

CITY OF WOLVERHAMPTON COUNCIL	Licensing Committee 24 January 2018
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Time	10.00 am	Public Meeting?	YES	Type of meeting	Regulatory
Venue	Room 2, City Archives, Molineux Hotel Building, Whitmore Hill, Wolverhampton, WV1 1SF				

Membership

Chair	Cllr Alan Bolshaw (Lab)
Vice-chair	Cllr Rita Potter (Lab)

Labour	Conservative	Liberal Democrat
Cllr Greg Brackenridge	Cllr Patricia Patten	
Cllr Ian Claymore	Cllr Christopher Haynes	
Cllr Keith Inston		
Cllr John Rowley		
Cllr Daniel Warren		
Cllr Anwen Muston		
Cllr Zee Russell		
Cllr Judith Rowley		

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact	Donna Cope, Democratic Services Officer
Tel/Email	Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address	Democratic Services, Civic Centre, 1st floor, St Peter's Square, Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Minutes of previous meeting (Pages 3 - 8)
4	Matters arising
5	Licensing Sub-Committee - 12 December 2017 - Minutes (Pages 9 - 16)
6	Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2018/19 (Pages 17 - 24)
7	Review of Fees and Charges for Street Trading Consents for 2018/19 (Pages 25 - 32)
8	Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2018/19 (Pages 33 - 40)

Agenda Item No: 3



Licensing Committee

Minutes - 29 November 2017

Attendance

Members of the Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter (Vice-Chair)
Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Patricia Patten
Cllr John Rowley
Cllr Daniel Warren
Cllr Anwen Muston
Cllr Zee Russell
Cllr Judith Rowley

Employees

Chris Howell	Licensing Manager
Elaine Moreton	Section Leader Licensing
Arif Sain	Equalities Manager
Joanne Till	Section Leader Licensing
Lorraine Jones	Section Leader Licensing
Sarah Hardwick	Senior Solicitor
Jonathan Lloyd	Senior Licensing Officer
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for absence**

Apologies were received from Councillors Keith Inston (approved attendance on other Council business) and Christopher Haynes.

2 **Declarations of interest**

There were no declarations of interest.

3 Minutes of previous meeting

Resolved:

That the minutes of the meeting of the Licensing Committee held on 27 September 2017 be confirmed as a true record and signed by the Chair.

4 Matters arising

Councillor Judith Rowley referred to page 4, point 7 of the previous minutes. She stated that as a member of the Transport Development Committee, through their consultation, she had made comments regarding child safety in licensed vehicles.

5 Licensing Sub-Committee - 7 September 2017 - Minutes

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 7 September 2017 be confirmed as a true record and signed by the Chair.

6 Licensing Sub-Committee - 13 September 2017 - Minutes

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 13 September 2017 be confirmed as a true record and signed by the Chair.

7 Licensing Sub-Committee - 26 September 2017 - Minutes

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 26 September 2017 be confirmed as a true record and signed by the Chair.

8 Licensing Sub-Committee - 11 October 2017 - Minutes

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 11 October 2017 be confirmed as a true record and signed by the Chair.

9 Ask Angela Campaign

Arif Sain, Head of Equalities, presented a report seeking formal agreement for officers to develop and implement the 'Ask Angela' campaign and receive progress reports.

The campaign aims to reduce sexual violence and vulnerability. It provides the customer of a licenced premises with a nondescript phrase they can use to gain assistance from staff members.

Members agreed that the campaign has huge potential and suggested that it be extended to include public transport. Concerns were raised regarding the training and safeguarding of staff members in participating venues.

Councillor Russell suggested the council's Safeguarding and Domestic Violence teams could assist and help promote the campaign.

The Section Leader and Arif Sain, Head of Equalities, provided the following responses to issues raised by the Committee:

- Updates of the campaign would be provided to members;

- Participating venues would receive written guidance and a briefing on the scheme, conducted by Council officers and partners;
- The initiative would be launched with a publicity campaign on 7 December 2017;
- The press and social media would promote the scheme, and posters and leaflets would be published at minimal cost.
- The partners would include West Midlands Police, Pub Watch and CWCs Community Safety Unit.

Resolved:

That Members of the Licensing Committee formally agreed the proposed 'Ask Angela' campaign and would receive further progress reports.

10

Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures

A Committee Member expressed concerns about the length of some of the reports tabled. The Chair agreed that he would ask officers to consider including hyperlinks in documents to supporting information, where appropriate. The Chair was emphatic that members should have access to all the relevant information to enable them to make an evidenced based decision.

Joanne Till, Section Leader, Licensing, presented a report requesting that Members consider the consultation on proposed changes to gaming machines and social responsibility measures and provide comments.

Members were supportive of the consultation. They noted that irresponsible gambling could lead to further social problems. It was agreed that mosques and temples would be included in the consultation.

Councillor Warren acknowledged these issues but stressed that most people who gambled did so responsibly. He was disappointed that online gambling had not been considered as part of the consultation as he felt that online gambling was potentially more harmful.

The Section Leader provided the following responses to issues raised by the Committee:

- The consultation response letter from CWC omitted online gambling as those details were not requested;
- Social responsibility was part of the Gambling Act and online gambling was monitored very stringently;
- Members can raise concerns regarding online gambling at question 16 within their responses.

The Section Leader agreed to circulate the consultation questions to Members electronically and requested that responses were submitted by 9 January 2018.

The Chair encouraged Members to respond to the consultation.

Resolved:

That Members of the Licensing Committee would consider the consultation on proposed changes to gaming machines and social responsibility measures and provide responses.

11 **Licensing Update**

The Licensing Manager gave a verbal update on the current licensing position.

12 **Consultation Response on amendments to Driver / Vehicle / Operator Conditions**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the revised conditions for Private Hire Driver's, Vehicle's and Operator's attached at Appendix B.
2. Note that the proposed amendments have been subject to a consultation exercise.
3. Note that seven responses were received and changes are shown in Appendix A.

The Licensing Manager explained the proposed revised conditions and confirmed why the proposed draft changes were necessary due to changes brought about by the recent onset of technology within the private hire trade and the intricacy of cross border hiring.

Members agreed to delegate authority to the Licensing Manager in consultation with the Chair of Licensing to make such grammatical changes as required but that do not alter the meaning of the condition.

The rewording of condition 10.1 was agreed.

Councillor Anwen Muston was concerned that all staff employed in a role where they interacted with members of the public would be subject to a Basic Disclosure Barring Service (DBS) check and not an Advanced DBS check.

Sarah Hardwick, Senior Solicitor, explained that CWC were not legally allowed to request an 'Enhanced' DBS for operator staff.

The Licensing Manager advised Members that obtaining a Basic DBS was a good starting point and that staff had written to Government requesting that an online register of drivers be implemented.

Resolved:

That Members of the Licensing Committee:

1. Approved the revised conditions and implementation date for Private Hire Drivers, Vehicles and Operators attached at Appendix B.
2. Noted that the proposed amendments have been subject to a consultation exercise.
3. Noted that seven responses were received and changes are shown in Appendix A.

13 **Hackney Carriage and Private Hire Vehicle Driver's and Operator's Right to Work Checks**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Authorise the introduction of an administrative charge to recover costs for processing immigration requests on behalf of applicants who cannot confirm immigration status or provide sufficient evidence of a right to work in the UK.
2. Approve the proposed charge for the right to work check as outlined in section 5.2 of the report as of 1 January 2018.

The Licensing Manager provided the following responses to issues raised by the Committee:

- The proposed administrative charge of £125 had been determined by the average time it took officers to carry out works associated the check;
- When applying for a licence every driver had to prove they had a right to work in the UK;

Resolved:

That Members of the Licensing Committee:

1. Authorised the introduction of an administrative charge to recover costs for processing immigration requests on behalf of applicants who cannot confirm immigration status or provide sufficient evidence of a right to work in the UK.
2. Approved the proposed charge for the right to work check as outlined in section 5.2 of the report as of 1 January 2018.

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Agenda Item No: 5



Licensing Sub-Committee

Minutes - 12 December 2017

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr John Rowley

Employees

Elaine Moreton	Section Leader - Licensing
Jacky Bramley	Senior Legal Executive
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Russell.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public

Resolved:

That in accordance with section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

4 Application for a Private Hire Vehicle Driver's Licence (GB)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (GB) into the Hearing. GB was accompanied by Mr Patel, a local shop keeper and friend. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether GB was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. GB confirmed that the information contained within the report was accurate. The Section Leader advised that GB had undergone medical tests as recommended by the Licensing Manager prior to his application being determined by the Licensing Sub-Committee. This was discussed further during the hearing.

All parties were invited to question the Section Leader, Licensing, on the report. No questions were asked.

The Chair invited GB to make representations.

GB gave an overview of his current personal circumstances and acknowledged his convictions, saying they had occurred during a bad patch in his life.

All parties were invited to question GB on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, GB detailed the situations that lead to his convictions and elaborated further on his personal circumstances.

The Sub-Committee referred to the report from a Licensing Hearing that GB had attended on 10 August 2017. Within the report the Licensing Manager stated that during the hearing GB looked visibly under the influence of alcohol and there was a smell of alcohol in the room. As a result of this, he advised that GB undertook a medical examination with the council's nominated doctor.

GB denied these allegations but acknowledged that the examination by Dr Mahay (nominated doctor) had revealed alcohol in his blood. He stated that his own doctor had carried out an examination two days later which had revealed his blood was free of alcohol, however he produced no evidence of this.

The Section Leader, Licensing, referred to the medical examination report from Dr Mahay (copy filed with these minutes) which indicated GB was alcohol dependant and a user of amphetamines. GB denied these allegations and stated that if there was alcohol in his blood it may have been due to a family celebration the night before.

In response to further questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, GB stated that he currently took anti-depressants, had never taken amphetamines in his life and only drank at weekends if he could afford it. It was also stated that GB's slurred speech was due to a speech impediment and the smell of alcohol was his aftershave.

The Section Leader, Licensing, referred to a previous incident where she had seen GB at the Licensing reception desk where he had clearly been drinking. GB denied this.

The Chair invited GB to make a final statement. GB said he had made mistakes and wanted to be given a chance to prove himself.

GB, Mr Patel and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that GB is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraphs 5.1.10(b) and 5.1.25 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Senior Legal Executive detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

Application for a Private Hire Vehicle Driver's Licence (SH)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (SH) into the Hearing. SH was accompanied by his solicitor, Mr I Hussain. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether SH was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. Mr I Hussain, representing SH, confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report. No questions were asked.

The Chair invited SH to make representations.

Mr I Hussain gave an overview of his client's current personal circumstances and acknowledged his convictions. He stated that the offences had occurred a long time ago during a bad patch in his life and that his client had not committed any further offences since 2006. Mr I Hussain had known SH for a long time and believed him to be a fit and proper person, confirmed by glowing reports from his Probation Officer.

Mr I Hussain requested that the Sub-Committee receive eleven character references from associates of SH. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question SH on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, Licensing, SH detailed the situations that lead to his convictions and elaborated further on his personal circumstances.

The Chair invited SH to make a final statement. SH acknowledged the severity of his convictions but stated he now had a family and was a changed man.

SH, Mr I Hussain (applicant's solicitor) and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that SH is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraph 5.1.9 and 5.1.13(b) of the guidelines

relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Senior Legal Executive detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

6

Application for a Private Hire Vehicle Driver's Licence (DPU)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (DPU) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether DPU was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. DPU confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report. No questions were asked.

The Chair invited DPU to make representations.

DPU stated that his convictions relating to dishonesty were unfair as he did not realise he was committing an offence.

All parties were invited to question DPU on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, DPU detailed the situations that lead to his convictions. He stated that due to his nationality, language barriers and limited knowledge of British regulations, he hadn't realised he was doing wrong.

The Chair invited DPU to make a final statement. DPU acknowledged that he had made mistakes and was sorry.

DPU and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that DPU is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This

decision is made in accordance with paragraph 5.1.10(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Senior Legal Executive detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

7

Application for a Private Hire Vehicle Driver's Licence (AA)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AA) into the Hearing. AA was accompanied by his young son. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. AA confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report. No questions were asked.

The Chair invited AA to make representations.

AA gave an overview of his current personal circumstances and acknowledged his convictions, saying they had occurred during a bad patch in his life. He stated that he had been out of trouble for 15 years and was now a SIA trained Security Officer.

AA requested that the Sub-Committee receive two character references from associates of his. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question AA on his submission.

In response to questions from the Sub-Committee, the Senior Legal Executive and the Section Leader, AA detailed the situations that lead to his convictions and elaborated further on his personal circumstances.

The Chair invited AA to make a final statement. AA acknowledged that he had made mistakes and was sorry. He stated that he had a family now and was a changed man.

AA, his son and the Section Leader, left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that AA is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraph 5.1.7(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Senior Legal Executive detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

8

Application for a Private Hire Vehicle Driver's Licence (MK)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (MK) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Driver Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether MK was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report. MK confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader, Licensing, on the report. No questions were asked.

The Chair invited MK to make representations.

MK gave an overview of his current personal circumstances and acknowledged his convictions, saying they had occurred during a bad patch in his life when he was young and naive. He stated that for the last 9 years he has worked as assistant manager at his uncle's restaurant.

All parties were invited to question MK on his submission.

In response to questions from the Sub-Committee and the Senior Legal Executive, MK detailed the situations that lead to his convictions, elaborated further on his personal circumstances.

The Chair invited MK to make a final statement.

MK requested that the Sub-Committee receive five character references from associates of his. The Sub-Committee agreed to the request (copies filed with these minutes).

MK acknowledged that he had made mistakes and had learnt from them. He had a family now whom he needed to support and was a changed man. He had not been in trouble for 10 years and wanted the chance to prove himself.

MK, and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to grant MK a Private Hire Vehicle Driver's Licence for a period of 12 months, subject to MK passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

Agenda Item No: 6



Licensing Committee

24 January 2018

Report title	Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2018/19		
Wards affected	All		
Accountable director	Kevin O'Keefe, Governance		
Originating service	Licensing Services		
Accountable employee(s)	Jo Till	Section Leader	
	Tel	01902 550189	
	Email	Joanne.Till@wolverhampton.gov.uk	
Report to be/has been considered by	None		

Recommendation(s) for decision:

The Licensing Committee is recommended to:

1. Approve the proposed fees and charges for General Licensing as set out in Appendix A with effect from 1 April 2018.
2. Note the fees and charges set by the Secretary of State in relation to the Licensing Act 2003 over which the Council has no local control.
3. Approve the proposed fees and charges set out in Appendix B in relation to the Gambling Act 2005 with effect from 1 April 2018 over which the Council has fee setting powers.
4. Note other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005 over which the Council has no local control.

1.0 Purpose

- 1.1 To submit for consideration proposed fees and charges for 2018/19 in relation to certain licences and licensed activities that are regulated by the Licensing Committee.

2.0 Background

- 2.1 The Council is empowered under various statutes to levy fees for the issue of local licences and permits.
- 2.2 This report does not include street trading fees and charges which are the subject of another report to this meeting.
- 2.3 The Council policy is to review its fees on an annual basis and introduce increases at least in line with the increased cost of providing the service, whilst also having due regard to the Council's social and economic policies. In relation to a number of licence types, the fees and charges are set by the Secretary of State.

3.0 Proposals for 2018/19

3.1 General licensing

- 3.1.1 Certain licences, permits and registrations are subject to local control for fees and charges.
- 3.1.2 It is proposed that the existing fees and charges for General Licensing for the current year 2017/18 remain unchanged for the coming year 2018/19. These are detailed at Appendix A.

3.2 Licensing Act

- 3.2.1 Fees and charges for premises, clubs, personal licences, temporary event notices and other fees in relation to the Licensing Act 2003 are set by the Secretary of State.
- 3.2.2 Since the implementation of the Act in 2005 there has been no increase in fees set by the Secretary of State.
- 3.2.3 Councillors should note that applications made under Sections 17, 34, 71 and 84 of the Licensing Act 2003 which relate to the provision of Regulated Entertainment within Educational Institutions i.e. School or College or premises that are or form part of a Church Hall, Chapel Hall or similar building or Village Hall, Parish Hall or Community Hall or other similar building are exempt from payment of fees.

3.3 Gambling Act

- 3.3.1 It is proposed to continue to charge the maximum fees as set by the Secretary of State for premises licences, temporary use notices and other fees in relation to the Gambling Act 2005 as set out at Appendix B of this report. This is to reflect the cost of the service.
- 3.3.2 In relation to Gambling Act fees for permits, small society registrations etc these are set by the Secretary of State and the Licensing Authority has no discretion to amend these fee levels.

4.0 Financial implications

- 4.1 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices A and B which are subject to local control will cover the estimated cost of providing the service.
[SR/09012018/J]

5.0 Legal implications

- 5.1 The legal implications are considered within the main body of the report.
[JB/09012018/R]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from this report.

7.0 Environmental implications

- 7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

- 8.1 There are no human resources implications arising from this report.

9.0 Corporate landlord implications

- 9.1 There are no corporate landlord implications arising from this report.

10.0 Schedule of background papers

- 10.1 Licensing Committee – 16 January 2013 - Review of fees and charges for general licensing and miscellaneous matters for 2013/14.

Licensing Committee – 26 February 2014 - Review of fees and charges for general licensing and miscellaneous matters for 2014/15.

Licensing Committee – 21 January 2015 - Review of fees and charges for general licensing and miscellaneous matters for 2015/16.

Licensing Committee – 20 January 2016 - Review of fees and charges for general licensing and miscellaneous matters for 2016/17.

Licensing Committee – 21 January 2017 – Review of fees and charges for general licensing and miscellaneous matters for 2017/18.

APPENDIX A

GENERAL LICENSING FEES AND CHARGES SUBJECT TO LOCAL CONTROL

	LICENCE	EXISTING CHARGE 2017/18 £	PROPOSED CHARGE 2018/19 £
1.	Riding Establishments	210	210
2.	Performing Animals	145	145
3.	Pet Shops	160	160
4.	Dog Breeding Licences	160	160
5.	Animal Boarding Establishments	160	160
6.	Home Boarding (up to 4 animals)	95	95
7.	Dangerous and Wild Animals (i) Initial (ii) Full (iii) Random Inspections	505 260 175	505 260 175
8.	Cosmetics etc. A. Premises (i) Acupuncture (ii) Tattooing (iii) Electrolysis (iv) Ear Piercing (v) Cosmetic Piercing (vi) Semi-Permanent Skin Colouring B. Persons - All Variation of Licence	105 35	105 35
9.	Poisons Act (i) Initial (ii) Alteration (iii) Maintain on list	55 35 45	55 35 45
10.	Sex Establishments (i) Initial (Shop or Cinema) (ii) Renewal (Shop or Cinema) (iii) Initial Sev (iv) Renewal Sev (v) Initial Joint (Shop/Cinema/Sev) (vi) Renewal Joint (Shop/Cinema/Sev) (vii) Transfer (viii) Variation	2,500 2,000 3,330 2,830 3,750 3,250 500 At cost	2,500 2,000 3,330 2,830 3,750 3,250 500 At cost

	LICENCE	EXISTING CHARGE 2017/18 £	PROPOSED CHARGE 2018/19 £
11.	Scrap Metal Dealers Act 2013 (3 Years) (i) Collectors (ii) Additional Collectors Copy of Licence (iii) Site (iv) Additional Site (v) Variation of Licence	180 50 500 275 55	180 50 500 275 55
12.	Highways Act 1980 (i) Table and Chairs (ii) A-Boards (iii) Goods on the Highway	25 25 25	25 25 25
13.	Clean Neighbourhoods and Environment Act 2005 (i) Distribution of Free Printed Matter (ii) Additional Badges (iii) 1 Day Consent (Up to 2 Persons) (iv) 7 Day Consent (Up to 2 Persons) (v) New small/medium business consent (2 days)	300 45 50 100 No charge	300 45 50 100 No charge
14.	Mini-Bus Permits and Disc (5 Years) (i) Initial (ii) Renewal (iii) Replacement	25 25 25	25 25 25

THE GAMBLING ACT 2005 – APPROVED FEES FROM 1 APRIL 2018 UNTIL 31 MARCH 2019

Category of Premises License	Application Fee in Respect of Conversion of Provisional Statement	Application Fee in Respect of New Premises Licences	Annual Fee YEAR 2	Fee for Application to Vary Licence	Fee for Application to Transfer a Licence	Fee for Application for Reinstatement of a Licence	Fee for Application for Provisional Statement	Fee for Notification of a change of Circumstance (Statutory Fee)	Fee for Application for Copy of Licence	Fee for giving notification of a TUN (MAX £500)	Fee for requesting a copy of a TUN (MAX £25)
New Small Casino Premises	MAX £3,000	MAX £8,000	MAX £5,000	MAX £4,000	MAX £1,800	MAX £1,800	MAX £8,000	£50	£25	£500	£25
Converted Casino Premises	N/A	N/A	MAX £3,000	MAX £2,000	MAX £1,350	MAX £1,350	N/A	£50	£25	£500	£25
Bingo Premises	MAX £1,200	MAX £3,500	MAX £1,000	MAX £1,750	MAX £1,200	MAX £1,200	MAX £3,500	£50	£25	£500	£25
Adult Gaming Centre Premises	MAX £1,200	MAX £2,000	MAX £1,000	MAX £1,000	MAX £1,200	MAX £1,200	MAX £2,000	£50	£25	£500	£25
Betting Premises (Track)	MAX £950	MAX £2,500	MAX £1,000	MAX £1,250	MAX £950	MAX £950	MAX £2,500	£50	£25	£500	£25
Family Entertainment Centre	MAX £950	MAX £2,000	MAX £750	MAX £1,000	MAX £950	MAX £950	MAX £2,000	£50	£25	£500	£25
Betting Premises (Other)	MAX £1,200	MAX £3,000	MAX £600	MAX £1,500	MAX £1,200	MAX £1,200	MAX £3,000	£50	£25	£500	£25

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CITY OF WOLVERHAMPTON COUNCIL	<h1>Licensing Committee</h1> <p>24 January 2018</p>
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Report title	Review of Fees and Charges for Street Trading Consents for 2018/19		
Wards affected	All		
Accountable director	Kevin O'Keefe, Governance		
Originating service	Licensing Services		
Accountable employee(s)	Jo Till	Section Leader	
	Tel	01902 550189	
	Email	Joanne.Till@wolverhampton.gov.uk	
Report to be/has been considered by	None		

Recommendation(s) for decision:

The Licensing Committee is recommended to:

1. Approve the proposed fees and charges for Annual Street Trading Consents as set out in Appendix A of this report with effect from 1 April 2018.
2. Approve the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in Appendix B of this report with effect from 1 April 2018.

Recommendations for noting:

The Licensing Committee is asked to note:

1. A review of Street Trading in the City is to be undertaken

1.0 Purpose

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2018 and to advise the Licensing Committee of arrangements for the control and regulation of street trading activities undertaken in the City.
- 1.2 To inform Licensing Committee of a review of Street Trading.

2.0 Background

- 2.1 In 1986 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, designating all streets in the City as “consent” streets, enabling the Council to control certain street trading activities. In general terms any trading on a “street”, with a few exceptions, requires “consent to trade”.
- 2.2 Licensing Services are responsible for the administration (including the collecting of fees) for street trading, whilst the enforcement responsibilities associated with street trading are currently undertaken by Public Protection Commercial.

3.0 Overview of local controls

- 3.1 The Council’s constitution delegates the Council’s functions relating to the processing, determination and management of street trading, under the Local Government (Miscellaneous Provisions) Act 1982, to the Licensing Committee.
- 3.2 A variety of different consents are issued which set controls such as location and approved times of operation. All consent locations are determined by an officer group from Regeneration, covering the disciplines of planning, highways design, highways enforcement etc.
- 3.3 Consents are agreed and defined based upon location within the City and time of operation. The following represents the location types:
 - Dudley Street
 - Bilston Street/Queen Street
 - Victoria Street/Skinner Street/Cleveland Street
 - Molineux Area (Football Consents)
 - Bilston Town Centre
 - Wednesfield Town Centre
 - Evening Consents
 - Other City Areas Food
 - Other City Areas Flowers
 - B Type Consents
 - Operating on Land Accessible to the Public Without Payment (Private Land)

Notes:

- All consents apply for a 12-month period only. There are no guarantees that successful applications for 2018/19 will be successful in 2019/20.
- Evening Consents permit trade at any location within a $\frac{3}{4}$ mile radius of the Council's retail markets only between the hours of 21.00 and 05.00 hours and are typically issued for catering units.
- Other City Areas Food and Flower consents relate to the consent for traders on designated pitches in other City areas previously issued as mobile consents.
- 'B' Type Consents allow trading in any street in the City, except within a $\frac{3}{4}$ mile radius of any Council market or other prohibited area. B Type Consents are typically issued for ice cream sales or snacks by means of a mobile unit.
- Operating on Land Accessible to the Public Without Payment (Private Land) relates to consents issued for food, non-food and Molineux match days.

4.0 Review of fees and charges 2018/19

- 4.1 Paragraph 9 of Schedule 4 of the 1982 Act states "that a Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent".
- 4.2 Each year proposals for the review of fees and charges related to street trading are generated. These proposals are based upon the Council's policy of reviewing fees and charges annually at least in line with the increased cost of providing the service, whilst also having due regard to the Council's social and economic policies.
- 4.3 Having regard to the above it is recommended the fees and charges for street trading consents will remain unchanged for 2018/19.
- 4.4 Appendix A sets out the proposed fees for annual street trading consents for 2018/19 rounded to the nearest £5.00 for administrative purposes.
- 4.5 Appendix B sets out the proposed fees for occasional/temporary street trading consents for 2018/19.

5.0 Street Trading Review

- 5.1 A review of Street Trading is to be undertaken by Licensing Services. The review is to develop a policy and to ensure that the offer is adequate for the City. An updated report will be presented to Licensing Committee to seek Member approval.

6.0 Financial implications

- 6.1 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices A and B will cover the estimated cost of providing the service. [SR/09012018/D]

7.0 Legal implications

- 7.1 The legal implications are considered within the main body of the report.
[JB/09/01/2018/M]

8.0 Equalities implications

- 8.1 There are no equalities implications arising from this report.

9.0 Environmental implications

- 9.1 There are no environmental implications arising from this report.

10.0 Human resources implications

- 10.1 There are no human resources implications arising from this report.

11.0 Corporate landlord implications

- 11.1 There are no corporate landlord implications arising from this report.

12.0 Schedule of background papers

- 12.1 Licensing Committee - 16 January 2013 - Review of fees and charges for street trading consents for 2013/14.

Licensing Committee - 26 February 2014 - Review of fees and charges for street trading consents for 2014/15.

Licensing Committee - 21 January 2015 - Review of fees and charges for street trading consents for 2015/16.

Licensing Committee - 20 January 2016 - Review of fees and charges for street trading consents for 2016/17.

Licensing Committee - 8 February 2017 - Review of fees and charges for street trading consents for 2017/18.

APPENDIX A

Proposed Annual Street Trading Fees 2018/19

LOCATION / TYPE	2017/18 Existing Consent Annual Fee (£)	2018/19 Proposed Consent Annual Fee (£)
Dudley Street	3380	3380
Bilston Street/Queen Street	2940	2940
Skinner Street/Cleveland Street/Victoria Street	2940	2940
Molineux Area (Football Consents)	690	690
Bilston Town Centre	2170	2170
Wednesfield Town Centre	1990	1990
Evening Consents	1905	1905
Other City Areas Food	1300	1300
Other City Areas Flowers	440	440
B Type Consents*	460	460
Private Land Consent	95	95

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APPENDIX B

Proposed Occasional/Temporary Street Trading Fees 2018/19

LOCATION / TYPE	2017/18 Existing Consent (£)	2018/19 Proposed Consent (£)
City Centre (within Ring Road)		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	30.00	30.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	110.00	110.00
Weekends (Saturday and Sunday inclusive)	110.00	110.00
Bank Holidays and Specialist Market Days	55.00	55.00
Bilston and Wednesfield Town Centres		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	15.00	15.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	55.00	55.00
Weekends (Saturday and Sunday inclusive)	55.00	55.00
Bank Holidays and Specialist Market Days	30.00	30.00
Other Areas		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	10.00	10.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	35.00	35.00
Weekends (Saturday and Sunday inclusive)	35.00	35.00
Bank Holidays and Specialist Market Days	15.00	15.00
Special Outdoor Event (i.e. City Show, Vaisakhi, Steam and Vintage Rally, etc)	Up to 165.00 per event	Up to 165.00 per event

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Licensing Committee

24 January 2018

Report title	Review of Fees and Charges for Hackney Carriage and Private Hire Licensing Functions for 2018/19		
Wards affected	All		
Accountable director	Kevin O'Keefe, Governance		
Originating service	Licensing Services		
Accountable employee(s)	Chris Howell	Licensing Manager	01902 554554
	Tel		chris.howell@wolverhampton.gov.uk
	Email		
Report to be/has been considered by	None		

Recommendation(s) for decision:

The Licensing Committee is recommended to:

1. Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers as set out in Appendix A with effect from 1 April 2018.
2. Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicles as set out in Appendix B with effect from 1 April 2018.

1.0 Purpose

- 1.1 To approve the proposed fees and charges for licences relating to hackney carriages, private hire vehicles, drivers, private hire vehicle operators and council approved VOSA testing stations for 2018/19

2.0 Background

- 2.1 The Council is empowered by statute to levy fees and charges in respect of licences for hackney carriages, private hire vehicles, drivers and their operators. The fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of such licences. Council policy is that fees and charges should be reviewed annually and reflect the cost of providing the service.
- 2.2 A request from the trade had been received expressing a desire from the Council for reducing fees, in order to encourage the uptake, for hybrid, ultra low emission and wheelchair accessible vehicles. Following consideration it is deemed that this practice would not be permissible as the reduced fees would effectively be a subsidy funded by those paying the full fee.

3.0 Proposals for 2018/19 Driver fees

- 3.1 In September 2016 the online platform for new driver applications was launched, this was followed closely by new vehicle applications. Further development has enabled the renewal applications for drivers and vehicles to be made online. The online platform together with the council's business friendly approach has resulted in a large increase in the number of applications received and processed by Licensing Officers.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1976 Section 53 refers to the driver licence fees and states that the fee must be based on the cost of issue and administration of a driver licence. This includes staffing, accommodation, stationery and other such associated costs.
- 3.3 In 2016/17 there was a surplus income for licensed driver and vehicles of £200K. This was placed in the licensing reserve account. It is proposed to leave £50K from the £200K in the reserve fund as a contingency. This enables £150K to be used to reduce fees for the coming year
- 3.4 The income split for drivers and vehicles is 40% driver generated. It is proposed that the excess driver income be used to reduce the cost of a driver application:

	No. Licensed as of 1 st January 2018	Reserve amount drivers	Proposed reduction: No licensed/Reserve (rounded up)
Driver	7807	£ 60K	£ 8

This reduction is carried through to the 3 years licences.

- 3.5 Online application facilities for dual applications have not yet been made available. Therefore, the savings made from streamlining application processes has not yet been achieved for dual driver licences, it is therefore proposed not to amend these types of fee.
- 3.6 On 8 February 2017 the Licensing Committee approved the introduction of a fast track option, at an additional fee, for anyone wishing to fast track a new/renewal driver application. This has proved very popular especially for drivers who forget to submit their renewal on time and could potentially be off the road for a period of time. There have been 46 fast track applications so far this year (Apr-Dec). This service is delivered outside normal office hours.
- 3.7 The £100 fee reflects additional costs incurred i.e. opening of the Civic Centre outside normal working hours, associated accommodation costs, staff overtime and all on costs. It is not proposed to change this fee.
- 3.8 The cost of new and third year Disclosure and Barring Service (DBS) checks are not covered by this report as they are determined by Disclosure and Barring Service (DBS) and our external providers.
- 3.9 Worcestershire County Council in partnership with Wolverhampton City Council have delivered the existing Driver Training Scheme for new hackney carriage and private hire vehicle driver applicants since 2008.
- 3.10 On 22 July 2015 the Licensing Committee approved and endorsed a revised driver training programme for hackney carriage and private hire vehicle driver applicants.
- 3.11 The training has been continuously rebalanced to focus on the safeguarding of children and the role taxi drivers can play in tackling child sexual exploitation issues.
- 3.12 Worcestershire County Council incur all the costs associated with the training and receive all the income from drivers.
- 3.13 On 29th November 2017 the Licensing Committee authorised the introduction of an administrative charge to recover costs for processing immigration requests on behalf of applicants who cannot provide documentation evidencing their right to work in the UK. The administrative charge commenced 1 January 2018 and it is not proposed to amend this charge.
- 3.14 The proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers for 2018/19 is set out in Appendix A

4.0 Proposals for 2018/19 Vehicle and Operator Fees

- 4.1 The proposals for 2018/19 have been developed in accordance with Council policy and the desire to minimise costs to the private hire and hackney carriage trade whilst

ensuring that public safety is not compromised and the vehicle licensing function operates on a cost neutral basis.

- 4.2 The Local Government (Miscellaneous Provisions) Act 1976 Section 70 refers to the vehicle and operator licence fees and states that a district council may charge such a fee for the grant of a vehicle and operators' licence as may be resolved by them from time to time and may be sufficient to cover in whole or in part:
- the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - the reasonable cost of providing hackney carriage stands; and
 - any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
- 4.3 In 2016/17 there was a surplus income for licensed driver and vehicles of £200K. This was placed in the licensing reserve account. It is proposed to leave £50K from the £200K in the reserve fund as a contingency. This enables £150K to be used to reduce fees for the coming year
- 4.4 The income split for drivers and vehicles is 60% vehicle generated. It is proposed that the excess vehicle income be used to reduce the cost of a vehicle application:

	No. Licensed as of 1 st January 2018	Reserve amount drivers	Proposed reduction: No licensed/Reserve (rounded up)
Vehicle	5030	£ 90K	£ 18

- 4.5 Processing of dual licence applications is not yet available online, it is therefore not proposed to amend this category of fee.
- 4.6 The fees for vehicles over 10 years of age are not proposed to change.
- 4.7 On 8 February 2016 the Licensing Committee approved the introduction of a fast track option, at an additional fee, for anyone wishing to fast track a new/renewal vehicle application. This service has benefited the trade significantly by allowing new/renewal vehicles to be licensed within one working day. There have been 97 fast track applications so far this year (Apr-Dec). This service is delivered outside normal office hours.
- 4.8 The £180 fee reflects additional costs incurred i.e. opening of the Culwell Street outside normal working hours, associated accommodation costs, staff overtime and all on costs. It is not proposed to change this fee.
- 4.9 It is proposed not to amend the fees for Operators.

- 4.10 On 20 January 2016 the Licensing Committee approved that any garage registered with VOSA for a minimum of three years and is considered 'green' rated can become a council approved testing facility for the testing of Hackney Carriage and Private Hire Vehicles.
- 4.11 It is proposed that the approval fee for VOSA registered garages to be registered as a facility for testing hackney carriage and private hire vehicles remains unchanged for 2018/19.
- 4.12 The proposed charges for 2018/19 are detailed at Appendix B to this report.

5.0 Financial implications

- 5.1 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices A and B will cover the estimated cost of providing the service. [SR/12012018/J]

6.0 Legal implications

- 6.1 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976) provides that a council may demand and recover for the grant to any person of a licence to drive a hackney carriage or private hire vehicle such a fee as they consider reasonable with a view to recovering costs of issue and administration.
- 6.2 Provisions relation to what fees can be charged under Section 70 of (LG(MP)A 1976) are outlined above. In addition, Section 70 provides that a public notice of the new charges in relation to operators and vehicles is required to be given in a local newspaper. The closing date for the receipt of objections must not be less than 28 days after the date of publication. Should objections be received, consideration must be given to them, and another date for implementation may have to be specified. Any objections received will be reported to the Committee for consideration. However, if there are no objections, the new charges will come into effect on the 1st April 2018. [SH/11012018/G]

7.0 Equalities implications

- 7.1 There are no direct equalities implications arising from this report.

8.0 Environmental implications

- 8.1 There are no direct environmental implications arising from this report.

9.0 Schedule of background papers

- 9.1 Licensing Committee - 16 January 2013 - Fees and charges for hackney carriage and private hire licensing functions 2013/14.

Licensing Committee - 26 February 2014 - Fees and charges for hackney carriage and private hire licensing functions 2014/15.

Licensing Committee - 21 January 2015 - Fees and charges for hackney carriage and private hire licensing functions 2015/16.

Licensing Committee – 22 July 2015 – Revisions to hackney carriage and private hire vehicle, driver and operator criteria.

Licensing Committee – 20 January 2016 – Fees and charges for hackney carriage and private hire licensing functions 2016/17.

Licensing Committee – 8 February 2017 – Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2017/18.

Licensing Committee – 29 November 2017 - Hackney Carriage and Private Hire Vehicle Driver's and Operator's Right to Work Checks

APPENDIX A

PROPOSED FEES AND CHARGES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES 2018/19

	LICENCE TYPE/FUNCTION	CHARGES AGREED FOR 2017/18 £	PROPOSED CHARGES FOR 2018/19 £
1.	DRIVERS		
	(i) Hackney Carriage/Private Hire 1 Year New	77	69
	(ii) Hackney Carriage/Private Hire 1 Year Renewal	77	69
	(iii) Job Seekers Allowance 1 Year New	35	35
	(iv) Hackney Carriage/Private Hire 3 Year New/Renewal	194	175
	(v) New/Renewal Dual Hackney Carriage/Private Hire	105	105
	(vi) New 3 year Dual Hackney Carriage/Private Hire	240	240
	(vii) Conversion from Hackney Carriage/Private Hire to Dual Licence.	80 (plus testing fees)	80 (plus testing fees)
	(viii) Fast Track New/Renewal	100	100
	(ix) Hackney Carriage/Private Hire New Applicants One Day Driver Training Course/Test	40	40
	(x) Hackney Carriage/Private Hire New Applicants Driver Training Immediate Re-test	15	15
	(xi) Hackney Carriage / Private Hire New Applicants One Day Driver Training Re-sit	40	40
	(xii) Hackney Carriage/New Applicants Practical Driving Assessment	79	79
	(xiii) Immigration check	-	125

APPENDIX B

	LICENCE TYPE/FUNCTION	CHARGES AGREED FOR 2017/18 £	PROPOSED CHARGES FOR 2018/19 £
2.	VEHICLES Hackney Carriage (i) 0 to 10 yrs old 1 Year (ii) Over 10 yrs old and under 16 yrs old 1 Year or 1 st 6 Months (iii) Fast Track New/Renewal (iv) Exceptional Condition Assessment required at 16 years and each subsequent 6 months	225 299 169 180 120	207 299 169 180 120
	Private Hire (i) 0 to 10 yrs old 1 Year (ii) Over 10 yrs old and under 12 yrs old 1 Year or 1 st 6 Months (iii) Fast Track New/Renewal	225 299 169 180	207 299 169 180
3.	PRIVATE HIRE OPERATORS (i) New 1 Year (ii) Renewal 1 Year (iii) New 5 Year (iv) Renewal 5 Year	1077 785 3400 3140	1077 785 3400 3140
4.	HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE TESTING FACILITIES Council approved VOSA registered garages.	150	150