Licensing and Environmental Committee

Agenda

Monday, 6th February 2017
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster

Licensing and Environmental Committee

Members of Committee:

Chairman: Councillor J A Hart Vice-Chairman: Councillor J Baker

Councillor J Aston Councillor R Bishop
Councillor J R Desmond Councillor I Hardiman

Councillor V Higgs Councillor F M Oborski MBE

Councillor M Rayner Councillor J D Smith
Councillor R J Vale Councillor R Wilson

Information for Members of the Public:

<u>Part I</u> 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.

<u>Part II</u> 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.

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, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

WEBCASTING NOTICE

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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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.

*Unless there are no reports in the open session.

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 6th February 2017

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 (DPl's) and / or Other Disclosable Interests (ODl'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 3 rd October 2016.	6
5.	Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2017/18	
	To receive a report from the Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council which informs Members of the recent review of the Council's Licensing and Regulatory Services Function fees and charges.	9
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 Economic Prosperity and Place 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 MONDAY 3RD OCTOBER 2016 (10.30AM)

Present:

Councillors: J A Hart (Chairman), J Baker (Vice-Chairman), J Aston, R Bishop, I Hardiman, V Higgs, F M Oborski MBE, M Rayner, J D Smith, R J Vale and R Wilson.

Observers:

There were no members present as observers.

LIC.8 Apologies for Absence

Apologies for absence were received from Councillor J R Desmond.

LIC.9 Appointment of Substitutes

No substitutes were appointed.

LIC.10 Declaration of Interests

No declarations of interest were made.

LIC.11 Minutes

Decision: The minutes of the meeting held on 13th June 2016 be confirmed as a correct record and signed by the Chairman.

LIC.12 Exclusion of the Press and Public

Decision: Under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in paragraphs 7 of Part I of Schedule 12A of the Act.

LIC.13 Application for the Grant of a Hackney Carriage Private Hire Driver's Licence

The Committee received a report from the Director of Economic Prosperity and Place that asked Members to consider an application for the grant of a Hackney Carriage/Private Hire Driver's Licence.

The Senior Practitioner – Licensing (WRS) led Members through the report

and highlighted the relevant convictions listed on the DBS disclosure form which was circulated to Members at the meeting.

The applicant addressed the Committee and asked Members to support his application. Following questions from Members, the applicant outlined the circumstances surrounding his previous convictions and explained that he had turned his life around, and wanted to be a taxi driver to enable him to work flexible hours so that he could spend more time with his young family.

The Senior Practitioner – Licensing and applicant left the meeting at this point, (10.50am), for Members to deliberate their decision. The Solicitor and the Principal Committee and Member Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing and applicant re-entered the meeting at this point, (11.12am). The Solicitor read out the decision of the Committee.

Agreed:

Having carefully considered the application to grant a Hackney Carriage/Private Hire Driver's Licence to the applicant, the Committee has decided that notwithstanding the applicant's previous convictions and the guidance contained in Council's "Guidelines relating to the Relevance of Convictions", the Committee is satisfied that the applicant is a "fit and proper person" to be granted such a Hackney Carriage/Private Hire Driver's Licence and it is justified in departing from the Council's "Guidelines relating to the Relevance of Convictions" because of the exceptional circumstances presented to the Committee that:

- 1. the two crimes of dishonesty were committed over 15 years ago and since those convictions no further convictions have been recorded;
- 2. the applicant has presented himself well to the Committee, he has been in steady employment and has now settled down and wants to do the best for his family.

The Committee was adjourned at 11.15am and re-convened at 11.20am.

LIC.14 Application for the Grant of a Hackney Carriage Private Hire Driver's Licence

The Committee received a report from the Director of Economic Prosperity and Place that asked Members to consider an application for the grant of a Hackney Carriage/Private Hire Driver's Licence.

The Senior Practitioner – Licensing (WRS) led Members through the report and highlighted the relevant convictions listed on the DBS disclosure form which was circulated to Members at the meeting.

The applicant addressed the Committee and asked Members to support his application. Following a series of questions from Members, the applicant outlined the circumstances surrounding his last recorded conviction and gave a brief summary of his employment history.

The Senior Practitioner – Licensing and applicant left the meeting at this point, (11.44am), for Members to deliberate their decision. The Solicitor and the Principal Committee and Member Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing and applicant re-entered the meeting at this point, (12.06pm). The Solicitor read out the decision of the Committee.

Agreed:

Having carefully considered the application to grant a Hackney Carriage/Private Hire Driver's Licence to the applicant, the Committee has decided that the application to grant a Hackney Carriage/Private Hire Driver's Licence to the applicant be refused on the grounds that the applicant did not appear to the Committee, with due consideration of the Council's "Guidelines relating to the Relevance of Convictions", to be "a fit and proper person" to hold such a Licence in light of the information provided that the applicant has been convicted, as an adult, of a series of serious violent offences over a long period of time.

There being no further business, the meeting ended at 12.08pm.

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE 6th February 2017

Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2017/18

OPEN			
DIRECTOR: Head of Worcestershire Regulatory			
	Services on behalf of Wyre Forest District		
	Council		
CONTACT OFFICER:	Niall McMenamin - 01562 738059		
	niall.mcmenamin@worcsregservices.gov.uk		
APPENDICES:	Appendix 1 – Income Service Options		

1. PURPOSE OF REPORT

1.1 To inform Members of the recent review of the Council's Licensing and Regulatory Services Function fees and charges and the proposal to increase the fees and charges for the financial year 2017/18.

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 2017/18, as detailed in the report, be included in the Council's 2017/18 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 2017/18 by 5%.

4. KEY ISSUES

- 4.1 A review of licensing fees and charges, for the period 2016/17, has resulted in a fee structure based on full recovery of costs.
- 4.2 Following a review of the Taxi licensing account and the Sex Establishments account, Worcestershire Regulatory Services have recommended that there should be no increase in these 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, Sex Establishment and those statutory fees (which include the Licensing Act 2003 applications) set by

- Central Government should be increased by 5% 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 2015/2016 as no detailed figures are available for the current financial year.
- 5.3 Excluding the Taxi Licensing, Sex Establishment and those statutory fees set by Central Government, the budget forecast details for 2016/17 (which include the 5% increase) show no projected profit will be made in respect of the activities whose fees have been increased 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.



INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
Water Sampling and Analysis Charges - Set By Worcestershire Regulatory Services	TO 31/03/2017 £ Charges inclusive of VAT	FROM 1/04/2017 £ Charges before VAT	FROM 1/04/2017 £ Charges inclusive of VAT
	(if applicable)	Ť	(if applicable)
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	50.00 per hour	34.17 per hour	41.00 per hour
	(up to £625 Max)	(min. 1 hour - up to £444 Max)	(min. 1 hour - up to £533 Max)
Sampling (each visit)	126.00	34.17 per hour	41.00 per hour
	Max	(up to £83.33 Max)	(min. 1 hour - up to £100 Max)
Investigation	50.00 per hour	34.17 per hour	41.00 per hour
	(up to £150 Max)	(min. 1 hour - up to £444 Max)	(min. 1 hour - up to £533 Max
Granting an Authorisation	126.00	34.17 per hour	41.00 per hour
	Max	(up to £83.33 Max)	(min. 1 hour - up to £100 Max
Analysing a sample			
- taken under regulation 10 (small supplies)	32.00	21.67	26.00
	Max	Max	Max
- taken during check monitoring	126.00	83.33	100.00
	Max	Max	Max
- taken during audit monitoring	630.00	444.17	533.00
	Max	Max	Max

NOTES:

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.

Customers may be able to order and pay for some services online – please refer to http://www.wyreforestdc.gov.uk



INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
Hackney Carriage/Private Hire Fees	TO 31/03/2017 £	FROM 1/04/2017 £	FROM 1/04/2017 £
	Charges inclusive of VAT (if applicable)	Charges before VAT	Charges inclusive of VAT (if applicable)
Hackney Carriage Vehicle	416.00	416.00	No VAT currently charged
(includes renewal plates and twice yearly vehicle inspections)			
Private Hire Vehicle (includes renewal plates and twice yearly vehicle inspections)	416.00	416.00	No VAT currently charged
Change of Business (Sell Car and Transfer Plate)	105.00	105.00	No VAT currently charged
Temporary Replacement HC & PH vehicle (excluding plates & decals)	104.00	104.00	No VAT currently charged
Initial or Replacement Licences/Plates (if lost or damaged)			
External Car Plate	49.00	49.00	No VAT currently charged
Internal (Executive Vehicles) Car Plate	21.00	21.00	No VAT currently charged
Vehicle Decals - Replacements	19.00	19.00	No VAT currently charged
Exemption Notice (Executive Vehicles)	29.00	29.00	No VAT currently charged
Vehicle Testing			
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
Hackney Carriage/Private Hire Drivers Licence (valid for 3 years)	415.00	415.00	No VAT currently charged
Disclosure & Barring Sevice check	62.00	62.00	No VAT currently charged
Drivers Badge	25.00	25.00	No VAT currently charged
Drivers' Knowledge Test	54.00	54.00	No VAT currently charged
Private Hire Operators (valid for 1 year)	463.00	463.00	No VAT currently charged
Private Hire Operators (valid for 5 years)	1,760.00	1,760.00	No VAT currently charged

NOTES:



INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
	TO 31/03/2017	FROM 1/04/2017	FROM 1/04/2017
Licensing and Registration	£	£	£
	Charges inclusive of VAT	Charges before VAT	Charges inclusive of VAT
	(if applicable)	Charges belore VAT	(if applicable)
Acina I Dandina Fatabilaharanta Jakia	254.00	270.00	No MAT assessed a share of
Animal Boarding Establishments Initial Renewal	354.00 234.00	372.00 246.00	No VAT currently charged No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	No val currently charged
vet rees/Ariimai weirare visit (ii applicable)	Charged at Cost	Charged at Cost	
Dangerous Wild Animals Initial	354.00	372.00	No VAT currently charged
Renewal	234.00	246.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	No VAT currently charged
Dog Breeding Establishments Initial	354.00	372.00	No VAT currently charged
Renewal	234.00	246.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Pet Shops Initial	354.00	372.00	No VAT currently charged
Renewal	234.00	246.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	
Riding Establishments Initial	354.00	372.00	No VAT currently charged
Renewal	234.00	246.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	Charged at Cost	Charged at Cost	The trit carronaly enal god
Zoo Licences Initial	1,707.00	1,792.00	No VAT currently charged
	(plus Inspector's expenses)	(plus Inspector's expenses)	
Renewal	1,534.00	1,611.00	No VAT currently charged
Vet fees/Animal welfare visit (if applicable)	(plus Inspector's expenses) Charged at Cost	(plus Inspector's expenses) Charged at Cost	
	· ·	Y	
Acupuncture, Tattooing, Electrolysis, Ear Piercing, Skin Piercing			
& Semi-Permanent Skin			
Colouring -	.=		
Certificate of Registration: (a) Person	172.00	181.00	No VAT currently charged
(b) Premise	249.00	261.00	No VAT currently charged
(c) Persons & Premises	419.00	440.00	No VAT currently charged
Sex Establishments Initial	4,977.00	4,977.00	No VAT currently charged
Renewal	1.911.00	1.911.00	No VAT currently charged
Transfer	345.00	362.00	No VAT currently charged

NOTES:



INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
Gambling Premises License Fees	TO 31/03/2017 £	FROM 1/04/2017 £	FROM 1/04/2017 £
_	Charges inclusive of VAT (if applicable)	Charges before VAT	Charges inclusive of VAT (if applicable)
Gambling Premises Licence - New Application			
Adult Gaming Centre	1,452.00	1,525.00	No VAT currently charged
Betting Premises (excluding Tracks)	2,179.00	2,288.00	No VAT currently charged
Betting Premises (Tracks)	1,814.00	1,905.00	No VAT currently charged
Bingo Club	2,538.00	2,665.00	No VAT currently charged
Family Entertainment Centre	1,452.00	1,525.00	No VAT currently charged
Temporary Use Notices	370.00	389.00	No VAT currently charged
Gambling Premises Licence - Annual Fee			
Adult Gaming Centre	727.00	763.00	No VAT currently charged
Betting Premises (excluding Tracks)	436.00	458.00	No VAT currently charged
Betting Premises (Tracks)	727.00	763.00	No VAT currently charged
Bingo Club	727.00	763.00	No VAT currently charged
Family Entertainment Centre	543.00	570.00	No VAT currently charged
Provisional Statement Application			
Adult Gaming Centre	1,452.00	1,525.00	No VAT currently charged
Betting Premises (excluding Tracks)	2,179.00	2,288.00	No VAT currently charged
Betting Premises (Tracks)	1,814.00	1,905.00	No VAT currently charged
Bingo Club	2,538.00	2,665.00	No VAT currently charged
Family Entertainment Centre	1,452.00	1,525.00	No VAT currently charged
Licence Application (Provisional Statement Holders)			
Adult Gaming Centre	689.00	723.00	No VAT currently charged
Betting Premises (excluding Tracks)	872.00	916.00	No VAT currently charged
Betting Premises (Tracks)	689.00	723.00	No VAT currently charged
Bingo Club	872.00	916.00	No VAT currently charged
Family Entertainment Centre	689.00	723.00	No VAT currently charged
Application to Transfer			
Adult Gaming Centre	689.00	723.00	No VAT currently charged
Betting Premises (excluding Tracks)	872.00	916.00	No VAT currently charged
Betting Premises (Tracks)	689.00	723.00	No VAT currently charged
Bingo Club	872.00	916.00	No VAT currently charged
Family Entertainment Centre	689.00	723.00	No VAT currently charged
Application to Vary			
Adult Gaming Centre	727.00	763.00	No VAT currently charged
Betting Premises (excluding Tracks)	1,088.00	1,142.00	No VAT currently charged
Betting Premises (Tracks)	906.00	951.00	No VAT currently charged
Bingo Club	1,271.00	1,335.00	No VAT currently charged
Family Entertainment Centre	727.00	763.00	No VAT currently charged
Reinstatement of Licence			
Adult Gaming Centre	689.00	723.00	No VAT currently charged
	872.00	916.00	No VAT currently charged
Betting Premises (excluding Tracks)	689.00	723.00	No VAT currently charged
Betting Premises (excluding Tracks) Betting Premises (Tracks)	DON OO		
Betting Premises (Tracks)			
	872.00 689.00	916.00 723.00	No VAT currently charged No VAT currently charged





INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge	
Street Trading	TO 31/03/2017 £	FROM 1/04/2017 £	FROM 1/04/2017 £	
	Charges inclusive of VAT (if applicable)	Charges before VAT	Charges inclusive of VAT (if applicable)	
Single Unit up to 12 x 12 (max 5m length) Food - Initial	2,115.00	2,221.00	No VAT currently charged	
- Renewal	2,011.00	2,112.00	No VAT currently charged	
Single Unit up to 12 x 12 (max 5m length) Non-Food - Initial	1,768.00	1,856.00	No VAT currently charged	
- Renewal	1,590.00	1,670.00	No VAT currently charged	
For every additional 12 x 12 or part thereof or length more than 5m	872.00	916.00	No VAT currently charged	
Mobile Traders - Initial	830.00	872.00	No VAT currently charged	
Mobile Traders - Renewal	830.00	872.00	No VAT currently charged	
Street Amenities (Control of Street Furniture)	334.00	351.00	No VAT currently charged	

NOTES:



INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
Scrap Metal Dealers Act 2013 - Fees Recommended by Worcestershire Regulatory Services	TO 31/03/2017 £	FROM 1/04/2017 £	FROM 1/04/2017 £
	Charges inclusive of VAT (if applicable)	Charges before VAT	Charges inclusive of VAT (if applicable)
Site Licence - Initial (3 year licence)	290.00	290.00	No VAT currently charged
Site Licence - Renewal (3 year licence)	240.00	240.00	No VAT currently charged
Collectors Licence - Initial (3 year licence)	145.00	145.00	No VAT currently charged
Collectors Licence - Renewal (3 year licence)	95.00	95.00	No VAT currently charged
Variation of Licence	65.00	65.00	No VAT currently charged
Copy of licence (if lost or stolen)	25.00	25.00	No VAT currently charged

NOTES:



INCOME DESCRIPTION	Current Charge	Proposed Charge	Proposed Charge
Control of Dogs - Fees Recommended by Worcestershire Regulatory Services	TO 31/03/2017 £	FROM 1/04/2017 £	FROM 1/04/2017 £
Regulatory Services	Charges inclusive of VAT (if applicable)	Charges before VAT	Charges inclusive of VAT (if applicable)
Administration Fee per stray dog seized	10.00	15.00	No VAT currently charged
Kennelling charge per dog per day	12.00	13.50	No VAT currently charged
Statutory Fine per dog seized	25.00	25.00	No VAT currently charged
Repeat stray charge	25.00	25.00	No VAT currently charged
Out of Hours Charge	30.00	35.00	No VAT currently charged
Vet fees/treatment charges (if applicable)	Charged at Cost	Charged at Cost	

NOTES: