

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 9th February 2015
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Licensing and Environmental Committee

Members of Committee:

	Chairman: Councillor P B Harrison
	Vice-Chairman: Councillor G C Yarranton
Councillor J Aston	Councillor G W Ballinger
Councillor R Bishop	Councillor A R Clent
Councillor E Davies	Councillor J A Hart
Councillor P V Hayward	Councillor V Higgs
Councillor J Holden	Councillor M B Kelly
Councillor N Knowles	Councillor M Price
Councillor D R Sheppard	

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

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By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 9th February 2015

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1 - Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 8th December 2014.	6
5.	Increase in Fees and Charges for Licensing the Council's Regulatory Service Function for 2015/2016 To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that informs Members of the proposed increases in the fees and charges in respect of the Council's Regulatory Service Function for 2015/2016.	8
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
7.	Exclusion of the Press and Public To consider passing the following resolution: "That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".	

Part 2 - Not open to the Press and Public

8.	Application for the Grant of a Hackney Carriage Private Hire Driver's Licence To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asks the Committee to consider an application for the grant of a Hackney Carriage / Private Hire Driver's Licence.	-
9.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

8TH DECEMBER 2014 (10.30AM)

Present:

Councillors: P B Harrison (Chairman), G C Yarranton (Vice-Chairman), J Aston, G W Ballinger, R Bishop, A R Clent, P Dyke, J A Hart, P V Hayward, V Higgs, J Holden, M B Kelly, N Knowles, M Price and D R Sheppard.

Observers:

Councillor J A Shaw.

LIC.13 Apologies for Absence

There were no apologies for absence.

LIC.14 Appointment of Substitutes

No substitutes were appointed.

LIC.15 Declaration of Interests

No declarations of interest were made.

LIC.16 Minutes

Decision: The minutes of the meeting held on 6th October 2014 be confirmed as a correct record and signed by the Chairman.

LIC.17 Review of Standard Licence Conditions Applicable to Animal Welfare Licences

The Committee received a report from the Director of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council on the review of standard licence conditions applicable to Animal Welfare Licences.

The Senior Licensing Practitioner (WRS) led Members through the report and advised that a review of the standard conditions had been undertaken by Officers to ensure the Council issued licences in accordance with the most up to date guidance and best practice.

Members discussed the draft standards and were informed that to ensure consistency of standards across Worcestershire, the review was being undertaken by (WRS) on behalf of all District Councils across the County.

Agreed:

- 1. The draft standard conditions attached at Appendices 1 to 9 to be attached to future licences issued by the Council under relevant legislation be approved.**
- 2. Delegated authority be given to the Director of Economic Prosperity and Place to amend these standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises subject to the licence application.**

LIC.18 Licensing Act 2003 - Review of Statement of Licensing Policy

The Committee received a report from the Director of (WRS) on behalf of Wyre Forest District Council on a draft revised Statement of Licensing Policy.

The Senior Licensing Practitioner (WRS) led Members through the report and advised that following approval by the Committee in August 2014, a consultation with all relevant parties on the draft revised Statement of Licensing Policy was undertaken for a period of 12 weeks.

Members were reminded the policy had been completely redrafted and was based on a template provided by the Local Government Association. It was intended for all of the licensing authorities in Worcestershire to adopt a Statement of Licensing Policy based on this template.

Agreed: To recommend to Council that the revised Statement of Licensing Policy attached at Appendix 1 be approved and published with effect from 11th December 2014.

There being no further business, the meeting ended at 11.16am.

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

9TH FEBRUARY 2015

Increase in Fees and Charges for Licensing the Council’s Regulatory Service Function for 2015/2016

OPEN	
DIRECTOR:	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Niall McMenamin – 01527 548282 niall.mcmenamin@worcsregservices.gov.uk
APPENDICES:	Appendix 1 – Income Service Options

1. PURPOSE OF REPORT

- 1.1 To inform Members of the proposed increases in the fees and charges in respect of the Council’s Regulatory Service Function for 2015/2016.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to Council:

- 2.1 **That the proposals for fees and charges within the Council’s Licensing, Food, Health, Safety and Pollution Control functions for 2015/2016, as detailed in the report, be included in the 2015/2016 budget strategy.**

3. BACKGROUND

- 3.1 The Council’s current financial strategy in respect of fees and charges is a proposal to increase the said fees and charges for 2015/16 by 5%.

4. KEY ISSUES

- 4.1 A review of licensing fees and charges, for the period 2014/2015, has resulted in a fee structure based on full recovery of costs.
- 4.2 Following a review of the Taxi licensing account, Worcestershire Regulatory Services have recommended that there should be no increase in taxi licensing fees and charges for the forthcoming financial year.

5. FINANCIAL IMPLICATIONS

- 5.1 It is proposed that all fees with the exception of Taxi Licensing fees and those statutory fees (which include the Licensing Act 2003 applications) set by Central Government should be increased by 5 per cent rounded up, where appropriate. A list of the proposed fees and charges for the Council’s Licensing, Food, Health, Safety and Pollution Control functions is attached at “**Appendix 1**”.

- 5.2 The budget forecast details the cost versus income for licensing and the costs are based on 2013/2014 as no detailed figures are available for the current financial year.
- 5.3 Excluding the Taxi Licensing fees and those statutory fees set by Central Government, the budget forecast details for 2015/16 (which include the 5% increase) show no projected profit will be made in respect of the activities whose fees have been increase in the list of proposed fees and charges attached at “**Appendix 1**”.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The agreed income to be generated by the proposed licence fees and charges is in line with the current policy and legislative restrictions. The Council is not projected to make any profit on the licensing activities for which the proposed fees are being increased for the forthcoming year.

7. RISK MANAGEMENT

- 7.1 There is a risk that the Council’s Regulatory Services Licensing fees and charges could be challenged. To minimise this risk the fees and charges must be designed to meet but not exceed, the cost the Council reasonably believes will be incurred in issuing of licences and the administration of the service.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 There are no equality impact assessment issues arising from this report.

9. CONCLUSION

- 9.1 The fees and charges are non-profit making and Cost Centres will reflect the operation of the service.

10. CONSULTEES

- 10.1 Solicitor to the Council, Legal Services.

11. BACKGROUND PAPERS

- 11.1 None.



Service	Worcestershire Regulatory Services	Service Manager	Worcestershire Regulatory Services Officer
Directorate	Economic Prosperity & Place	Cabinet Member	Environmental Services

PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge TO 31/03/2015 £	Proposed Charge FROM 1/04/2015 £ Charges before VAT *	Proposed Charge FROM 1/04/2015 £ Charges inclusive of VAT **
Water Sampling and Analysis Charges - Set By Worcestershire Regulatory Services			
POLLUTION CONTROL			
Water Sampling Charges			
The Regulations allow local authorities to charge a fee, subject to prescribed maximum levels to enable reasonable costs of services (lab fees etc) to be recovered.			
Proposed Fees and Charges			
Risk Assessment	40.00 per hour (up to £500 Max)	40.00 per hour (up to £500 Max)	48.00 per hour (up to £600 Max)
Sampling (each visit)	100.00 Max	100.00 Max	120.00 Max
Investigation (each investigation)	40.00 per hour (up to £100 Max)	40.00 per hour (up to £100 Max)	48.00 per hour (up to £120 Max)
Granting an Authorisation	100.00 Max	100.00 Max	120.00 Max
Analysing a sample			
- taken under regulation 10 (small supplies)	25.00 Max	25.00 Max	30.00 Max
- taken during check monitoring	100.00 Max	100.00 Max	120.00 Max
- taken during audit monitoring	500.00 Max	500.00 Max	600.00 Max

NOTES:

* Charge before VAT (if applicable) at the prevailing rate
 ** Charge inclusive of VAT (if applicable) i.e. total fee payable at the prevailing VAT rate
 Where the request is made by the Owner/Occupier and the Authority is not the only service provider - VAT will be added
 Where the authority instigates the testing under regulations i.e. Periodic tests, assessments - VAT is not applicable in this instance



Service	Worcestershire Regulatory Services	Service Manager	Worcestershire Regulatory Services Officer
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PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
	TO 31/03/2015 £	FROM 1/04/2015 £ Charges before VAT *	FROM 1/04/2015 £ Charges inclusive of VAT **
Hackney Carriage/Private Hire Fees			
Hackney Carriage/Private Hire Drivers Licence (valid for 2 years)	295.00	295.00	No VAT currently charged
Drivers' Knowledge Test	54.00	54.00	No VAT currently charged
Drivers Badge	25.00	25.00	No VAT currently charged
Hackney Carriage Vehicle	416.00	416.00	No VAT currently charged
Private Hire Vehicle	416.00	416.00	No VAT currently charged
Private Hire Operators	463.00	463.00	No VAT currently charged
Vehicle Decals - Replacements	19.00	19.00	No VAT currently charged
Vehicle Retest Fee (if re-tested within 48 hours of failure)	31.00	25.83	31.00
Vehicle Retest Fee (if re-tested after 48 hours of failure)	59.00	49.17	59.00
Change of Business (Sell Car and Transfer Plate)	105.00	105.00	No VAT currently charged
Exemption Notice (Executive Vehicles)	29.00	29.00	No VAT currently charged
Internal (Executive Vehicles) Car Plate	21.00	21.00	No VAT currently charged
External Car Plate	49.00	49.00	No VAT currently charged
Disclosure Scotland check	62.00	62.00	No VAT currently charged

NOTES:

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Directorate	Economic Prosperity & Place	Cabinet Member	Environmental Services

PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
	TO 31/03/2015 £	FROM 1/04/2015 £ Charges before VAT *	FROM 1/04/2015 £ Charges inclusive of VAT **
Licensing and Registration			
Acupuncture, Tattooing, Electrolysis, Ear Piercing, Skin Piercing & Semi-Permanent Skin Colouring -			
Certificate of Registration: (a) Person	156.00	164.00	No VAT currently charged
(b) Premise	226.00	237.00	No VAT currently charged
(c) Persons & Premises	380.00	399.00	No VAT currently charged
Animal Boarding Establishments*** Initial	321.00	337.00	No VAT currently charged
Renewal	212.00	223.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Dangerous Wild Animals*** Initial	321.00	337.00	No VAT currently charged
Renewal	212.00	223.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Dog Breeding Establishments*** Initial	321.00	337.00	No VAT currently charged
Renewal	212.00	223.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Pet Animals Act*** Initial	321.00	337.00	No VAT currently charged
Renewal	212.00	223.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Public Realm and Streetscene (Control of Street Furniture)	303.00	318.00	No VAT currently charged
Riding Establishments*** Initial	321.00	337.00	No VAT currently charged
Renewal	212.00	223.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Sex Establishments Initial	4,740.00	4,977.00	No VAT currently charged
Renewal	1,820.00	1,911.00	No VAT currently charged
Transfer	329.00	345.00	No VAT currently charged
Zoo Licences*** Initial	1,549.00	1,626.00	No VAT currently charged
	(plus Inspector's expenses)	(plus Inspector's expenses)	
Renewal	1,391.00	1,461.00	No VAT currently charged
	(plus Inspector's expenses)	(plus Inspector's expenses)	
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	

NOTES:

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- ** Charge inclusive of VAT (if applicable) i.e. total fee payable at the prevailing VAT rate
- ***Plus Vet fees where applicable



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PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
	TO 31/03/2015 £	FROM 1/04/2015 £ Charges before VAT *	FROM 1/04/2015 £ Charges inclusive of VAT **
Gambling Premises License Fees			
Bingo Club - New Application	2,302.00	2,417.00	No VAT currently charged
Annual Fee	659.00	692.00	No VAT currently charged
Application to vary	1,152.00	1,210.00	No VAT currently charged
Application to Transfer	790.00	830.00	No VAT currently charged
Application for re-instatement	790.00	830.00	No VAT currently charged
Application for Provisional Statement	2,302.00	2,417.00	No VAT currently charged
Licence Application (Provisional Statement holders)	790.00	830.00	No VAT currently charged
Copy Licence	35.00	37.00	No VAT currently charged
Notification of change	66.00	69.00	No VAT currently charged
Betting Premises - New Application (excluding Tracks)	1,976.00	2,075.00	No VAT currently charged
Annual Fee	395.00	415.00	No VAT currently charged
Application to vary	987.00	1,036.00	No VAT currently charged
Application to Transfer	790.00	830.00	No VAT currently charged
Application for re-instatement	790.00	830.00	No VAT currently charged
Application for Provisional Statement	1,976.00	2,075.00	No VAT currently charged
Licence Application (Provisional Statement holders)	790.00	830.00	No VAT currently charged
Copy Licence	35.00	37.00	No VAT currently charged
Notification of change	66.00	69.00	No VAT currently charged
Tracks - New Application	1,646.00	1,728.00	No VAT currently charged
Annual Fee	659.00	692.00	No VAT currently charged
Application to vary	822.00	863.00	No VAT currently charged
Application to Transfer	625.00	656.00	No VAT currently charged
Application for re-instatement	625.00	656.00	No VAT currently charged
Application for Provisional Statement	1,646.00	1,728.00	No VAT currently charged
Licence Application (Provisional Statement holders)	625.00	656.00	No VAT currently charged
Copy Licence	35.00	37.00	No VAT currently charged
Notification of change	66.00	69.00	No VAT currently charged
Family Entertainment Centres - New Application	1,317.00	1,383.00	No VAT currently charged
Annual Fee	492.00	517.00	No VAT currently charged
Application to vary	659.00	692.00	No VAT currently charged
Application to Transfer	625.00	656.00	No VAT currently charged
Application for re-instatement	625.00	656.00	No VAT currently charged
Application for Provisional Statement	1,317.00	1,383.00	No VAT currently charged
Licence Application (Provisional Statement holders)	625.00	656.00	No VAT currently charged
Copy Licence	35.00	37.00	No VAT currently charged
Notification of change	66.00	69.00	No VAT currently charged
Adult Gaming Centres - New Application	1,317.00	1,383.00	No VAT currently charged
Annual Fee	659.00	692.00	No VAT currently charged
Application to vary	659.00	692.00	No VAT currently charged
Application to Transfer	625.00	656.00	No VAT currently charged
Application for re-instatement	625.00	656.00	No VAT currently charged
Application for Provisional Statement	1,317.00	1,383.00	No VAT currently charged
Licence Application (Provisional Statement holders)	625.00	656.00	No VAT currently charged
Copy Licence	35.00	37.00	No VAT currently charged
Notification of change	66.00	69.00	No VAT currently charged
Temporary Use Notices - New Application	335.00	352.00	No VAT currently charged

NOTES:

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PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge TO 31/03/2015 £	Proposed Charge FROM 1/04/2015 £ Charges before VAT *	Proposed Charge FROM 1/04/2015 £ Charges inclusive of VAT **
Street Trading			
Single Unit up to 12 x 12 (max 5m length) Food - Initial	1,918.00	2,014.00	No VAT currently charged
- Renewal	1,824.00	1,915.00	No VAT currently charged
Single Unit up to 12 x 12 (max 5m length) Non-Food - Initial	1,604.00	1,684.00	No VAT currently charged
- Renewal	1,442.00	1,514.00	No VAT currently charged
For every additional 12 x 12 or part thereof or length more than 5m	790.00	830.00	No VAT currently charged
Mobile Traders	752.00	790.00	No VAT currently charged

NOTES:

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- ** Charge inclusive of VAT (if applicable) i.e. total fee payable at the prevailing VAT rate



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PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge TO 31/03/2015 £	Proposed Charge FROM 1/04/2015 £ Charges before VAT *	Proposed Charge FROM 1/04/2015 £ Charges inclusive of VAT **
Scrap Metal Dealers Act 2013			
Site Licence - Initial	305.00	320.00	No VAT currently charged
Site Licence - Renewal	252.00	265.00	No VAT currently charged
Collectors Licence - Initial	152.00	160.00	No VAT currently charged
Collectors Licence - Renewal	100.00	105.00	No VAT currently charged
Variation of Licence	68.00	71.00	No VAT currently charged
Copy of licence (if lost or stolen)	26.00	27.00	No VAT currently charged

NOTES:

- * Charge before VAT (if applicable) at the prevailing rate
- ** Charge inclusive of VAT (if applicable) i.e. total fee payable at the prevailing VAT rate



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PROPOSAL OF SCALE OF FEES AND CHARGES

INCOME DESCRIPTION	Current Charge TO 31/03/2015 £	Proposed Charge FROM 1/04/2015 £ Charges before VAT *	Proposed Charge FROM 1/04/2015 £ Charges inclusive of VAT **
Control of Dogs			
Dog Recovery Fee	25.00	26.00	No VAT currently charged
Dog Recovery Fee - out of hours	55.00	58.00	No VAT currently charged
Repeat offence - charge in addition to fees above	25.00	26.00	No VAT currently charged

NOTES:

* Charge before VAT (if applicable) at the prevailing rate
 ** Charge inclusive of VAT (if applicable) i.e. total fee payable at the prevailing VAT rate