



DARLINGTON

Borough Council

General Licensing Committee Agenda

9.30 am

Tuesday, 25 January 2022

Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 2 November 2021
(Pages 3 - 4)
4. To approve the Minutes of the meeting of the General Licensing Sub Committee held on 2 November 2021 (Pages 5 - 6)
5. Licensing Fees and Charges for 2022-2023 –
Report of the Group Director of Services
(Pages 7 - 24)
6. Variation to Hackney Carriage Fares –
Report of the Group Director of Services
(Pages 25 - 32)
7. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are
of an urgent nature and can be discussed at this meeting
8. Questions



Luke Swinhoe
Assistant Director Law and Governance

Monday, 17 January 2022

Town Hall
Darlington.

Membership

Councillors Clarke, Crumbie, Donoghue, Dulston, Haszeldine, C L B Hughes, B Jones, Lee, Mills, Newall, K Nicholson, A J Scott and Snedker

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GENERAL LICENSING COMMITTEE

Tuesday, 2 November 2021

PRESENT – Councillors B Jones (Chair), Crumbie, Donoghue, C L B Hughes, Newall and Snedker

APOLOGIES – Councillors Clarke, Dulston, Lee, K Nicholson and A J Scott,

ABSENT – Councillors Haszeldine and Mills

OFFICERS IN ATTENDANCE – Allison Hill (Democratic Officer), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager) and Anthony Hall (Superintendent Registrar)

LG8 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

LG9 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 17 AUGUST 2021

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 17 August 2021.

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 17 August 2021 be approved as a correct record.

LG10 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 21 SEPTEMBER 2021

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 21 September 2021.

RESOLVED – That the Minutes of the meeting of the General Licensing Sub-Committee held on 21 September 2021 be approved as a correct record.

LG11 APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS - ROCKLIFFE HALL HOTEL, DARLINGTON

The Assistant Director, Law and Governance and Proper Officer for Darlington Registration District submitted a report (previously circulated) to give consideration to the renewal of a licence for Rockcliffe Hall Hotel to be approved as a venue for Civil Marriages and Civil Partnerships in accordance with the provisions of The Marriage Act 1949 (as amended by the Marriage Act 1994); the Civil Partnership Act (2004); the Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and 2021; and the Marriage (Same Sex Couples) Act (2013).

The submitted report gave a summary of Rockcliffe Hall Hotel as an approved venue; the designated rooms and maximum capacity for each room; and a copy of the application submitted.

RESOLVED – (a) That Rockliffe Hall Hotel be approved as an approved premises granted for a further three years from 24 November 2021.

(b) That the places designated where civil marriages and civil partnerships can take place indoors of the premises and the maximum number of persons who can attend those marriages and civil partnerships continue to be :

In the Old Hall:

The Morning Room – 65
The Drawing Room – 60
The Cocktail Lounge – 60
The Orangery – 150
The Boardroom – 20
The Campernella – 55
The Old Hall – 40
The Old Hall Foyer – 80

In the New Hall:

The Rockliffe Suite – 170
The Rockliffe Lounge – 100
The Bowes Suite – 30
The Cotherstone Suite – 10

In the Clubhouse :

The Grassholme - 180
The Stanwick – 20

External Buildings :

The Glasshouse – 120
The Rosebud Curious Cabin – 6 (unlimited guests outside of cabin)

GENERAL LICENSING SUB COMMITTEE

Tuesday, 2 November 2021

PRESENT – Councillors Crumbie, Donoghue, C L B Hughes, B Jones and Snedker

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Allison Hill (Democratic Officer) and Brian Murray (Assistant Licensing Manager)

LGS5 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor B Jones be elected Chair for the purpose of this meeting.

LGS6 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS7 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

LGS8 REVIEW OF PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

Ref No. 3/21

The Group Director of Services submitted a report (previously circulated) to give consideration to a review of a private hire driver and to confirm the suspension of the licence of a private hire driver carried out by the Licensing Department in light of medical information received and subsequent revocation of the drivers' DVLA licence.

The driver attended the meeting and responded to Members questions in relation to the above.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006

After careful consideration Members decided to confirm the suspension as the driver could not drive any vehicle as a result of the DVLA driving licence being revoked and they did not meet the Group 2 medical standard (as defined in the DVLA Current Medical Standards of Fitness to Drive).

RESOLVED – That the suspension of the private hire driver licence be confirmed pending

further information being provided in relation to the driver's DVLA driving licence and medical condition.

LICENSING FEES AND CHARGES FOR 2022 - 2023

Purpose of the Report

1. The purpose of this report is to invite Members to determine the fees relating licensing. The fees are based on the cost recovery of administering and where appropriate enforcing the relevant legislation relating to such licences.

Background

2. Councils are responsible for administering a range of licences and for the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant. It is an accepted principle in relation to these schemes that those who benefit from the system (licence holders) should cover the cost of it. Locally set fees are a vital means of ensuring that full costs can be recovered, reducing the risk of a subsidy from local tax payers, and that businesses do not pay more than they should.
3. Legislation permits the Council to recover all or part of the costs of providing the licensing service, including its administration and control (i.e. enforcement or supervision). It does not permit the Council to profit from its fees and charges thus ring fencing the income to the licensing service. Surpluses **must** be carried forward and deficits **may** be carried forward to future years within each ring-fenced licensing budget. The Council may, however, choose to subsidise the service. Some fees, notably in relation to the Licensing Act 2003, are set nationally within legislation and the Council has no control.
4. While Full Council previously determined the levy of all fees and charges in respect of the licensing service, a report was considered at a meeting of Full Council on 28 January 2016 to delegate the setting of those fees and registrations to the General Licensing Committee.
5. Full Council duly approved the delegation and the Council's Constitution was amended accordingly. This enables in depth consideration to be given by members in a specialist committee, whenever the need arises.

Information and Analysis

6. In order to manage the finances within Licensing there are three broad headings: General, Hackney Carriage and Private Hire. There can be no cross subsidy between these licensing regimes.
7. This financial year has seen unprecedented changes within the licensing environment due to the on-going Covid-19 national emergency. Demand on licensing for advice greatly

increased as government regulations designed to ensure public safety frequently changed. Those businesses requiring a licence in the hospitality industry have been hit particularly hard and are still working towards recovery. Taxi provision, which is closely linked to the night-time economy has also had to suffer the impact of a driver shortage, creating a great deal of uncertainty within the trade for the future.

8. Prior to the Covid-19 pandemic, DBC Licensing carried a modest surplus, which allowed licence fees to remain unchanged. As the number of applications reduced during the pandemic, it lowered the amount of income generated, however this was offset from separate covid funding. This would otherwise have seen the licensing budget go into deficit.
9. Whilst all areas of licensing have been impacted by the Covid pandemic, the dynamics within the taxi trade at the moment are a significant concern, with the loss of 100 licensed drivers and costs rising significantly for drivers and proprietors e.g. fuel, second hand vehicles. The trade have asked for a tariff increase and this is subject to a separate report, as there is a legal process to follow.
10. It is difficult to make predictions of what the income generation will be until a degree of stability returns to the licensed trade however, throughout the Covid pandemic licensing have been calculating the impact this has had on the various regimes.

Taxi Licensing Fees

11. Current estimates are that the taxi budget will carry forward a deficit of £43,312 into 2022/23 financial year inclusive of Covid costs. If however, the costs of Covid are removed, this deficit is estimated to be reduced to £6,633.
12. At this time, by seeking an increase in fees for 2022 – 2023 it would place the taxi trade under additional financial pressure that will be difficult to sustain. Any deficit for Covid related issues can be recovered centrally and a modest deficit (Covid costs removed) can be carried forward.

General Licensing Fees

13. A review of the general licensing fees was undertaken for the current financial year, which showed that at the end of the financial year there will be a projected deficit of £3,246 inclusive of Covid costs. If Covid costs are removed however, there would be an estimated surplus of £1,754. A deficit (inclusive of Covid) of this modest amount would not ordinarily prompt a fee increase.

Fees Proposal

14. There will inevitably be significant year on year variations in the allocated costs depending on where time has been spent. In the case of *Hemmings v Westminster*, the High Court stated that, “a local authority does not have to adjust the licence fee every year to reflect any previous deficit or surplus, so long as it all comes out in the wash eventually”. It is still too early to establish how the licensed trade will recover, however by maintaining the current licensing regime it will hopefully enable them to respond to

an increase in demand as the country recovers from this pandemic, generating more income to offset any deficit. It is therefore proposed that all fees in respect of hackney carriage, private hire and general licensing will remain at their current levels. Our current fees list is shown at **Appendix 1**.

Recommendation

15. Members are invited to approve that licensing fees will continue at their current rate from 1 April 2022

Reasons

16. The recommendations are put forward to ensure there is a balance between recovering the costs of delivering the licensing service from the relevant licence fees whilst acknowledging the exceptional pressures businesses are still under as a result of the Covid pandemic.

Dave Winstanley
Group Services

Background Papers

The Local Government (Miscellaneous Provisions) Act 1976
The Deregulation Act 2015

Appendix

Current licensing fees list

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Darlington Borough Council

Licensing and Car Parking, Town Hall, Darlington. DL1 5QT

Licensing Fees 2020

Updated: 14 January 2020 – Applicable from 1 April 2021

Animal Welfare (excluding veterinary fees)		£
Dangerous Wild Animals		£120.00
Zoo	Grant– licence for 4 years	£450.00
	Renewal– licence for 6 years	£450.00

****See table at Appendix 1 for fee's under Animal Regulations 2018*****

Cosmetics	£
Premise Grant	£280.00
Personal Grant	£65.00
Variation	£65.00

Caravan Sites	£
Application for a Permanent Residential Site Licence 1-5 pitches	£200.00
Application for a Permanent Residential Site Licence 6-20 pitches	£225.00
Application for a Permanent Residential Site Licence 21-50 pitches	£240.00
Application for a Permanent Residential Site Licence more than 50 pitches	£260.00
Annual fee for a Permanent Residential Site Licence 1-5 pitches	Nil
Annual fee for a Permanent Residential Site Licence 6-50 pitches	£220.00
Annual fee for a Permanent Residential Site Licence more than 50 pitches	£260.00
Laying site rules	£25.00
Variation or transfer of a site licence	£100.00

Explosives and Fireworks from 6 April 2016 (licence applications processed by Trading Standards)

Provision of the Act	Purpose of application	Fee	
Regulation 13	Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is required:	1 year	£185.00
		2 year	£243.00
		3 year	£304.00
		4 year	£374.00
		5 year	£423.00
	Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres separation distance is prescribed:	1 year	£109.00
		2 year	£141.00
		3 year	£173.00
		4 year	£206.00

[Redacted]

5 year £238.00

Provision of the Act	Purpose of application	Fee	
Regulation 13	Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed:	1 year	£86.00
		2 year	£147.00
		3 year	£206.00
		4 year	£266.00
		5 year	£326.00
	Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres minimum separation distance is prescribed:	1 year	£54
		2 year	£86
		3 year	£120
		4 year	£152
		5 year	£185
Regulation 16	Purpose of application: - Varying a licence: varying name of licensee or address of site	Fee	£36
	any other kind of variation	The reasonable cost to the licensing authority of having the work carried out	
Regulation 17	Transfer of licence	£36	
	Replacement of licence	£36	

Gambling Act - See table below for licence and permit fees	£
Small Society Lottery Registration	£40.00
Small Society Lottery Registration Annual Fee	£20.00

Goods on the Highway	£
Grant and Renewal	£155.00

House to House Collections	£
House to House Collection Permit	NO FEE

Licensing Act 2003	£
See table below	

Pavement Café Licence	£
Grant and Renewal	
Fees are based on the size of the proposed external pavement café area.	
Number of People	Application Fee
1 – 10	£200
11 – 25	£240
26 – 40	£280
41 – 60	£320
61 – 80	£360
81 – 99	£400
Over 100	£450
Duplicate Licence Fee	£50
Transfer of Licence	£50
Change of Detail	£30
Variation of Covers	£100
Fees are due on an annual basis.	
Fees are not refundable if the application is unsuccessful.	
Fees are not refundable where a licence is surrendered.	

Petroleum	£
Licence is required where 225 litres or more are stored	
Up to 2,500 litres	£45.00
From 2,500 to 50,000 litres	£61.00
Exceeding 50,000 litres	£128.00
Scrap Metal Dealers Act 2013	£
Collectors Licence (3 years) - Grant	£150.00
Collectors Licence (3 years) - Renewal	£150.00
Minor Variation	£15.00
Major Variation	£50.00
*And in the case of a change from a Collector to a Site Licence a further 65.00 per site per remaining year(s) remaining on licence	
Site Licence – Grant	£350.00 + £195.00**
Site Licence – Renewal	£270.00 + £195.00**
** for every additional site	
Minor Variation	£15.00
Major Variation	£50.00 + £65.00***
*** per additional site per year remaining on licence where variation adds a site	
Sex Establishments	£
Grant Application Fee	£3,700.00
Renewal of Licence Fee	£1,200.00
Transfer of licence Fee	£1,200.00
Skips, Scaffolding and Hoardings	£
Place a skip on the highway (less than 3 days notice)	£30.00
Place a skip on the highway (more than 3 days notice)	£15.00
Erection of scaffolding	£50.00
Hoardings	£50.00
Street Collections	£
Street Collection Permit	NO FEE
Street Trading	£
Annual Consent – Town Centre	£7000.00
*** if paying monthly	£620.00
*** if paying weekly	£170.00
January to October per full calendar month	£660.00
per week	£270.00
per day (minimum of 4 days)	£60.00

November and December	per full calendar month	£975.00
	per week	£385.00
	per day (minimum of 4 days)	£85.00
Buskers (selling CDs)	per ½ day	£25.00
	Per full day	£45.00
None Town Centre Permits (moving or layby) + Application Fee		£260.00
News Vendor Permits		£35.00

Transport – Drivers	£
Hackney Carriage Driver Licence Grant (1 year)	£161.00
Hackney Carriage Driver Licence Grant (3 years)	£356.00
Hackney Carriage Driver Licence <u>Renewal</u> (1 year)	£76.00
Hackney Carriage Driver Licence <u>Renewal</u> (3 years)	£271.00
Private Hire / Dual Driver Licence Grant (1 year)	£161.00
Private Hire / Dual Driver Licence Grant (3 years)	£356.00
Private Hire / Dual Driver Licence <u>Renewal</u> (1 year)	£76.00
Private Hire / Dual Driver Licence <u>Renewal</u> (3 years)	£271.00
Change from Single Licence to Combined (£30.00 admin charge, £10.00 for new badges, includes knowledge test)	£40.00
Replacement Drivers Badge	£10.00
Re-sit of Drivers Legislation Test	£35.00
Refused Application for Drivers Badge	£35.00
CRB Enhanced Disclosure Online	£44.00

Transport - Private Hire Operators	£
Operators Licence Grant (1 year)	£530.00
Operator Licence Grant (5 years)	£1160.00
Operator Licence Renewal (1 year)	£350.00
Operator Licence Renewal (5 years)	£980.00
Operator Levy (1 year) (Per PHV Operated)	£10.00
Operator Levy (5 year) (Per PHV Operated)	£50.00
Admin charge for assistance with applications or where applications are refused by Committee	£35.00

Transport – Vehicles – fees exclude plate, decal and tariff costs	£
Hackney Carriage Vehicle Licence Grant	£385.00
HYBRID GRANT 25% Discount on Licence Fee Not Plates	£289.00
Hackney Carriage Vehicle Licence <u>Renewal</u>	£355.00
HYBRID Renewal Fee	£266.25
Hackney Carriage Vehicle Licence with Disabled Access Grant	£289.00
Hackney Carriage Vehicle Licence with Disabled Access <u>Renewal</u>	£266.00

Private Hire Vehicle Licence Grant	£370.00
HYBRID GRANT 25% Discount on Licence Fee Not Plates	£277.00
Private Hire Vehicle Licence <u>Renewal</u>	£340.00
HYBRID Renewal Fee	£255.00
Private Hire Vehicle Licence with Disabled Access Grant (If Hybrid no change its Still 25% discount)	£277.00
Private Hire Vehicle Licence with Disabled Access <u>Renewal (If Hybrid no change its Still 25% discount)</u>	£255.00

Door Decal (Hackney Carriage)	£5.00 each
Rear Plate	£15.00
Front Plate	£10.00
Hackney Tariff Sticker	£2.00
Vehicle – Transfer of Owner	£35.00
Vehicle – Change of Registration Number	£35.00

Allington Way Test Centre Fees	
Vehicle Test	£50.00
Vehicle Test with MOT	£60.00
Failure to attend (with less than 48hrs notice)	£50.00
Vehicle Re-Test	£25.00
Vehicle Re-Test with Emissions Test	£35.00
Vehicle Re-Test Emissions Test only	£10.00

Transport – General	£
Duplicate Licence	£15.00
Change of name or address	£35.00
Administration Charge	£35.00

Administration and Miscellaneous Fees	£
Photocopying (per sheet)	£1.00
Withdrawn Application Fee	£35.00
Licence Replacement (where not stated)	£10.50

Gambling Act – Premise Licence Fees

Premises Type	Licence Grant	Annual Fee	Licence Variation	Transfer	Provisional Statement	Licence Reinstatement
Small Casinos	N/A	N/A	N/A	N/A	N/A	N/A
Existing Casinos	N/A	N/A	N/A	N/A	N/A	N/A
Bingo Halls	1300	600	1300	1200	1300	1200
Adult Gaming Centres	1300	600	1300	1200	1300	1200
Betting Tracks	1300	550	1300	950	1300	950
Family Entertainment Centres	1300	550	1300	950	1300	950
Betting Premises	1300	550	1300	1200	1300	1300

Notification of change £50

Copy of Licence £25

Permit Type	Grant	Variation	Transfer	Annual Fee	Renewal Fee
FEC Gaming Machine Permit	£300	N/A	N/A	N/A	£300
Prize Gaming Permits	£300	N/A	N/A	N/A	£300
Gaming Machines on Licensed Premises (Automatic Entitlement to 1 or 2 Machines)	£50	N/A	N/A	N/A	N/A
Gaming Machines on Licensed Premises (Application for 3 or more Machines)	£100	£100	£25	£50	N/A
Club Gaming Permits	£100 (FT) £200 in all other cases	£100	N/A	£50	£100 for CPC £200 in all other cases
Club Gaming Machine Permits	£100 (FT) £200 in all other cases	£100	N/A	£50	£100 for CPC £200 in all other cases

Change of name on Permit	£25
Duplicate copy of Permit	£15
Temporary Use Notice	£500
Copy/Replacement/Endorsed Copy of Notice	£25

FT = Fast Track; **CPC** = Holders of a Club Premises Certificate

Licensing Act - Fees					
Band	A	B	C	D	E
Non Domestic Rateable Value of the property to be licensed	None - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 +
If a premise does not have a NDRV then fees revert to Band C					

Premises Licences					
New applications and variation	£100	£190	£315	£450	£635
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises	N/A	N/A	N/A	x 2 = £900	x 3 = £1,905
Annual Fee	£70	£180	£295	£320	£350
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises	N/A	N/A	N/A	x 2 = £640	x 3 = £1,050

Club Premises Certificates					
New applications and variation	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

There are additional fees for premises licence application and annual fees for exceptionally large-scale event (5,000 people +), unless certain conditions apply. Please read regulation 4(4) & 4(5) of the Licensing Act 2003 (fees) Regulations. Below is the list of additional fees payable where applicable.

Number in attendance at any one time	Application fee (£'s)	Annual fee (£'s)
5,000 - 9,999	1,000	500
10,000 - 14,999	2,000	1,000
15,000 - 19,999	4,000	2,000
20,000 - 29,999	8,000	4,000
30,000 - 39,999	16,000	8,000
40,000 - 49,999	24,000	12,000
50,000 - 59,999	32,000	16,000
60,000 - 69,000	40,000	20,000
70,000 - 79,000	48,000	24,000
80,000 - 89,000	56,000	28,000
90,000 and over	64,000	32,000

Minor Variation	
For minor structural variations or changes which do not impact upon the licensing objectives	£89.00

Licensing Act - Fees continued

Other Premises Licence Fees and Charges	£
Application for a Provisional Statement	315.00
Application to Transfer a Premises Licence	23.00
Application to Change a DPS	23.00
Interim Authority Notice	23.00
Notification of Interest	21.00

Other Licensing Act 2003 Fees	£
Personal Licence Application - New	37.00
Temporary Event Notice	21.00

Miscellaneous Fees and Charges	£
Notification of change of name or address	10.50
Notification of alteration of club rules	10.50
Theft/loss of licence, certificate, summary or temporary event notice	10.50

Appendix 1

Please note -

A vets fee is also payable where a vets inspection is either required by law or deemed necessary by Darlington Borough Council

Type of Licence - Breeding of Dogs		Fee	Duration Fee
Type of Application	Grant	Application Fee includes initial licence inspection	£130.00
		Mandatory mid licence inspection fee	£70.00
		Annual Enforcement Fee payable for each year of licence	£45.00
	Renewal	Application Fee includes inspection fee	£100.00
		Mandatory mid licence inspection fee	£70.00
		Annual Enforcement Fee payable for each year of licence	£45.00
			1 Year Licence £245.00
			2 Year Licence £290.00
			3 Year Licence £335.00
			1 Year Licence £215.00
			2 Year Licence £260.00
			3 Year Licence £305.00

Type of Licence - Selling Animals as Pets - Commercial		Fee	Duration Fee
Type of Application	Grant	Application Fee includes initial licence inspection	£130.00
		Mandatory mid licence inspection fee	£77.00
		Annual Enforcement Fee payable for each year of licence	£45.00
	Renewal	Application Fee includes inspection fee	£100.00
		Mandatory mid licence inspection fee	£77.00
		Annual Enforcement Fee payable for each year of licence	£45.00
			1 Year Licence £252.00
			2 Year Licence £297.00
			3 Year Licence £342.00
			1 Year Licence £222.00
			2 Year Licence £267.00
			3 Year Licence £312.00

Type of Licence - Selling Animals as Pets - Home		Fee	Duration Fee
Type of Application	Grant	Application Fee includes initial licence inspection	£130.00
		Mandatory mid licence inspection fee	£70.00
		Annual Enforcement Fee payable for each year of licence	£45.00
	Renewal	Application Fee includes inspection fee	£100.00
		Mandatory mid licence inspection fee	£70.00
		Annual Enforcement Fee payable for each year of licence	£45.00
			1 Year Licence £245.00
			2 Year Licence £290.00
			3 Year Licence £335.00
			1 Year Licence £215.00
			2 Year Licence £260.00
			3 Year Licence £305.00

Type of Licence - Keeping or Training Animals for Exhibition		Fee	Duration Fee
Type of Application	Grant	Application Fee includes initial licence inspection	£100.00
		Annual Enforcement Fee payable for each year of licence	£135.00
	Renewal	Application Fee includes inspection fee	£80.00
		Annual Enforcement Fee payable for each year of licence	£135.00
			3 Year Licence £235.00
			3 Year Licence £215.00

Type of Licence - Hiring Out Horses		Fee	Duration Fee	
Type of Application	Grant	Application Fee includes initial licence inspection	£145.00	
		Mandatory mid licence inspection fee	£75.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
	Renewal	Application Fee includes inspection fee	£115.00	
		Mandatory mid licence inspection fee	£75.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
		1 Year Licence £265.00	2 Year Licence £310.00	3 Year Licence £355.00
		1 Year Licence £235.00	2 Year Licence £280.00	3 Year Licence £325.00

Type of Licence - Boarding of Dogs and Cats - Commercial		Fee	Duration Fee	
Type of Application	Grant	Application Fee includes initial licence inspection	£170.00	
		Mandatory mid licence inspection fee	£90.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
	Renewal	Application Fee includes inspection fee	£140.00	
		Mandatory mid licence inspection fee	£90.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
		1 Year Licence £305.00	2 Year Licence £350.00	3 Year Licence £395.00
		1 Year Licence £275.00	2 Year Licence £320.00	3 Year Licence £365.00

Type of Licence - Boarding of Dogs and Cats† - Home Boarding		Fee	Duration Fee	
Type of Application	Grant	Application Fee includes initial licence inspection	£130.00	
		Mandatory mid licence inspection fee	£70.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
	Renewal	Application Fee includes inspection fee	£100.00	
		Mandatory mid licence inspection fee	£70.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
		1 Year Licence £245.00	2 Year Licence £290.00	3 Year Licence £335.00
		1 Year Licence £215.00	2 Year Licence £260.00	3 Year Licence £305.00

† Please note that Cats may only be boarded in pens constructed for that purpose and shall be kept in garden - check this is right

Type of Licence - Boarding of Dogs - Dog Day Care - up to 7 dogs		Fee	Duration Fee	
Type of Application	Grant	Application Fee includes initial licence inspection	£130.00	
		Mandatory mid licence inspection fee	£70.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
	Renewal	Application Fee includes inspection fee	£100.00	
		Mandatory mid licence inspection fee	£70.00	
		Annual Enforcement Fee payable for each year of licence	£45.00	
		1 Year Licence £245.00	2 Year Licence £290.00	3 Year Licence £335.00
		1 Year Licence £215.00	2 Year Licence £260.00	3 Year Licence £305.00

Type of Licence - Boarding of Dogs - Dog Day Care - 8+ dogs			Fee	Duration Fee
Type of Application	Grant	Application Fee includes initial licence inspection	£185.00	1 Year Licence £305.00
		Mandatory mid licence inspection fee	£75.00	2 Year Licence £350.00
		Annual Enforcement Fee payable for each year of licence	£45.00	3 Year Licence £395.00
	Renewal	Application Fee includes inspection fee	£155.00	1 Year Licence £275.00
		Mandatory mid licence inspection fee	£75.00	2 Year Licence £320.00
		Annual Enforcement Fee payable for each year of licence	£45.00	3 Year Licence £365.00

Type of Licence - Boarding of Dogs - Franchise - based within Darlington Borough Council			Fee
Type of Application	Grant	Application Fee includes initial licence inspection	£130.00 + £10.00 per host
		Mandatory mid licence inspection fee	£65.00 - per host
		Annual Enforcement Fee Payable for each year of the licence	£45.00
	Renewal	Application Fee includes inspection fee includes inspection fee	£100.00 + £10.00 per host
		Mandatory mid licence inspection fee	£60.00 - per host
		Annual Enforcement Fee payable for each year of licence	£45.00

Type of Licence - Boarding of Dogs - Franchise Out of LA Area			Fee
Type of Application	Grant	Application Fee	£60.00
		Mandatory mid licence inspection fee	£65.00 - per host
	Renewal	Application Fee	£55.00
		Mandatory mid licence inspection fee	£60.00 - per host

Additional Fees		Fee
Cost Per additional licensable activity - Grant and Renewal		£65.00 each
Mandatory mid licence inspection fee - Grant and Renewal		£30.00 each
Variation of Licence where no inspection is required		£35.00 each
Variation of Licence where inspection is required		£90.00 each
Application for Re- Rating		£70.00 each
Copy Licence		£15.00
Administration Fee		£35.00

Notes

1. A new application would be required for the following changes to a business
 - Change of Address of premises where animals are kept or accommodated
 - Change of Business Owner
 - Addition of a new licensable activity
2. A variation of licence would be required for the following proposed amendments
 - Changes to the number of animals licensed
 - Changes to the identity of animals licensed (where animals are identified on the licence)
 - A change of licence holder's address (where no animals are kept or accommodated at those premises)
 - The addition or removal of a host premises for dog boarding activities
 - Changes to the plan of the premise that are being used to keep or accommodate animals
3. It is not possible to combine the activity of 'Keeping or Training Animals for Exhibition Only' with any other licensable activity on one licence. This is because such licenses must by law, be for a three year duration and do not qualify for a Star Rating. Where this activity does take place at the same premises as another activity, a reduced fee may be applicable.

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**GENERAL LICENSING COMMITTEE
25 JANUARY 2022**

VARIATION TO HACKNEY CARRIAGE FARES

Purpose of the Report

1. The purpose of this report is for Members to consider an application to revise the tariffs levied in respect of hackney carriage fares.

Information and Analysis

2. Section 65 of The Local Government (Miscellaneous Provisions) Act 1976 provides for a District Council to fix the rates of fares for Hackney Carriage Vehicles (HCV). It may fix the fares on time as well as distance and any other charges that may be made in connection with the hiring of the vehicle. The relevant section is reproduced in full at **Appendix 1**.
3. A formal request for an increase in tariffs has been made by the trade. Following consultation and taking into consideration the changing dynamics within the taxi trade due to Covid-19, three options for potential changes were proposed by representatives of the trade. A fourth option is that the tariffs remain unchanged.
4. Darlington Borough Council have 146 licensed HCV's and these are owned between 117 proprietors, who were all sent a letter outlining this request with the choice of tariffs (**Appendix 2**.) This represents a 100% sample rate and there were 44 replies to this letter, which is a 37.6% response rate. Typical response rates for postal surveys are between 30% and 40% with a high response rate generally indicating high levels of motivation or demonstrating a strong feeling about a particular subject matter.
5. The last increase in hackney carriage tariffs took place in July 2012

Options

6. Responses from the trade have been collated in relation to the following options presented at **Appendix 3** and are as follows :

- Option 1 – tariffs to remain unchanged - **13**
- Option 2 – Increase in first 290 yards - **15**
- Option 3 – Increase in additional 147 yards - **7**
- Option 4 – Increase in additional 147 yards and waiting time – **9**

7. 31 out of the 44 responses indicated that they would like to see a tariff increase, which represents 70.4% of those respondents.
8. In light of these responses, Members must decide whether to approve any change in the current tariffs or for them to remain unchanged. If a change is to be made, Members must

decide upon one of the three options available. When considering this issue, the impact of any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income, whilst representing value for money for the travelling public.

9. To enable Members to consider the alternative tariffs proposed in this report, tariff's from each of the Tees Valley local authorities have been produced at **Appendix 4**. It is however difficult to draw direct comparisons as there are a number of variables to consider within each tariff and how they are calculated.
10. As a straight forward comparison, a table of fares has been prepared using data from taxi trade magazine Private Hire Monthly with comparative fares for a 2 mile daytime journey for each of the 12 north-east local authorities (Tees Valley authorities have been highlighted.) This table also provides their national position, however it must be noted that some local authorities may have the same fares, but given sequential positions. (**Appendix 5**).
11. Members will be aware that any tariff set is the maximum that can be charged for a fare. Hackney carriage proprietors are perfectly at liberty to charge less than the metered fare and it is common practise for some to do this in Darlington.

Statutory Consultation Requirement

12. If Members are minded to approve any proposal to increase the tariffs, that decision will be subject to statutory consultation by way of an advertisement in a local newspaper, when a 14 day consultation period will commence. In the event of objections as a result of the statutory consultation there is a requirement for these to be considered by Cabinet and a further implementation date will be set.
13. The proposed increase in tariffs applies only to hackney carriages, as licensing authorities have no power to set fares for private hire vehicles.

Recommendations

If Members are minded to approve the proposal to increase the tariff they must decide which option that will be and this will be subject to the statutory advertising.

Dave Winstanley
Services Group

Background Papers

- 1 Local Government (Miscellaneous Provisions) Act 1976

Appendices

- 1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976
- 2 Letter from Trade Member requesting increase in tariffs
- 3 Table of all alternative proposals
- 4 Comparison table of neighbouring authorities tariffs
- 5 Comparison table of NE local authorities for a 2 mile journey

THE LEGISLATION

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976

- (1) A District Council may fix the rates or fares within the District as well for time as distance, and all other charges in connection with the hire of the vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.
- (2)(a) When a District Council make or vary a table of fares they shall publish in at least one local newspaper circulating in the District a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than 14 days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
- (2)(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the Council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- (3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (4) If objection is duly made as aforesaid and is not withdrawn, the District Council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.
- (5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in hackney carriage byelaws there under.
- (6) On the coming into operation of the table of fares made by a Council under this section for the District, any hackney carriage byelaws fixing rates and fares or any table of fares previously made under this section for the District, as the case may be, shall cease to have effect.
- (7) Section 236(8) (except the words "when confirmed") and Section 238 of the Local Government Act 1972 (except paragraphs (c) and (d) of that section) shall extend and apply to a table of fares made or varied under this section by a District Council in England as they apply to byelaws made by a District Council in England.

Appendix 2

Dear Member of the Trade

Re: Taxi Tariff Increase

You will be aware that earlier this year a formal request was made by the trade to increase our current tariff and there is a legal process to follow under the Local Government (Miscellaneous Provisions) Act 1976 before any increase can be approved. The response rate to our letter was 18.5%, with slightly more in favour of retaining the current tariff. The letter did however say that if we did not receive a response there would be an assumption that an increase would be supported. Responses also suggested other potential tariffs that have not yet been taken into consideration.

As covid restrictions have been relaxed in recent weeks there have been significant developments within the taxi trade, with many drivers choosing alternate employment. This has become a national problem and as you know this has led to shortages of taxis during peak times. The dynamics within the taxi trade have changed significantly and there is now a great deal of uncertainty about the future, however signs are very encouraging that Darlington will be at the forefront of a recovery both regionally and nationally.

Before submitting a report to the Licensing Committee we thought that it would be fair for other tariff suggestions to be considered and in hindsight of the previous letter to remove any assumptions, whereby we will deal with the data that is presented to us by way of responses. The report that is submitted needs to reflect the current situation within the taxi trade. When deliberating a new tariff, the Licensing Committee must consider the impact of any increase, as it needs to reflect a balance between allowing licensed drivers to generate a reasonable income, whilst representing value for money for the travelling public.

We have prepared an supplement separate to this letter with the proposed tariff's and would ask that you indicate your preferred option or if you would like it to remain the same. Could you then return your response to the licensing office or email taxilicensing@darlington.gov.uk. We have also prepared a comparison table from local authorities across the North East and Tees Valley of fares for a two mile journey based on information from your taxi trade magazine. (see Appendix 1)

I would be grateful if you could respond to this letter no later than 30 November 2021.

Appendix 3

OPTIONS – ALTERNATIVE PROPOSED TARIFF INCREASES

Option 1 - current table of fares

Tariff	First 290 yards or 265.06 metres	Each additional 147 yards or 134.35 metres	Waiting time per 30 seconds
Tariff 1 (06:00 hrs to 23:00 hrs)	£2.50	15p	15p
Tariff 2 (23:00 hrs to 06:00 hrs) and the 24 hrs of all public holidays other than those included in Tariff 3.	£3.00	20p	20p
Tariff 3 18:00 hrs 24 December to 06:00 hrs 27 December and 18:00 hrs on 31 December to 06:00 hrs on 2 January	£3.50	25p	25p
Soiling Fee			£50.00

Option 2 - increase in first 1760 yards

Tariff	First 1760 yards or 1609.34 metres	Each additional 147 yards or 134.35 metres	Waiting time per 30 seconds
Tariff 1 (06:00 hrs to 23:00 hrs)	£4.50	15p	15p
Tariff 2 (23:00 hrs to 06:00 hrs) and the 24 hrs of all public holidays other than those included in Tariff 3.	£5.00	20p	20p
Tariff 3 18:00 hrs 24 December to 06:00 hrs 27 December and 18:00 hrs on 31 December to 06:00 hrs on 2 January	£6.50	25p	25p
Soiling Fee			£50.00

Option 3 - increase in additional 147 yards

Tariff	First 290 yards or 265.06 metres	Each additional 147 yards or 134.35 metres	Waiting time per 30 seconds
Tariff 1 (06:00 hrs to 23:00 hrs)	£2.50	20p	15p
Tariff 2 (23:00 hrs to 06:00 hrs) and the 24 hrs of all public holidays other than those included in Tariff 3.	£3.00	25p	20p
Tariff 3 18:00 hrs 24 December to 06:00 hrs 27 December and 18:00 hrs on 31 December to 06:00 hrs on 2 January	£3.50	30p	25p
Soiling Fee			£50.00

Option 4 - increase in additional 147 yards and waiting time

Tariff	First 290 yards or 265.06 metres	Each additional 147 yards or 134.35 metres	Waiting time per 30 seconds
Tariff 1 (06:00 hrs to 23:00 hrs)	£2.50	20p	20p
Tariff 2 (23:00 hrs to 06:00 hrs) and the 24 hrs of all public holidays other than those included in Tariff 3.	£3.00	25p	25p
Tariff 3 18:00 hrs 24 December to 06:00 hrs 27 December and 18:00 hrs on 31 December to 06:00 hrs on 2 January	£3.50	30p	30p
Soiling Fee		£50.00	

DARLINGTON BOROUGH COUNCIL

Tariff 1 - £2.50 first 290 yards and 15p for every 174 yards thereafter, waiting time 15p for 30 sec

Tariff 1 - £3.00 first 290 yards and 20p for every 174 yards thereafter, waiting time 20p for 30 sec

Tariff 1 - £3.50 first 290 yards and 25p for every 174 yards thereafter, waiting time 25p for 30 sec

HARTLEPOOL BOROUGH COUNCIL

Tariff 1 - £2.50 plus 30p for the first 174 yards and 10p for every 174 yards thereafter

Tariff 2 - £2.50 plus 30p for the first 143 yards and 10p for every 131 yards thereafter

Tariff 1 - £2.50 plus 30p for the first 131 yards and 10p for every 109 yards thereafter

MIDDLESBROUGH COUNCIL

Tariff 1 - £2.80 first mile or 8 minutes and 10p each 1/15 mile or 45 seconds

Tariff 1 - £3.80 first mile or 8 minutes and 20p each 1/15 mile or 45 seconds

REDCAR AND CLEVELAND BOROUGH COUNCIL

Tariff 1 - £3.00 first mile – 15p each 1/10 mile

Tariff 2 - £3.50 first mile – 18p each 1/10 mile

STOCKTON-ON-TEES BOROUGH COUNCIL

Tariff 1 - £2.50 first half mile – 10p each following 136 yards or part

Tariff 2 - £2.80 first half mile – 15p each following 136 yards

Tariff 3 - £3.00 first half mile – 20 each 146 yards

Appendix 5

Hackney Taxi Fare Tables

Taxi trade magazine update on the cost of a 2 mile hackney taxi fare on Tariff 1 for the north-east region local authorities, and their position out of 364 (lower position number represents more expensive fare)

NE Council	National position	2 mile fare
Durham	86	£6.50
South Tyneside	191	£6.00
Northumberland	208	£5.90
Darlington	202	£5.80
Newcastle	227	£5.80
North Tyneside	230	£5.80
Sunderland	268	£5.60
Gateshead	326	£5.10
Hartlepool	344	£4.80
Redcar and Cleveland	349	£4.50
Stockton	350	£4.50
Middlesbrough	353	£4.30

An **option 2** fare for a 2 mile hackney taxi fare would increase to £6.30, placing Darlington as second most expensive in the region behind Durham. It would position Darlington at **123** in the national table.

An **option 3** fare for a 2 mile hackney taxi fare would increase to £6.90 placing Darlington as most expensive in the region. It would position Darlington at **38** in the national table.