015/16	4,350	8,700	6,530	8,700	4,350	870	1,870
Small Casino Premises Licence	Current Cost Recovery	2,610 2,610	6,960 6,960	3,260 3,260	4,350 4,350	3,480 3,480	1,570 1,570	1,570 1,570
	Proposed 2015/16	610	6,960	3,260	4,350	3,480	1,570	1,570
Bingo Premises Licence	Current Cost Recovery	1,040 337	3,050 589	650 119	870 119	1,520 316	1,040 274	1,040 274
	Proposed 2015/16	337	589	119	119	316	274	274
Adult Gaming Centre Premises Licence	Current Cost Recovery	1,040 337	1,740 463	650 98	870 98	870 232	1,040 232	1,040 232

	Proposed 2015/16	337	463	98	98	232	232	232
Betting Premises (Track) Licence	Current Cost Recovery	830 337	2,180 505	650 119	870 119	1,090 274	830 274	830 274
	Proposed 2015/16	337	505	119	119	274	274	274
Family Entertainment Centre Premises Licence	Current Cost Recovery	830 337	1,740 463	490 98	650 98	870 232	830 232	830 232
	Proposed 2015/16	337	463	98	98	232	232	232
Betting Premises (other) Licence	Current Cost Recovery	1,040 337	2610 505	390 98	520 98	1,310 274	1,040 274	1,040 274
	Proposed 2015/16	337	505	98	98	274	274	274

Gambling Act 2005 – Other Fees

Application type	Current Fee £	Cost Recovery £	Proposed Fee for Financial Year 2015/16 £	Maximum Fee (Statutory) £
Notification of Change - All Premises	42	46	46	50
Copy Of Licence - All Premises	21	21	21	25

General Licences

Licence Type	Current Licence Fee £	Cost Recovery for Financial Year 2015/2016 £	Proposed Licence Fee for Financial Year 2015/16 £
Animal Boarding – New Application	195	307	307
Animal Boarding – Renewal Application	175	139	139
Dangerous Wild Animals – New Application (2yrs licence)	275 plus Vet's Fee (2yrs)	251 plus Vet's Fee (2yrs)	251 plus Vet's Fee (2yrs)
Dangerous Wild Animals – Renewal Application (2yr licence)	250 plus Vet's Fee (2yrs)	209 plus Vet's Fee (2yrs)	209 plus Vet's Fee (2yrs)
Dog Breeding – New Application	195	293	293
Dog Breeding – Renewal Application	175	125	125
Performing Animal Registration (for life of animal, i.e. no renewal)	55	209 (Life)	209 (Life)
Pet Shop – New Application	195	319	319
Pet Shop – Renewal Application	175	151	151
Pleasure Boats	100	214	214
Riding Establishment – New Application	195 plus Vet's Fee	209 plus Vet's Fee	209 plus Vet's Fee
Riding Establishment – Renewal	175 plus Vets Fee	209 plus Vet's Fee	209 plus Vet's Fee

Applications	Current Licence Fee £	Cost Recovery for Financial Year 2015/2016 £	Proposed Licence Fee for Financial Year 2015/16 £
Sex Establishment -Renewal Application	1,500	462	462
Sex Establishment -Transfer	700	674	674
Street Trading Consent – New Application (12mths)	300	319	319
Street Trading Consent – Renewal Application (12mths)	280	185	185
Street Trading Day Consent	60 plus £18 per day (up to 7 days)	60 plus £18 per day (up to 7 days)	60 plus £18 per day (up to 7 days)
Street Trading Day Consent (Umbrella for 5 Traders)	NA	137	137
Zoo – New Application including 4 inspections by Council officer during the 4yrs of the licence	890 plus Zoo Inspector's Fee (4yrs)	1,624 plus Zoo Inspector's Fee (4yrs)	1,624 plus Zoo Inspector's Fee (4yrs)
Zoo – Renewal Application including 6 inspections by Council officer during the 6yrs of the licence	890 plus Zoo Inspector's Fee (6yrs)	1,961 plus Zoo Inspector's Fee (6yrs)	1,961 plus Zoo Inspector's Fee (6yrs)
Change of Details on a Licence	40	26	26
Transfer of a Licence	40	46	46

Licence Fees	Telford & Wrekin Council - Proposed	Birmingham C C	Luton Council	Derby Council	North Lincolnshire	South Gloucestershire	Peterborough Council	East Staffordshire B C	Staffordshire Moorlands D C	Cannock Chase DC	Walsall Council	Coventry C C	Worcester Regulatory
Private Hire Operator Licence													
1 Vehicle	£316 new/£201 renewal	£1430 - £805 (renewal) £805 (1-5 vehs only) renewal £447	£420		£72.00	£228 (1-5 vehs)	£178 (1-5 Vehs)	£185 - new £165 - renewal	£102	£150 (1 - 5 vehs)	Contact Licensing	£500 (1st grant 1 year) renewal £425 - regrant £465 £1700 (1st grant 5 years) renewal £1625 - regrant £1665	£245 + £50 per veh
2-10 Vehicles						£454.45 (6-10 vehs)	£361 (6 - 10)			£300 (6 - 15)			
11-30 Vehicles						£681.90 (11+ vehs)	£544 (11 - 15)			£500 (over 15)			
31-50 Vehicles							£721 (16 - 20)						
51+ Vehicles Per Vehicle Operated			£23	£31			£904 (21 or more)		£22				
Private Hire/ Hackney Carriage Driver Licence													
1 Year		£239-£117 renew - HC & PH	£226-new + DBS £55	£108	£200 - DBS & 1 attempt at SKT) Renewal £190	£159.20	£114 + £74 fee once granted	£145 HC & PH	£74 + £17 badge annually	£122.50 (inc badge lanyard & DVLA)		£155 - renewal HC £117/ PH £110	£263 inc DBS & DVLA check
2 Years		£299-£218 renew (HC)/£299-£217 (PH)	£168-2 year renewal + DBS £55					Renewal £145 HC& PH		£245 (as above)			Renewal £126 inc DBS & DVLA check
3 Years		£358-£262 renew (HC)/£358-£262 (PH)			£110 additional to hold both licences	£382.08			£155	£242.00			
Dual Driver Licence													
1 year						204.30 new- £159.20 renewal	£68 change from PH to HC	Renewal £145			£102.00		
3 Years						490.32 new- £382.08 renewal							
Badge Deposit	£10		£25.50			£45.00	£40.00						
Street Knowledge Test	£128 retest	£118 - HC/£83 - PH	£32 + £32 for airport test	£65		£42		£37				£40	£55
DBS	£44	£10 admin fee	£55	£44	£44		£21 admin charge			£44			
Other (Please Specify)	£45 driving assessment			£25 HC test						£100 (medical)	£25 (written test)		£48 (disability awareness test)
Private Hire/ Hackney Carriage Vehicle Licence													
1 year	£110.00	£253 - HC/£239 - PH	£315 inc 6 mthly insp cost*	£91 (PH-new/renewal)	£225 HC (over 1 yr) £183 (under 1 yr)	£306.80 inc of veh insp.	£240 HC (new/renew)- £206 PH (new/renew)	£145	£184	£305 (inc Test & plates)		£170 - renewal HC £147/PH £140	£426 (HC)/£399 (PH)

Renewal	£77	£129 - HC/£117 - PH		£116 new/£91 renew HC	£225 (HC)-£210 (PH) £210 PH (over 1 yr) £176 (under 1 yr)								£367 (HC)/ 340 (PH)
Plate Deposit	£10 per plate			£29		£65.40							
Vehicle Transfer (Change of Vehicle)	£46 + plates	£75		£133	£52		£152.15	£35	£55	£46		£20	
Vehicle Transfer (Change of Proprietor)	£46			£72.50	£20		£38		£37		£15	£20	£144
Compliance Test	PH £48/HC £61			*see above			£75 (six months)			£46 + VAT	£60	£47	
Performing Animal Registration	£209	£115		£200	£148		£45.20	No fee					£141.20 + vet fees
Riding Establishment Licence - New	£209 + vet fee	£200 + vet fees	£200 + vet fees	£427 (10 & under)	£350	£89.10 (1-6 horses) £161 (7-12 horses) £222.25 12+ horses +vet fees.	£361	£185 + vet fees	£103 (1-10 horses) £123.60 (11-20) £154.50 (21+) + vet fees	£159 + vet fees	£105	£171 + vet fees	£600 inc vet fees
Riding Establishment Licence - Renewal	£209 + vet fee	£175 + vet fees		£469 (more than 10)	£334		£183	£130 (0-9 horses) £145 (10-19 horses) £165 (20+ horses) + vet fees		£127			£600 inc vet fees
Dangerous Wild Animals Licence - New	£251 + vet fee	£200 + vet fees	£315 + vet fees	£312 new & renewal	£463	£236.15 Commercial/£123.85 Domestic + vet fees	£418	£220 + vet fees	£248.75 + vet fees	£125 + vet fees	£230 - 2 yrs + vet fees.	£237.50 + vet fees	£288 inc vet fees
Dangerous Wild Animals Licence - Renewal	£209 + vet fee	£185 + vet fees			£415	£216.45 Commercial/£67.7 5 Domestic + vet fees	£184 (bi-annually)	£220 + vet fees	as above				£173 inc vet fees
Animal Boarding Licence	£307	£130	£140 + vet fees	£310	£156	£82.70 + £2.95 per d	£309	£175	£103 (1-10 animals) £157 (11+ animals) + vet fees	£125.00	£105 + vet fees	£141.20	£688
Animal Boarding Licence	£139	£115		£254	£148.50	as above	£165	£110 (1-24) £130 (25 - 100) £145 (100+)				as above	£244
Pet Shop Licence - New	£319	£130	£140 +vet fees	£310 + vet fees	£156	£222.25 + vet fees	£296	£145	£92.70 + vet fees	£125.00	£105 + vet fees	£141.20	£320
Pet Shop Licence - Renewal	£175	£115		£254 + vet fees	£148.50	£170 + vet fees	£165	£110	as above				£220

Dog Breeding Licence - New	£293	£115 + vet fees	£140 + vet fees	£386 new/renewal	£350	£222.25 + vet fees	Not listed	£175	£110.25 (1-4 dogs) £215.27 (5+ dogs) + vet fees	£125.00	£105 + vet fees	£137.50	£237 + vet fees
Dog Breeding Licence - Renewal	£125	£95 + vet fees		£436 new/renewal	£148.50	£170 + vet fees		£145					£118 + vet fees
Street Trading Consent - New (1 Year)	£319.00		£2700 (food 7-12mths) £2200 non food.	£1950 / Renewal £1890 (Scunthorpe pedestrian area)		£1380 (static) - £687.80 (mobile)	£59 consultation. £9.50 per day (6am - 9pm)	£2,980	£4,500		£2820 (town centre) £560 (licence streets exc Town Centre)	£500	£3320 (single 10' x 10')
Street Trading Consent - Renewal (1 Year)	£185	£643 per mth City Centre £260 pm (pitch under 1.30sq m) - £302pm (1.39 - 2.78) £191pm - kiosk/£788pm football sites	£1400 (food 4-6 mths) £1130 non food	£460pa (Cat 2 hot food) £615 (Cat 3 hot food)			£72 per night (11pm - 6am)			£22.66 per day-town centre/ £15.45 p d main roads/laybys	£560 (borough wide)		£6166 (single over 10' x 10')
Street Trading Consent - (Day Consent)	£60 + £18/day		£860 (food 0-3 mths) £860 non food	£238pa (Cat 2 other food) £317 (Cat 3 other food)	£22 (Cat 1) / £27.50 (Cat 2)	£57.60 incs £50 admin fee			£25	£51.50 pa private land	£430 (area consent per year).		Mobiles £180 pa per vehicle
Sex Establishment Licence - New	£1,161	£6,454	£6,800	£790	£5,425		£2,575	£3,025	£2,652.25	£2,560.00	£4,500	£5,130	£3,798
Sex Establishment Licence - Renewal	£462	£3,462	£2,100	£177	£3,620		£725	£1,815	£1,326.13	£2,560.00	£2,500		£1,813
Sex Establishment Licence - Transfer	£674	£2,361	£2,100		£1,775.50		£725	£760	£530.45	£620	£1,500		
Zoo Licence - New	£1624+ zoo inspector fee	£2620 - 4years	£350		£1,100	£2,500	£629	£445				£2000 + vet fees	£592 + vet fees
Zoo Licence - Renewal	£1961 + zoo inspector fee	£2620 - 6 years			£1,250		£573	£445					as above
Pleasure Boat Licence - N	£214				£60					£81			
Premises Licence - GA2005													see note
Bingo - New	£589	£2,074	up to £3500	£3,288	£2,975	£3,280	£2809 (max £3500)	£2,600	£1,115	£2,800	£2,200	£3,500	
Bingo - Annual Fee	£119	1st £317	up to £1000	£986	£850	£937	£835 (max £1000)	£750	£556	£800	£837	£1,000	
Bingo - Application to Vary	£316	£1,750	up to £1750	£1,750	£1,487.50	£1,654	£1393 (max £1750)	£1,250	£556	£1,400	£1,320	£1,750	
Bingo - Application to Trans	£274	£693	up to £1200	£1,200	£1,020	£1,124	£956 (max £1200)	£900	£445	£960	£960	£1,200	
Adult Gaming Centre - New	£463	£2,000	up to £2000	£1,950	£1,700	£1,874	£1591 (max £2000)	£1,500	£1,115	£1,600	£1,280	£2,000	
Adult Gaming Centre - Annt	£98	1st £244	up to £1000	£986	£850	£937	£835 (max £1000)	£750	£556	£800	£797	£1,000	
Adult Gaming Centre - Vary	£232	£1,000	up to £1000	£1,000	£850	£937	£796 (max £1000)	£750	£556	£800	£792	£1,000	
Adult Gaming Centre - Tran	£232	£386	up to £1200	£1,194	£1,020	£1,124	£956 (max £1200)	£900	£445	£960	£960	£1,200	
Betting (Track) - New	£505	£2,074	up to £2500	£2,432	£2,125	£2,343	£1988 (max £2500)	£1,750	£1,677	£2,000	£1,480	£2,500	
Betting (Track) - Annual Fee	£119	1st £317	up to £1000	£986	£850	£937	£835 (max £1000)	£750	£865	£800	£815	£1,000	
Betting (Track) - Vary	£274	£1,250	up to £1250	£1,250	£1,062.50	£1,212	£995 (max £1250)	£900	£1,250	£1,000	£960	£1,250	
Betting (Track) - Transfer	£274	£693	up to £950	£950	£807.50	£882	£756 (max £950)	£700	£865	£760	£760	£950	
Betting - New	£505	£2,074	up to £3000	£2,892	£2,550	£2,811	£1988 (max £3000)	£2,250	£835	£2,400	£2,200	£3,000	
Betting - Annual Fee	£98	1st £244	up to £600	£600	£510	£562	£502 (max £600)	£450	£345	£480	£418	£600	
Betting - Vary	£274	£1,500	up to £1500	£1,500	£1,275	£1,406	£1194 (max £1500)	£1,100	£556	£1,200	£980	£1,500	
Betting - Transfer	£274	£386	up to £1200	£1,194	£1,020	£1,124	£956 (max £1200)	£900	£556	£960	£960	£1,200	
Family Entertainment Centr	£463	£2,000	up to £2000	£1,950	£1,700	£1,874	£1591 (max £2000)	£1,500	£780	£1,600	£1,280	£2,000	
Family Entertainment Centr	£232	£1,000	up to £1500	£1,000	£850	£937	£796 (max £1000)	£750	£556	£800	£792	£1,000	

Family Entertainment Centr
Family Entertainment Centr

£98
£232

1st £244
£386

up to £750
up to £950

£750
£950

£637.50
£807.50

£716 £630 (max £750)
£937 £755 (max £950)

£550
£700

£335
£445

£600
£760

£615
£760

£750
£950

Dudley Council	Stratford-on-Avon DC	Bath & North East Somerset Council	Swindon Council	Nuneaton & Bedworth B C	Stafford B C	Malvern DC	Shropshire Council
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£419.16		£134 / £102 (renewal)		£212 (1 year) £175 (3 year renewal)	£85 + £33 each PH		£86 - 1yr/£118 - 3yrs /up to 5 vehs
	£351 new/£294 renewal (1-3 vehs) £393 new/£335 renewal (4-7 vehs) £435 new/£377 renewal (8-10 vehs) £477 new/£419 renewal (over 11 vehs)		£209 (1-9 vehs) £258 (10 - 19) £309 (20 & over) £10.50 per 10 over 20)			£450 for 3 yrs for 2 vehs £40 3rd and each subsequent vehs	£119 - 1yr/£182 - 3yrs/6 -10 £168 - 1yr / £199 - 3yrs / 11-30 £330 - 1yr / £361 - 3yrs / 31-100 £695 - 1yr / £1334 - 3yrs /101-200 £1304 - yr £2551 - 3yrs/over 200
PH £300.50 (incs DSA, Police check & badge) renewal £119.76		£120	£75 - new/£45.50 renewal	£108			
PH £475.45 (incs as above) renewal £297.51							
					£80	£100	£204
	£278 new/£236 renewal	£15			£190	£250	£156
£27.04 (disability course)	£59	£32 £53	£30	£30 (retest) £44	£40 £44	£44	£77 SKT retest
£230.84	PH - £346 new/£304 renewal	£304 - HC/£273 PH	£161	£154 - HC £154 - PH	£230	£278	

	HC- £414 new/£377 renewal	£246 - HC £215 PH					£160 - PH/£150 - HC
£40.17 (plate hire)		£50	£20				£167 - PH/£157 - HC
	£100	£150	£81		£230	£75	£97 - PH/£87 - HC
	£100	£35			£230	£35	
£49.65 - retest		£20 (meter test)	£12 meter test	£92	£10	£50 PH retest/£55 PH retest	
At cost	£64	£107	£43	£64			£122 up to 20 / £137 - 21 - 50 / £137 - 51 or more £137 + hrly charge at £30.96 per hr or part thereof.
£212.30 + vet fees	£110 - 1-10 horses/ £163 - 11-20/ £215 - 21-30/	£296 (inc vet fees)	£150	£190 + vet fees	£105	£145 + vet fees	£134 + vet fees (up to 20 animals)
	£267 - 31- 40/ £320 - over 40			£190 + vet fees			£150 + vet fees (21-50) new and renewal same price £134 - up to 5 + vet fees / £150 - 5 - 10 + vet fees £150 - 11 + vet fees or more where licensing takes more than 5.5 hrs & hrly charge £30.96 per additional hr or part thereof.
At cost	£205 + vet fees	£367 (2 yr licence inc vet fees)	£250 (+ vet fees)	£190 + vet fees	£125	£260 + vet fees	
	£110 + vet fees			£190 + vet fees			
£124.85 + vet fees	£152 + vet fees	£263 (inc vet fees)	£120	£190	£52	£115	£122 - up to 10/£129 - 11- 30 £137 - 31-50 £155 - 51-100 / £192-101- 200/£227 - 201 + new & renewal same price £125 where licensing procedure takes no more than 4.5 hours £125 + £30.96 hourly charge or part thereof for over 4.5 hours
	£105 + vet fees	£107		£190			
£118.70 + vet fees	£152 + vet fees	£262 (inc vet fees)	£120	£190	£65.50	£115	
	£105 + vet fees	£107		£190			

£104.10 + vet fees	£152 + vet fees	£262 (inc vet fees)	£120	£190	£250	£115	£122 - up to 10 £126 - 11-20/ £129 - 21-30 £133 - 31-40 £137 - 41-50/ £145 - 51 + new and renewal same price
	£105 + vet fees	£107		£190			
£601	£1519 Zone 1 food / £1100 Zone 1 non-food	£134 (initial app)	£2,200		Apply online	N/a	£91 minimum for up to 7 days + £4.00 each additional day.
	£812 Zone 2 food / £707 Zone 2 non-food	£22 per day (Sun-Fri)					
	£760 Zone 3 food £44 per day (Sat)						
	£68 food / £53 non-food						
£3,043	£3,500	£3,995	Contact Licensing	£2,145	Online at Gov.uk	£3,750	£1,159
		£1,680				£1,875	£997
				£550		£1,875	
At cost	£305 + £110 grant + vet fees	£583 (inc vet fees)		£540 + vet fees	£500 (1st 4 years + vet fees)	Upon application	£134 + vet fees where procedure takes no more than 5.5 hours £134 + vet fees where procedure takes more than 5.5 hours &
				£540 + vet fees	£500 for further 6 years + vet fees		£30.96 hourly charge per hour or part thereof. £135 + boat inspectors fees
	£100 Class B not more than 12 passengers						
	see note		see note				
£3,334		£1,677		£2,800	£2,974.58	£1,750	£2,200
£763		£479		£800	£849.15	£500	£1,000
£1,662		£1,677		£1,400	£1,486.65	£875	£1,225
£1,142		£1,200		£960	£1,020.00	£600	£950
£1,905		£1,677		£1,600	£1,699.58	£1,000	£1,580
£763		£479		£800	£849.15	£500	£1,000
£953		£1,000		£800	£849.15	£500	£820
£1,142		£1,200		£960	£1,020.00	£600	£964
£1,428		£1,677		£2,000	£2,124.15	£1,250	£1,930
£953		£479		£800	£849.15	£500	£1,000
£1,180		£1,250		£1,000	£1,062.08	£625	£990
£904		£950		£760	£708.08	£475	£794
£2,858		£1,677		£2,400	£2,550	£1,500	£2,220
£600		£479		£480	£510	£300	£600
£1,428		£1,500		£1,200	£1,275	£750	£1,160
£1,142		£1,200		£960	£1,020	£600	£964
£1,905		£1,677		£1,600	£1,699.58	£1,000	£1,450
£953		£1,000		£800	£849.15	£500	£800

£698
£904

£479
£950

£600
£760

£637.50
£807.08

£375
£475

£750
£760

Appendix D - Community Impact Assessment

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

You will find the information from this assessment useful for the Equality Implications section of any report you are completing.

Section 1 – Overview

1. What is the title of the policy?

Annual Review of the Council's Licence fees for licences issued by the Licensing Service.

The current level of fees and other charges for Hackney Carriage, Private Hire, Gambling and General Licences were implemented by the Licensing Authority on 1st May 2014.

A Council, when setting fees, should have regard to the impact that any increase may have upon the livelihood of licence holders.

It is lawful for a local authority to recover the costs of administering, and in some cases, enforcing the licensing regime. The principal aim is to protect the public and to provide an efficient and effective service to licence holders and stakeholders

2. This policy affects

- Customers/service-users
- Partners
- Licence holders

3. What period does the policy cover?

The increase in licence fees will cover the next financial year and comes into effect on 1st June 2015.

4.

Name of person completing impact assessment and their post	Suzanne Fisher
Telephone	01952 383261
Date	12 th March 2015

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?
Yes (go to Q2)
2. The policy contributes to the Priority Plan for Community, Protection and Cohesion.

Provide information and advice on new legislation/guidance to regulated trade and businesses.

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages

[Helpbox - Age](#)

People with ill health or people with a disability

[Helpbox - Disability](#)

People of different gender

[Helpbox - Gender \(Sex\)](#)

People who are transgender

[Helpbox - Transgender](#)

Different racial groups

[Helpbox - Race](#)

People with different religion or beliefs

[Helpbox - Religion or Beliefs](#)

People of different sexual orientation

[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding

[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership

[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation

[Helpbox - people affected by deprivation](#)

	Impact (X)		
	Positive	Negative	None
People of different ages Helpbox - Age	X	X	
People with ill health or people with a disability Helpbox - Disability	X	X	
People of different gender Helpbox - Gender (Sex)	X	X*	
People who are transgender Helpbox - Transgender			X
Different racial groups Helpbox - Race	X	X	
People with different religion or beliefs Helpbox - Religion or Beliefs			X
People of different sexual orientation Helpbox - Sexual Orientation			X
Women who are pregnant or breast-feeding Helpbox -Pregnancy and Maternity			X
People that are married or in a civil partnership Helpbox - Marriage or Civil Partnership			X
People affected by deprivation Helpbox - people affected by deprivation	X	X	

4. What is the expected impact?

People of Different Ages

Community

In some cases licence holders will pay the same or a reduced licence fee which could lead to a positive impact of a reduction in taxi fares for the community. In other cases licence holders will pay more for their licence fee which could lead to a negative impact with a rise in taxi fares. We have no local data, however, national data, according to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, says that low-income young women are one of the largest groups of users of taxis and private hire vehicles.

Licence Holders

The equality data collected by the Licensing Service shows that there is a variety of ages across the numbers of licence holders and any decrease or increase in licence fee will therefore not impact on any particular age group.

People with Ill Health or People with a Disability

Community

In some cases licence holders will pay the same or a reduced licence fee which could lead to a positive impact for disabled communities, however, some licence holders will pay more for their licence fee. Hackney Carriages and Private Hire Vehicles provide a door to door service for those disabled members of the community who are not able to use other forms of public transport. An overall decrease in fares resulting from a decrease in licence fee will have a positive impact on this characteristic.

People of Different Gender

In some cases licence holders will pay the same or a reduced licence fee which could lead to a decrease in taxi fares for men and women, however, some licence holders will pay more for their licence fee which might lead to an increase in fares.. According to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, low-income young women (amongst whom car ownership is low) are one of the largest groups of users of taxis and private hire vehicles.

Different Racial Groups

The equality data collected by the Licensing Service shows that there is a variety of ethnicities across the numbers of licence holders who will be paying a reduction in some licence fees. The policy could have a positive impact on this group of people if the proposed license fees see an increase in the numbers of drivers continuing with employment but for those licence holders who will be paying more for their licence fee, this might have a negative impact.

People affected by Deprivation

This policy will have a positive impact if taxi/private hire fares are reduced as a result of the decrease in licence fees. However, if there is an increase in fares, this could have a negative impact. According to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, low-income young women are one of the largest groups of users of taxis and private hire vehicles.

5. What engagement and consultation have you already carried out?

The Licensing Service has carried out a benchmarking exercise with other local authorities in Telford & Wrekin Council's family group and with neighbouring authorities. This information is attached to a public report which will be considered by the Council's Licensing Committee on 24th February 2015.

There will be the publication of a 28 day legal notice in the local press and on the Council's website advertising the proposed level of licence fees before any change in licence fees is implemented. Representations received resulting from the 28 day legal notice will be considered by Members of the Council's Licensing Committee before the fees are implemented.

You are at the end of Section 2 - have you completed all questions in this section?

Please ensure all questions are answered and then send your information to;
Equalityanddiversity@telford.gov.uk

The Equality and Diversity Team will help you address/respond to any issues in
Section 3 – Mitigating Actions

Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?

The Licensing Service will be informing licence holders of the level of fees to be implemented on 1st June 2015 and will be monitoring the numbers of new applications received.

2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

The Licensing Service will be informing licence holders of the level of fees to be implemented on 1st June 2015 and will be monitoring the numbers of new applications received.

3. How do any of the above actions contribute to aims of the General Equality Duty;

- **eliminate unlawful discrimination, harassment and victimisation**
- **advance equality of opportunity**
- **foster good relations between different groups**

The actions taken following publication of a 28 legal notice will ensure that members of the community who might be affected by the level of fees will have the opportunity to have their say, have their concerns listened to and responded to. This will also contributed to fostering good relations between different groups. By setting a review date of licence fees before the end of the next financial year, this will be monitored and reviewed.

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

1st June 2015

2. When will the actual impacts of the policy be monitored and reviewed?

Date . December 2015

3. How will the actual impact of the policy be monitored and reviewed?

The increase in licensing fees was calculated at a cost recovery level from the financial year 2013/14. Licence fees will be further reviewed by the Council in December 2015 by the Public Protection Service Delivery Manager and the Council's Finance Officer in relation to the financial year 2014/15, the numbers of licences issued and the effects of the levels of fees implemented on 1st June 2015.

The impact that these changes will have on the community will also be monitored by reviewing the numbers of licensed vehicles in the Borough.

Ensure that appropriate confirmation has been given by your line manager.

DRAFT

Line Manager/Head of Service Agreement

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; equalityanddiversity@telford.gov.uk

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail equalityanddiversity@telford.gov.uk

Telford & Wrekin Council

Licensing Committee - 24th March 2015

Licence Fees Review

Report of: Service Delivery Manager - Public Protection

1. Purpose

- 1.1 For Members to consider proposed level of Licence Fees and charges affecting the Hackney Carriage, Private Hire, Gambling and other licences.

2. Recommendations

- 2.1 It is recommended that Members approve the level of proposed fees to come into force on 1st June 2015, subject to any consultation responses received.**

3. Summary

- 3.1 The level of fees and other charges for Hackney Carriage/ Private Hire, Gambling and General Licences were last reviewed in the Financial Year 2013/2014 and implemented on 1st May 2014 for the Financial Year 2014/2015.
- 3.2 As a business supporting and business winning Council Public Protection continues to provide a service which ensures that costs to the business community that require licences to do business are minimised.

4. Previous Minutes

- 4.1 LC17 – Licensing Committee 14th January 2014.

5 Information

5.1 Background

- 5.1.1 The current level of fees and other charges for Hackney Carriage/Dual, Private Hire, Gambling and General Licences were implemented by the Licensing Authority on 1st May 2014.
- 5.1.2 A local authority may recover the costs of administering Hackney Carriage/Private Hire, Gambling and other licences. A Council, when setting fees, must-have

regard to the impact that any increase may have upon the livelihood of licence holders. However, it is also important not to subsidise this service area to the detriment of front line services that are in line with other Council priorities. However, the Licensing Service owe it to licensees that its service is as efficient and effective as it can be to reduce the burden on business. The aim of the local authority must be to protect the public and to provide an efficient and effective service to licence holders and stakeholders.

- 5.1.3 The setting of fees and charges must be calculated and reasonable. It must be limited to an amount that recovers the costs of carrying out the functions of the Local Authority under the Acts of Parliament listed at paragraph 7 of this report. Each charging regime must be separately accounted.
- 5.1.4 The Licensing Service is not able to fully recover the costs of delivering the Licensing Service. Only administration and issue costs can be recovered (not enforcement- R (app Simply Pleasure and Ors) v Westminster City Council [2012] EWCH 1260 Admin) for licences which are part of the EU Services Directive. This does not apply to Hackney Carriage/Private Hire Licensing, Cinema Licensing or Gambling Licensing which are not covered by the EU Services Directive.
- 5.1.5 There are also permits, registrations and licences where fees are either set in statute and do not fully recover the Council's cost of administering the licence or where statute does not allow for a fee to be charged at all.
- 5.1.6 A Council cannot make a profit from its Licence fees R v Manchester City Council ex parte King 89 LGR 696 and R (app Simply Pleasure and Ors) v Westminster City Council [2012] EWCH 1260 Admin.
- 5.1.7 However, a Council can recoup a deficit R v Tower Hamlets London Borough Council ex parte Tower Hamlets Combined Traders Association (1994) COD 325 and R (app Simply Pleasure and Ors) v Westminster City Council [2012] EWCH 1260 Admin
- 5.1.8 Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A1976] allows a Local Authority to "demand and recover for the grant to any person of a licence to drive a hackney carriage or a private hire vehicle such a fee as they consider reasonable with a view to recovering the costs of issue and administration....". This means that for the purpose of charging licence fees for a Private Hire or Hackney Carriage driver, the Council may recover administrative costs only.
- 5.1.9 Section 70 LG(MP)A1976 allows a Local Authority to "charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time..." These charges may be sufficient to cover entirely or partly the reasonable costs of carrying out inspections of hackney carriages and private hire vehicles for the purpose of determining whether the vehicle is fit for purpose; the costs of providing hackney carriage stands; any reasonable administrative or other costs in relation to the above and in relation to the control and supervision of hackney carriages and private hire vehicles.
- 5.1.10 Licence Fees were reviewed in the previous Financial year and Members resolved in 2014 to keep licence fees at the current level for the forthcoming

financial year (2014/2015) to allow the changes mentioned in the Service Delivery Manager's Report to take effect. A further review of licence fees has now been undertaken for the purpose of this report...

5.1.11 Current and Proposed new licence fees are attached at Appendix A.

5.1.12 There are separate fees listed for compliance testing for Private Hire Vehicles and for Hackney Carriages as Hackney Carriage compliance tests include meter testing on the measured mile.

5.1.13 Fee bands for Gambling premises licences have been set by The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Licensing Authorities are not permitted to exceed the maximum fees specified in the Regulation (attached at Appendix B).

5.1.14 The Council's Licensing Service has carried out a benchmarking exercise with Local Authorities who are in the Council's benchmarking group and also with neighbouring authorities. This data is for information only and the Council should not set its licence fees merely by comparing with other authorities. The benchmarking information (Appendix C) will be presented at the meeting, and can be viewed on the Council's website at <http://apps.telford.gov.uk/CouncilAndDemocracy/Meetings/Meeting/MTMxMw%3d%3d>

5.2 Equal Opportunities

5.2.1 A draft Community Impact Assessment has been carried out on the review of Licence fees and charges. A copy is attached at Appendix D.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

5.4.1 Any licence fees that are set at the discretion of the authority should be reasonable and proportionate.

5.4.2 Section 53(2) Local Government (Miscellaneous Provisions) Act 1976 deals with Licence fees for drivers of hackney carriages and private hire vehicles. A council may demand and recover for the grant to any person of a licence to drive a hackney carriage or a private hire vehicle such fee as they consider reasonable with a view to recovering the cost of issue and administration.

- a) the reasonable cost of carrying out for on behalf of the council inspections of hackney carriages and private hire vehicles for the purpose of determining whether such licence should be granted or renewed;
- b) the reasonable cost of providing hackney carriage stands; and
- c) any reasonable administrative or other costs as above and with the control and supervision of hackney carriages and private hire vehicles.

- 5.4.3 Section 70 Local Government (Miscellaneous Provisions) Act 1976 deals with licence fees for the grant of vehicle and operators' licences as may be resolved from time to time and as may be sufficient to cover in whole or in part the reasonable costs of
- a) carrying out the inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed
 - b) the reasonable cost of providing hackney carriage stands; and
 - c) any reasonable administrative or other costs in connection with the above and with the control and supervision of hackney carriages and private hire vehicles.
- 5.4.4 Schedule 3 Section 6 Local Government (Miscellaneous Provisions) Act 1982 deals with applications for licences for sex establishments. Section 19 deals with fees in relation to grant, variation, renewal or transfer which shall be reasonable as determined by the appropriate authority.
- 5.4.5 Section 7 Local Government (Miscellaneous Provisions) Act 1982 Part III deals with street trading consents. A council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent.
- 5.4.6 Section 184 Gambling Act 2005 deals with annual fees. An annual fee means a fee of such amount as may be prescribed and "prescribed" means prescribed by regulations made – a) in relation to premises licences issued by authorities in England and Wales, by the Secretary of State. Regulations prescribing the annual fee may, in particular, make different provision for – (a) licenses authorising different classes of activity, or (b) different circumstances.
- 5.4.7 Section 1(2) Animal Boarding Establishments Act 1963 deals with applications for boarding establishments for animals for which there is provision for payment of such fee as may be determined by the local authority.
- 5.4.8 Section 1(1) Breeding of Dogs Act 1973 deals with applications for the licensing of breeding establishments for dogs for which there is provision for payment of such reasonable sum as the authority may determine .
- 5.4.9 Section 2 Pet Animals Act 1951 deals with applications for licensing pet shops for which there is provision for payment of such fee as may be determined by the local authority.
- 5.4.10 Section 2 Performing Animals (Regulation) Act 1925 deals with applications for registration to exhibit or train any performing animals for which there is provision for payment of such fee as appears to the authority to be appropriate.
- 5.4.11 Section 1(2) Dangerous Wild Animals Act 1976 deals with applications for a Licence for which there is provision for such fee as the local authority may stipulate.
- 5.4.12 Section 1 Zoo Licensing Act 1981 deals with applications for grant, renewal, alteration and transfer which there is provision of such reasonable fee as they determine and reasonable expenses.

- 5.4.13 Section 1 Riding Establishments Act 1964 deals with applications to keep a riding establishment for which there is provision for such fee as may be determined by the local authority.
- 5.4.14 Vehicle (Crimes) Act 2001 deals with registration for motor salvage operators. A local authority may set the level of fees to be charged in respect of applications—
- (a) with a view to recovering the reasonable costs incurred by them in connection with the administration; and
 - (b) so that different fees are payable in different circumstances.
- 5.4.15 Section 94 Public Health Acts Amendment Act 1907 deals with the licensing of pleasure boats and pleasure vessels and the local authority may charge for each type of licence such annual fee as appears to them to be appropriate.
- 5.4.16 Only administration and issue costs can be recovered (not enforcement) R (app Simply Pleasure and Ors) v Westminster City Council [2012] EWCH 1260 Admin for licences which are part of the EU Services Directive. This does not apply to Hackney Carriage/Private Hire Licensing, Cinema Licensing or Gambling Licensing which are not covered by the EU Services Directive.
- 5.4.17 A Council cannot make a profit from its Licence fees R v Manchester City Council ex parte King 89 LGR 696 and R (app Simply Pleasure and Ors) v Westminster City Council [2012] EWCH 1260 Admin.
- 5.4.18 The decision that the Licensing Committee are being asked to make today must include the following in order to ensure fair, transparent decision making:-
- All members of the Licensing Committee taking part in this decision must read this report in its entirety including the recommendations and the appendices.
 - If any member of the Licensing Committee believes that any aspect of the report or document is ambiguous or requires further explanation then questions should be raised with those officers presenting the report before any decision is made.

TS 12 March 2015

5.5 Links with Corporate Priorities

5.5.1 This report has links to:

1. Creating a safer community
- (b) Safeguard health and safety of the community

5.6 Financial Comment

5.6.1 The budgeted income for licensing activity included in Appendix A is £0.187m in 2015/16. Income received to date in 2014/15 is £0.172m.

5.6.2 The proposed charges for licenses have been calculated on the recovery of costs relating to the function, such as staff costs associated with administration of the licence application. This involved a bottom-up process review for each licence to fully understand activity and the related costs.

5.6.3 Charges have been benchmarked against several other Local Authorities – see Appendix C.

5.7 Risks and Opportunities

5.7.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

The following key risks and opportunities associated with these decisions is :

- a failure to publish Licence Fees as prescribed by Regulation could give rise to a judicial review of the process leading to that failure.
- The level of fees set being unreasonable arising to a challenge by judicial review.

5.7.3 Having identified this risk, processes and procedures have been put in place to ensure that Regulations are complied with.

6. Ward Implications

6.1 This report has Borough wide Implications

7. Background Papers

7.1 Local Government (Miscellaneous Provisions) Act 1976

7.2 Local Government (Miscellaneous Provisions) Act 1982

7.3 Town Police Clauses Act 1847

7.4 Transport Act 1981

7.5 Gambling Act 2005

7.6 Animal Boarding Establishments Act 1963

7.7 Breeding of Dogs Act 1973

7.8 Pet Animals Act 1951

7.9 Performing Animal's (regulation) Act 1925

7.10 Dangerous Wild Animals Act 1976

7.11 Zoo Licensing Act 1981

7.12 Riding Establishments Act 1970

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