

11 January 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 30.12.22

The meeting will also be livestreamed to YouTube on the Council's channel here:

[https://www.youtube.com/channel/UCLT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCLT1f_F5OfvTzxjZk6Zqn6g)



## Licensing Committee

### Membership:

Chairman, Cllr. Clack; Vice-Chairman, Cllr. Abraham  
Cllrs. Bonin, Dr. Canet, Edwards-Winser, Esler, Layland, Pett, Raikes, Roy,  
Waterton and Williams

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 28 September, and the Licensing Hearings held on 6 October 2022 and 14 October 2022 as a correct record.	(Pages 1 - 14)	
2. <b>Declarations of interest</b> Any interests not already registered		
3. <b>Actions from the previous meeting</b>		
4. <b>Sexual Entertainment Licensing Fees</b>	(Pages 15 - 18)	Jessica Foley Tel: 01732227480
5. <b>Gambling Act 2005 Licence Fees From April 2022</b>	(Pages 19 - 24)	Jessica Foley Tel: 01732227480
6. <b>Hackney Carriage and Private Hire Licensing: Licence Fees And Charges 2023/24</b>	(Pages 25 - 32)	Sue Lindsey Tel: 01732227491
7. <b>Work Plan</b>	(Pages 33 - 34)	

## EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

LICENSING COMMITTEE

Minutes of the meeting held on 28 September 2022 commencing at 7.00 pm

Present: Cllr. Clack (Chairman)

Cllr. Abraham (Vice-Chair)

Cllrs. Bonin, Dr. Canet, Edwards-Winsor, Layland, Raikes, Roy, Waterton and Williams

Apologies for absence were received from Cllrs. Esler and Pett

1. Minutes

Resolved: That the Minutes of the Meetings held on 23 March 2022 and 10 May 2022 and the Hearings held on 1 April 2022, 19 April 2022, 9 May 2022, 17 May 2022 and 18 July 2022 be agreed and signed by the Chairman as a correct record.

2. Declarations of interest

There were none.

3. Actions from the previous meeting

There were none.

4. Hackney Carriage And Private Hire Licensing: Licence Fees And Charges 2023/24

The Head of the Licensing Partnership presented the report which set out the option to increase fees by 5% for Taxi and Private Hire Licensing Fees and Charges 2023/24.

Fees were substantially reviewed the previous year and instead of a simple inflationary increase, they were completely re-worked and the increases to fees were largely more than inflation in several areas. They were based around assumptions of the number of applications received. Monitoring of income and expenditure had been carried out since the newer fees had come into effect in April 2022, but it was too soon to establish whether the fees introduced would deliver the desired outcome. This would likely fluctuate and change during the remainder of the financial year.

## Agenda Item 1

### Licensing Committee - 28 September 2022

It was explained that the fees could be reviewed later in the financial year following the pending salary award and other expenses and it was highlighted that the number of licensed drivers had not reached the numbers seen before the pandemic. The Driver's licences were renewed every 3 years and Members were made aware that this could be changed, although the Licensing Team advised against this at the time.

The Head of the Licensing Partnership confirmed that if Members ultimately decided, following an initial consultation, to increase the Fees by an alternative value less than 5% then this could be done without needing to go back out to a further consultation.

Members discussed the report and considered the increase to fees. It was considered that 5% was less than inflation and fuel prices were falling so the increase should be considered. Some Members considered it might be better to stagger an increase to fees rather than wait until the end of the financial year. Other Members raised concern over the large increases in the previous year and the impact on Drivers' costs.

Members were advised that the fee rates were about remaining cost-neutral and to ensure the service remained self-financing. It was difficult to forecast costs and the number of driver applications but more accurate details would be known by the end of the financial year. Members suggested that the outlook would be clearer in January and it would be beneficial for the Committee to review this at the next meeting should Members decide to keep the fees unchanged.

Resolved: That

- a) the current fees, as set out below remained unchanged; and
- b) an update report be brought back to the next meeting of the Committee in January 2023.

	<b>Cost</b>
Knowledge Test	£51.50 per test
EQUO online test	£66
New Driver application	£264 for three years
Driver Renewal application	£183 for three years

Dual Driver Licence

	<b>Cost</b>
Knowledge Test	£51.50 per test
EQUO online test	£66
New Driver application	£264 for three years
Driver Renewal application	£183 for three years

Hackney Carriage Vehicle Licence

	<b>Cost</b>
New and Renewal Application	£325 for one year

Private Hire Operator Licence

	<b>Cost</b>
New application for 5 year licence	£747
Renewal for 5 year licence	£586
New application for 3 year licence	£534
Renewal for 3 year licence	£374
New application for 1 year licence	£324
Renewal for 1 year licence	£164

Private Hire Driver Licence

	<b>Cost</b>
Knowledge Test	£51.50
EQUO Online Test	£66 per test
New Driver application	£264 for three years
Driver Renewal application	£183 for three years

Private Hire Vehicle Licence

	<b>Cost</b>
New and Renewal Application	£297 for one year

Additional Costs

	<b>Cost</b>
DBS application	£40
DBS administration fee	£30
Change of Driver Licence type	£54
Replace Vehicle Plate	£18
Replace Driver Badge	£24
Change of Ownership of licensed vehicle	£27
Duplicate paper licence	£10
Temporary Replacement	£33
Add or remove a name from a vehicle licence	£18
Change of name and address (driver badge not included)	£18
Private hire exemption certificate	£42
General Admin Fee	£30

5. Pavement Licensing/Off Sales - Legislative Update 2022

The Head of the Licensing Partnership presented the report which updated the Committee on changes to legislation which affected Pavement Licences and off sales of alcohol. In July 2020, the Business and Planning Act 2020 came into effect which made it easier for premises serving food and drink such as bars, restaurants

## Agenda Item 1

### Licensing Committee - 28 September 2022

and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. This moved the responsibility for licensing of furniture on the highway from the County Council (Highways Service) to the District Council level and was taken on by Licensing. It also provided that where an existing premises licence (issued under the Licensing Act 2003) authorised the sale of alcohol for consumption on the premises, they could also provide sale of alcohol for consumption off the premises. This had been further extended to 30 September 2023, to allow time for government to introduce further legislation which would permanently pass the licensing of furniture on the highway (Pavement Licensing) to District Council level.

Members were advised that there were initially shortcomings of the legislation that made enforcement and compliance difficult for the Licensing Team. The Head of the Licensing Partnership had vocalised concerns to the Local Government Association (LGA) whom were considering adopting further enforcement measures such as fixed penalty notices.

Resolved: That the report be noted.

#### 6. Licensing Partnership Annual Update

The Head of the Licensing Partnership presented the annual update on the performance and activity of the Licensing Partnership 2021/22. She explained that the Partnership was continuing to meet a good standard despite the hardship of the pandemic over recent years.

Members asked questions about the impacts of working from home and remote training. The Partnership had continued to maintain high levels of output and had seen a smooth shift to remote working. Training had to be adapted to the remote working arrangements but this had not impacted on performance.

Members expressed their thanks to the Head of the Licensing Partnership and the Team for all their hard work over recent years.

Resolved: That the performance of the Licensing Partnership as contained in the report be noted and the Head of the Licensing Partnership be asked to continue to provide an annual update on the activity of the Licensing Partnership to the Committee each municipal year.

#### 7. Work Plan

The Work Plan was noted with the following addition(s):

January 2022

- Hackney Carriage and Private Hire Licensing: Licence Fees And Charges 2023/24

September 2023

- Licensing Partnership Annual Update 2022/23
- 

THE MEETING WAS CONCLUDED AT 7.46 PM

CHAIRMAN

This page is intentionally left blank



**LICENSING HEARING**

Minutes of the meeting held on 6 October 2022 commencing at 10.30 am

Present: Cllr. Edwards-Winser (Chairman)

Cllrs. Abraham, and Dr. Canet

Also Present: Cllr. Foster

Member for Swanley Christchurch  
and Swanley Village (SDC)

Cllr. Osborne-Jackson

Member for Leigh & Chiddingstone  
Causeway (SDC)

Jessica Foley

Senior Licensing Officer (SDC)

David Lagzdins

Legal Advisor (SDC)

Andy Binnie

Democratic Services Officer (SDC)

4. Appointment of Chairman

Resolved: That Cllr. Edwards-Winser be elected as Chairman.

(Cllr. Edwards-Winser in the Chair)

5. Declarations of interest

There were none.

6. Review of Private Hire Operator Licence - 21/02024/TXOP5 Access Travel (Kent)

Resolved: That under section 100A (4) of the Local Government Act 1972, the public were excluded from the meeting when considering the report, on the grounds that likely disclosure of exempt information was involved as defined by Schedule 12A, paragraph 1 (information relating to any individual) and paragraph 2 (information which is likely to reveal the identity of an individual).

The Hearing gave consideration to a report by the Senior Licensing Officer giving details of a review of a Private Hire Operator Licence under the Local Government (Miscellaneous Provisions) Act 1976, and the Town Police Clauses Act 1847. The Sub-Committee was asked, based on the evidence to determine whether to take no action, revoke the Licence, suspend the Licence or issue penalty points to the Licence Holder.

The Senior Licensing Officer introduced the exempted report, gave background information to the Hearing and highlighted a typographical error in the report.

## Agenda Item 1

### Licensing Hearing - 6 October 2022

The Sub Committee noted that the Licence Holder was not present despite having been contacted multiple times by the Licensing and Democratic Services Teams. The Sub-Committee expressed concern for the ability of the Licence Holder to remain “fit and proper” to hold an Operator Licence in light of the concern raised that they had operated a private hire vehicle with an unlicensed driver together with a failure to comply with the requests for information from the Licensing Team regarding records and the evidence within the exempted report. The Sub-Committee also discussed the potential implications for public safety.

In response to concerns raised, points of clarification were given by the Legal Advisor and Senior Licensing Officer.

The Sub-Committee suggested that the Driver and Vehicle Standards Agency (DVSA) should be contacted by the Licensing Team due to the public safety implications of evidence detailed in the exempted report.

Members noted that having had regard to the evidence provided in the exempt report, to the statutory framework, and the Council’s Hackney Carriage and Private Hire Policy, the Sub-Committee were concerned that the Licence Holder had failed to provide sufficient information to overcome the concerns and to show them to be a “fit and proper person” to hold a Private Hire Operator Licence.

Resolved: That the Licence be revoked as detailed in the notice of determination to be provided to the Licence Holder within 14 days.

THE MEETING WAS CONCLUDED AT 10.48 AM

CHAIRMAN

**LICENSING HEARING**

Minutes of the meeting held on 14 October 2022 commencing at 10.30 am

Present: Cllr. Pett (Chairman)

Cllrs. Bonin and Raikes

Also Present Licence Holder  
Licence Holder's Representative  
Licence Holder's Representative  
Licence Holder's Guest  
Licence Holder's Guest  
Licence Holder's SIA Owner  
Interested party  
Interested Party's representative

Kent Police Representative  
Kent Police Representative

Environmental Health Team Representative (SDC)

Cllr Osborne-Jackson (SDC)

Susan Lindsey - Senior Licensing Officer (SDC)  
David Lagzdins - Senior Solicitor (SDC)  
Sharon Bamborough - Licensing Partnership Manager (SDC)  
Charlotte Sinclair - Democratic Services Team Manager(SDC)  
Phil Magee - Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr Pett be appointed as Chairman of the Licensing Hearing.

2. Declarations of interest

There were none.

3. LICENSING ACT 2003 REVIEW APPLICATION - Ephesus, 57-59 High Street, Sevenoaks, Kent. TN13 1JF

The Chairman welcomed everyone to the meeting.

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendices I,K,

## Agenda Item 1

### Licensing Hearing - 14 October 2022

M, O and sections NC1, NC2, SDL/05 - SDL/15, SDL/19, and SDL/20 of Appendix AA of Agenda Item 3 above, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 2 (Information which is likely to reveal the identity of an individual.)

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of the review application which had been submitted by Susan Lindsey, of the Licensing Authority in relation to Ephesus, 57-59 High Street, Sevenoaks, Kent, TN13 1JF. The Head of Licensing Partnership advised that the reasons for the review were set out on pages 14 to 16 of the agenda pack. She also advised that following new representation for the Licence Holder, the first hearing date had been cancelled and all the relevant information was available in the agenda packs and supplementary agendas.

The Applicant advised the Hearing that on 27 May 2022 she had undertaken 'out of hours' monitoring following information that the premises were operating outside of its authorised licensable hours. She also advised that there had been a further incident over a weekend in August 2022, which undermined the Licensing Objective of the prevention of crime and disorder. The current licence allowed the sale of alcohol until midnight on Monday to Saturdays, and until 11:30pm on Sunday. The License did not include regulated entertainment but certain music could be played until 11pm following deregulation.

Various clips of audio and video footage were shown to the Hearing. The Applicant indicated that music could be clearly heard from outside the premises when the doors were open including from her car parked 45m away with the car window open and also at the back of the property, but that when the doors were not open the music was barely audible. People were entering and exiting and there was no evidence to show that Ephesus would be closing.

She further advised that music could still be heard past midnight, and so she undertook further investigation. The Hearing was advised that she was able to purchase an alcoholic drink at 12:08am but she had to repeat her order to the bar staff as the music was loud. Further audible footage was heard and the timings of the recordings were as follows 12:09am and 12:13am. She stated the levels were not background music and users were there for the bar and DJ music set. People were still coming and going.

The License Holder had been reminded on numerous occasions of his responsibility under his licence and submitted two full variations to extend hours, of which both were withdrawn. She felt it was clear that the Licence Holder knew he could only operate until 12am. She continued to monitor back in her vehicle until 1.20am and advised she could clearly hear music when the door was open. Further audio recordings were heard and were taken at 12:45am, 1:15am and 1.06am.

She explained that following the incident she spoke to the Licence Holder on 7 June 2022 and because of the matters witnessed, she advised that she would write to him requesting he attend for a formal interview, and for the CCTV and receipts of sales that night to be provided. The Licence Holder attended the meeting but was unable to provide this information. He was advised that it was not the Local Authority's intention to prosecute under the Licensing Act but would be looking to review the Licence. The review hearing was requested to highlight the severity of

the actions undertaken and that Sevenoaks District Council want to work with businesses as far as possible to help support local businesses and communities.

Following this incident and formal interview under caution, there was a further complaint which went through to Environmental Health out of hours over the weekend of 16 and 17 August from a local resident, due to excessive noise. The Environmental Health Manager had produced a statement and evidence which was included within the agenda papers. The Hearing watched the evidence provided of a video taken at 12:20am.

The Environmental Health Team had written to the Licence Holder following the complaint. The bass and sound from the amplified music was considered to be intrusive to neighbours. A Temporary Event Notice (TEN) had been submitted for the weekend without objection, but it did not include licensed entertainment. The Licence Holder was written to under 136 of the Licensing Act highlighting that the further 3 TENS submitted did not include the provision of regulated entertainment and therefore all music had to end at 11pm.

The three TENS were withdrawn and a further Late TEN for alcohol and regulated entertainment had been received but a counter notice was issued due to comments received by the Police and Environmental Health and so the event could not go ahead. On 15 August a local resident called the local authority with video footage of a fight outside of Ephesus, the same night as the noise complaint. Video footage was submitted and additional footage was submitted by the CCTV control room which showed the individuals involved were from Ephesus. On page 147 of the agenda the timings were indicated and the exempted still images were considered. The Hearing watched the exempted videos which were recorded around 2am. It was apparent to the Applicant that had Ephesus not been open past its licenced hours then the fight would not have broken out.

A minor variation had been submitted and been approved with additional conditions, she thanked the Licence Holder for the action taken to add the conditions which were in effect.

The Applicant finished her presentation setting out the action she would like undertaken due to the objectives of the Licensing objectives of avoidance of public nuisance and the prevention of crime not being adhered to.

The Sub-Committee asked questions of clarification of the applicant.

The Licence Holder's representative also took the opportunity to ask questions of clarification and the Hearing was advised that the suspension requested was with a view to the business taking steps to develop policies to manage the business so that it is compliant henceforth and train staff appropriately to prevent similar situations happening again.

The Hearing heard from the Police who supported the Local Authorities review request and had met with the License holder previously to remind him of his duty under the Licensing Act. He advised of the contact which had taken place with Environmental Health Team and the Licensing Team regarding the concerns which had been raised, in particular noise outside of the licensed hours.

## Agenda Item 1

### Licensing Hearing - 14 October 2022

The Hearing then heard from the Environmental Health representative who advised of the noise complaints which had been received, communication with the Licence Holder and of the action taken to control noise late in the evening.

The Sub-Committee asked questions of clarification regarding noise recording equipment.

The Licence Holder's Representative took the opportunity to ask questions of clarification from the Police Representatives and the Environmental Health Representative. It was stated during the questions that Environmental Health were willing to work with the premises to set a noise level limit which all parties would be happy with.

The Chairman invited the Licence Holder's Representative to address the Hearing.

He advised the Hearing that the Licence Holder was happy to work with Environmental Health to set an agreed level for the noise limiter, and they had spoken to some of the closest neighbours to Ephesus and had provided his mobile number to them, for them to contact him with any concerns.

He addressed the concerns raised, including the incident on 27 May 2022, accepting that there had been sales of alcohol outside of the licenced hours and music was played past 11pm, perhaps louder than anticipated but as the Applicant had stated in her statement that it was barely audible when the doors were closed. He advised that the Licence Holder had not been there during that week and a new Manager had been in place. He advised that there had been a breakdown in understanding and that Manager no longer worked at Ephesus. He advised that the Licence Holder had held a personal licence for more than 5 years and had similar premises in Orpington and Sittingbourne. He further advised that the incident that took place in August did have a TEN applied for but as detailed in the agenda papers did not cover regulated entertainment. He advised that the previous consultants used were for Planning and they had advised that it was acceptable. This was an error and why the Licence Holder had appointed new representatives.

The Hearing was shown an exempted video. The Licensee's Representative indicated to the Hearing that the SIA licensed personnel could be seen trying to break up the fight that had started. He stated that the Licence Holder accepted that two individuals had been drinking at Ephesus and at another pub before, but stated they were assisted away and then Ephesus closed and the fight re-started shortly after.

The Hearing also heard from the owner of the security company used, who had had a contract with Ephesus since 2021. He explained the hours his staff were on site for.

In summing up, the Licence Holder's Representative advised that they were seeking to take steps following the incidents that had happened, and the Licensee had attended meetings with Officers when requested, as well as additional conditions on his licence following the minor variation, which he had proactively put in place. He was seeking to work with his neighbours and suggested some extra additional conditions to be added to the licence including last entry and noise

limiters. He advised that anything more than a two week suspension would cause serious financial implications on the business and staff employed.

The Sub-Committee took the opportunity to ask questions of clarification. Some of the questions focused on the incident over the weekend in August and their security team's involvement, as well as a focus on the regulated music after 11pm, and questioning for clarification on some of the suggested further conditions put forward.

The Chairman of the Hearing, gave the opportunity for the Applicant and Licence Holder's representative to give a closing statement.

The Applicant advised that the activities undertaken in May and August were unauthorised and she had concerns that not all of the objectives under the Licencing Act were being adhered too.

The Licence Holder's representative closing remarks detailed some additional conditions that they would agree to being on the Licence, and the impact any closing would have on the business.

At 12.50pm the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor, Clerk to the Hearing and Head of Licensing Partnership, for the purpose of providing advice only.

At 1.55pm the Hearing Members, Council's Legal Advisor, Clerk to the Hearing and Head of Licensing Partnership returned to the Council Chamber.

The Chairman confirmed that the full detailed decisions would be made and provided to the interested parties thereafter by the notice of the determination. He advised that the evidence heard and in the agenda papers suggested that due regard had not been taken of the legal constraints applicable to the premises in the past, despite ongoing approaches by various Officers of this Council. On the balance of probabilities, the Sub-Committees considered unregulated entertainment had been continued beyond current permitted hours for the sale of alcohol.

For this reason, the sub-committee felt that a proportionate response was to suspend the premises license for a period of two weeks to enable the business to reflect upon the consequences of non-compliance, to develop policies to manage the business so that it is compliant henceforth and train staff appropriately. It would also enable sound levels to be agreed with Environmental Health. Additionally, the conditions volunteered by the business relating to noise, SIA security presence, last entry policy, the introduction of a dispersal policy and outside operation.

Resolved: That the Licence be suspended for a period of two weeks with additional conditions, be applied to the Licence, with the full reasoning as detailed in the Notice of Determination as attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 14:04

CHAIRMAN



## SEXUAL ENTERTAINMENT LICENSING FEES

Licensing Committee - 11 January 2023

**Report of:** Chief Officer, Planning & Regulatory Services

**Status:** For consideration and decision

**Key Decision:** Yes

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Jessica Foley Ext. 7480

**Recommendation to Licensing Committee:**

Members are recommended to approve the level of fees and charges with effect from 1 April 2023 as set out at item 9 of this report.

**Reason for recommendation:** The Licensing Department has not received or processed an application for a Sexual Establishment within the Sevenoaks District, therefore the fees have not been changed from those agreed in 2022.

### Introduction

- 1 The Council is required to review any charges which it makes for licences and other associated items, from time to time.
- 2 The Council must seek to recover the costs associated with processing applications for licences as well as the administration and monitoring of compliance with conditions. The fees charged should be capable of withstanding legal challenge, should the need arise.
- 3 It is not permitted to make a surplus or to subsidise licence holders so where necessary fees are adjusted in succeeding years to achieve and maintain the correct balance.
- 4 The cost to the Council of this work is regularly checked and real time costs are used in compiling the figures. Where it is possible to reduce costs by use of more efficient working this is reflected in the charges made.
- 5 As the Licensing Department has not received or processed an application for a Sexual Establishment within the Sevenoaks District, the fees have not been changed from those agreed in 2022.

## Agenda Item 4

### Sex Establishment Licensing:

- 6 The fees for applications made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, have previously been calculated by examining the time it could take to process an application.
- 7 The tasks involved with processing an application include assisting the applicant, checking the validity of an application, assessing representations, formal mediation and site visits.
- 8 The Council does not currently have any Sexual Entertainment venues.
- 9 As the Council is unable to demonstrate any additional costs involved with the processing of applications made under this Act (due to the point raise in section 8 above), the Licensing Department proposes to keep these fees the same as those set in 2022.

### Proposed Fee(s)

Type of Application	Fee
New Application	3641
Renewal Application	3641
Transfer Application	1825

### Other options Considered and/or rejected

If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Sexual Entertainment premises was self-financing.

### Key Implications

#### Financial

There are no financial implications resulting from this report. The Council does not currently have any sexual entertainment venues within the district and we are, therefore, not currently receiving any income from this particular regime

#### Legal Implications and Risk Assessment Statement

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a 'judicial review proceeding'. Should this arise, the authority would

need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Assessment

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

**Appendices**

None

**Background Papers**

None

**Richard Morris**  
**Chief Officer Planning and Regulatory Services**

This page is intentionally left blank

**GAMBLING ACT 2005: LICENCE FEES FROM APRIL 2022**

**Licensing Committee - 11 January 2023**

**Report of:** Chief Officer, Planning & Regulatory Services

**Status:** For consideration and decision

**Key Decision:** Yes

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Jessica Foley Ext. 7480

**Recommendation to Licensing Committee:**

That it be recommended to approve the level of fees and charges with effect from 1 April 2023 as set out in Appendix A.

**Reason for recommendation:** To ensure the Council complies with its statutory duty and ensures the licensing of gambling premises is self-financing.

**Introduction and Background**

- 1 The Gambling Act 2005 Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe which includes a maximum fee level. The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
- 2 The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous year's fees are printed in italics for your information. Those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.
- 3 There is an initial fee to cover the cost of application and an annual fee.
- 4 Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a

## Agenda Item 5

cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.

- 5 Fees must be set for all types of premises licence and Temporary Use Notices (TUNs):

Premises Types:

- Casino
- Bingo
- Betting Office (off-course)
- Tracks (on-course betting)
- Adult Gaming Centres
- Family Entertainment Centres

- 6 Fees must be set by each Licensing Authority for the following:

- Application for a (new) premises licence
- Application to vary a premises licence
- Application to transfer the licence
- Application for re-instatement of the premises licence
- Application for a provisional statement
- Application for a premises licence for a premises which already has a provisional statement
- Fee to accompany a request for a copy of the premises licence
- Fee to accompany a notification of change of circumstances (only relevant change is that of address)
- Fee to accompany a temporary use notice

- 7 The District currently has six betting premises. There are no other gambling premises currently operating in the District.

The betting premises are:

- William Hill - Swanley
- Betfred - Swanley
- Ladbrokes - Swanley
- Coral - St John's Hill, Sevenoaks
- Coral - London Road, Sevenoaks
- Coral - Edenbridge

- 8 The type of tasks involved in Gambling premises application include assistance to applicant, checking of an application upon receipt, processing the application, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing and holding a hearing,

notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.

- 9 The result of the calculations is set out in Appendix A of the report. There are three figures for each licence type/fee. The figure in bold font is the new proposed fee, the figure in brackets is the maximum fee set by the legislation and the figure in italics is the existing fee. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.
- 10 The fees have been set for 2023-2024 to include a 5% increase. This is reflective of the projected service running costs increasing by this amount.

### **Other options Considered and/or rejected**

If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Gambling premises was self-financing.

### **Key Implications**

#### Financial

The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this.

#### Legal Implications and Risk Assessment Statement

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a 'judicial review proceeding'. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

## Agenda Item 5

### **Appendices**

Appendix A - Gambling Act 2005 Fees

### **Background Papers**

None

**Richard Morris**  
**Chief Officer Planning and Regulatory Services**



## APPENDIX A

### SEVENOAKS DISTRICT COUNCIL: GAMBLING ACT 2005 - FEES

From April 2022

The proposed new fees as shown in **bold type** in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets and last year's fees are in italics. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

	New Application proposed fee	New Application maximum fee possible	New Application current fee	Annual Fee proposed	Annual Fee maximum possible	Annual Fee currently
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino	<b>8000</b>	(8000)	<i>8000</i>	<b>4850</b>	(5000)	<i>4619</i>
New Large Casino	<b>10000</b>	(10000)	<i>9579</i>	<b>7828</b>	(10000)	<i>7455</i>
Bingo Club	<b>2480</b>	(3500)	<i>2362</i>	<b>870</b>	(1000)	<i>829</i>
Betting Premises (excluding Tracks)	<b>3000</b>	(3000)	<i>2969</i>	<b>600</b>	(600)	<i>600</i>
Tracks	<b>1944</b>	(2500)	<i>1851</i>	<b>870</b>	(1000)	<i>829</i>
Family entertainment Centres	<b>1944</b>	(2000)	<i>1851</i>	<b>715</b>	(750)	<i>681</i>
Adult Gaming centre	<b>1944</b>	(2000)	<i>1851</i>	<b>750</b>	(750)	<i>750</i>
Temporary Use Notice	<b>251</b>	(500)	<i>239</i>	n/a	n/a	n/a

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino proposed fee	<b>4000</b>	<b>1800</b>	<b>1800</b>	<b>8000</b>	<b>3000</b>	13	32
New Small Casino maximum fee possible	(4000)	(1800)	(1800)	(8000)	(3000)	(25)	(50)
New Small Casino current fee	<i>3986</i>	<i>1771</i>	<i>1771</i>	<i>8000</i>	<i>2990</i>	12	30
New Large Casino proposed fee	<b>4776</b>	<b>2150</b>	<b>2150</b>	<b>10000</b>	<b>4608</b>	13	32
New Large Casino maximum fee possible	(5000)	(2150)	(2150)	(10000)	(5000)	(25)	(50)
New Large Casino current fee	<i>4549</i>	<i>2150</i>	<i>2150</i>	<i>9584</i>	<i>4389</i>	12	30

## Agenda Item 5

Bingo Club proposed fee	<b>1750</b>	<b>1200</b>	<b>452</b>	<b>2480</b>	<b>1200</b>	<b>13</b>	<b>32</b>
Bingo Club maximum fee possible	(1750)	(1200)	(1200)	(3500)	(1200)	(25)	(50)
Bingo Club current fee	1750	1200	430	2362	1200	12	30
Betting Premises proposed fee	<b>1500</b>	<b>1200</b>	<b>429</b>	<b>1944</b>	<b>1200</b>	<b>13</b>	<b>32</b>
Betting Premises maximum fee possible	(1500)	(1200)	(1200)	(3000)	(1200)	(25)	(50)
Betting Premises current fee	1500	1200	409	1851	1200	12	30
Tracks proposed fee	<b>1250</b>	<b>950</b>	<b>429</b>	<b>1894</b>	<b>950</b>	<b>13</b>	<b>32</b>
Tracks maximum fee possible	(1250)	(950)	(1200)	(2500)	(950)	(25)	(50)
Tracks current fee	1250	950	409	1804	950	12	30
FEC's* proposed fee	<b>1000</b>	<b>950</b>	<b>429</b>	<b>1938</b>	<b>950</b>	<b>13</b>	<b>32</b>
FEC's maximum fee possible	(1000)	(950)	(050)	(2000)	(950)	(25)	(50)
FEC's current fee	1000	950	409	1846	950	12	30
Adult Gaming Centre proposed fee	<b>1000</b>	<b>1200</b>	<b>435</b>	<b>1938</b>	<b>1200</b>	<b>13</b>	<b>32</b>
Adult Gaming Centre maximum fee possible	(1000)	(1200)	(950)	(2000)	(1200)	(25)	(50)
Adult Gaming Centre current fee	1000	1200	414	1846	1200	12	30
TUN** proposed fee	n/a	n/a	n/a	n/a	n/a	13	32
TUN maximum fee possible	n/a	n/a	n/a	n/a	n/a	(25)	(50)
TUN current fee	n/a	n/a	n/a	n/a	n/a	12	30

\*FECs = Family Entertainment Centres

\*\* TUN - Temporary Use Notice

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES AND CHARGES  
2023/2024**

Licensing Committee - 11 January 2023

**Report of:** Chief Officer Planning & Regulatory Services

**Status:** For Decision

**Key Decision:** No

**Portfolio Holder:** Cllr. McArthur

**Contact Officer:** Susan Lindsey Ext.7491

**Recommendation to Licensing Committee:**

That, having taken into account the information provided by the Senior Licensing Officer, no increase in taxi fees is made for the financial period 2023-24.

**Reason for recommendation:**

To ensure that the Council complies with its statutory duty and to ensure that the 'taxi licensing' service remains self-financing, in accordance with the Council's Service and Budget Plan.

**Introduction and Background**

- 1 At the Licensing Committee held on 28 September 2022 (Minute 4) it was resolved that the current taxi licensing fees (at **Appendix 1**) remain unchanged for the period 2023/24. It was also agreed that an update report forecasting the predicted credit and/or deficit position at the end of the financial year 2022/23 be brought back to this January Licensing Committee.
- 2 A breakdown of the predicted income up to the end of March 2023 is attached at **Appendix 2**.
- 3 Members are asked to note that the predicted NEW application numbers are taken from 2021/22 figures. These numbers are similar to those in 2018/19 and 2019/20 (for the purposes of this calculation I have not taken 2020/21

## Agenda Item 6

figures into account as the lockdown in place during this financial year was extraordinary, and unlikely to recur.

- 4 The predicted income for this financial year, results in a final credit situation of approximately £4,000. This credit will assist in balancing the 2023/24 financial year expenses, due to a predicted increase in the Licensing Hub Team costs.
- 5 For Members information: please find below licensed driver statistics since 2018 which show a year on year decrease in licensed drivers with this Authority. However, it is predicted for this year (2022/23) a further 15 drivers will become licensed before the end of March 2023.

Driver Type	2018	2019	2020	2021	2022	to 30.11.22
Hackney Carriage	267	255	246	224	189	144
Private Hire	141	122	110	95	90	88
Dual			3	13	42	68
<b>Total</b>	<b>408</b>	<b>377</b>	<b>359</b>	<b>332</b>	<b>321</b>	<b>300</b>

### Key Implications

#### Financial

The cost of licence fees takes into account the need to maintain a ‘self-financing’ position for the service. The proposals contained in this report will achieve this.

#### Legal Implications and Risk Assessment Statement

Should parts of the industry believe the Authority’s fees are at a level which is greater than the costs of the statutory function, then it is open to them to undertake a ‘judicial review proceeding’. Should this arise, the Authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

#### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council’s ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or

supporting the resilience of the natural environment.

**Appendices**

Appendix 1 - Current Taxi Licensing Fees (2022/23)

Appendix 2 - Predicted income up to 31 March 2023 (end of financial year)

**Background Papers**

None

**Richard Morris**

**Chief Officer Planning and Regulatory Services**

This page is intentionally left blank

# Appendix 1

## FEES FOR 2022-2023 Hackney Carriage Driver Licence

	Cost
Knowledge Test	£51.50 per test
EQUO online test	£66
New Driver application	£264 for three years
Driver Renewal application	£183 for three years

## Dual Driver Licence

	Cost
Knowledge Test	£51.50 per test
EQUO online test	£66
New Driver application	£264 for three years
Driver Renewal application	£183 for three years

## Hackney Carriage Vehicle Licence

	Cost
New and Renewal Application	£325 for one year

## Private Hire Operator Licence

	Cost
New application for 5 year licence	£747
Renewal for 5 year licence	£586
New application for 3 year licence	£534
Renewal for 3 year licence	£374
New application for 1 year licence	£324
Renewal for 1 year licence	£164

## Private Hire Driver Licence

	Cost
Knowledge Test	£51.50
EQUO Online Test	£66 per test
New Driver application	£264 for three years
Driver Renewal application	£183 for three years

## Private Hire Vehicle Licence

	Cost
New and Renewal Application	£297 for one year

## Agenda Item 6

### Additional Costs

	Cost
DBS application	£40
DBS administration fee	£30
Change of Driver Licence type	£54
Replace Vehicle Plate	£18
Replace Driver Badge	£24
Change of Ownership of licensed vehicle	£27
Duplicate paper licence	£10
Temporary Replacement	£33
Add or remove a name from a vehicle licence	£18
Change of name and address (driver badge not included)	£18
Private hire exemption certificate	£42
General Admin Fee	£30

If a vehicle licence is surrendered within 6 months of issue, a refund of £113 will be issued.



SEVENOAKS DISTRICT COUNCIL

TAXI LICENSING

PROJECTED INCOME for the remainder of this financial year

APPENDIX 2

2022-23

projected vehicle renewals to 31.03.2023	64 vehicles @ £311	19,904
projected driver renewals to 31.03.2023	58 drivers @ £183	10,614
projected operator renewals to 31.03.2023	6 operators @ £586	3,516

Equo	40 drivers @ £66	2,640
Knowledge Test	15 @ £51.50	772.5

sub total **37,447**

projected new vehicles (based on 2021/22 figures)	48 vehicles @ £311	14,928
projected new drivers (based on 2021/22 figures)	45 drivers @ £264	11,880
projected new Operator (based on 2021/22 figures)	3 x 1 year @ £324	972
projected new Operator (based on 2021/22 figures)	3 x 3 year @ £534	1,602
projected new Operator (based on 2021/22 figures)	4 x 5 year @ £747	2,998

sub total **32,380**

Projected income up to end March 2023 69,827

Income required to balance taxi account 63,574

Projected credit 6,253 credit

Compliance & Enforcement increased costs due to pay award 2,255

3,998 credit

This page is intentionally left blank

## Licensing Committee work plan (as at 28/9/22)

### 3 January 2023

- Gambling Act 2005: Licence Fees
- Sexual Entertainment Licensing Fees
- Hackney Carriage And Private Hire Licensing: Licence Fees And Charges 2023/24

### 22 March 2023

- Licensing Partnership Annual Update 2023/24

### June 2023

-

This page is intentionally left blank