

LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

REPORT OF THE DEPUTY CHIEF EXECUTIVE

A3. REVIEW OF THE LICENSING FEES AND CHARGES 2023

(Report prepared by Michael Cook and Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To submit to the Committee details of the current licensing fees and charges for the issuing and renewal of licenses, consents, and permits issued by the Council's Licensing Team and to seek approval for changes set out to those fees and charges to take effect from 1 April 2023 (or as soon as practicable thereafter taking account of legislative requirements).

In broad terms, where discretion exists for the Council to set fees for licences etc, it is proposed that those fees be increased by 7%. This represents the average additional staffing costs increase from the Pay Award to council staff for 2022/23.

EXECUTIVE SUMMARY

Officers have reviewed the fees and charges payable for applications within the remit of the Committee and, where a discretion exists, propose that increases be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned. The proposed fees and charges for 2023/24 are set out within Appendix A to this report.

Where discretion permits, the proposals at Appendix A envisage an increase of approximately 7% on the correct fees for licensing activities. This reflects the average additional cost arising from the Pay Award for council staff. Staff costs are a major element of costs to be recovered from licence fees.

RECOMMENDATION(S)

It is recommended that:

- 1) the proposed fees and charges set out in Appendix A be approved with effect from April 2023;
- 2) the Licensing Manager be authorised to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions; and
- 3) that, further to 2) above, the Head of Democratic Services and Elections, be authorised to consider any objections received and determine the final fees payable in consultation with the Chairman of this Committee.

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REASON(S) FOR THE RECOMMENDATION(S)
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The Council has made provision in its Constitution (at Part 3.20) for the setting of fees for licences falling within the remit of this Committee to be determined by it.

ALTERNATIVE OPTIONS CONSIDERED

Where a discretion exists in relation to fees and charges for licences etc, consideration has been given to not increasing the fees payable. However, the costs associated with providing the licensing service have increased since they were last amended and it is necessary for the service to be, so far as possible, cost neutral. That is to say that, for each relevant licence type, all relevant costs are recovered from the income derived from the fees and charges for that distinct area of licensing.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The proposed revised fees and charges are intended to support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The express legislative powers in respect of the various district areas of licensing are set out below:

Licence Type	Charging Power
Scrap Metal Dealers*	Paragraph 6 of Schedule 1 to the Scrap Metal Dealers Act 2013
Pet Shop Licences*	Section 1(2) of the Pet Animals Act 1951
Private Hire and Hackney Carriage Drivers' Licences	Section 53(2) of Part II to the Local Government (Miscellaneous Provisions) Act 1976
Private Hire and Hackney Carriage Vehicles and Private Hire Operators 'Licences	Section 70(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976
Sex Establishment (Sex Shops and Sexual Entertainment Venues) Licences*	Paragraph 19 of Schedule 3 to Part II of the Local Government (Miscellaneous Provisions) Act 1982

Street Trading Consents*	Paragraphs 9(1) and 9(5) of Schedule 4 to Part III of the Local Government (Miscellaneous Provisions) Act 1982
Authorisations under the Licensing Act 2003	Various Sections of the Licensing Act 2003 and Regulations under the Licensing Act 2003 (Fees) Regulations 2005
Authorisations under the Gambling Act 2005	Various Sections of the Gambling Act 2005 and Regulations under the Gambling (Premises Licence Fees)(England and Wales) Regulations 2007

The legislative provisions have been considered in the preparation of this report.

Certain licensing activities are subject to fees/charges set nationally. Other activities are subject to maximum fee levels with a discretion for the Authority up to that maximum. A third set of licensing activities are not subject to a nationally set maximum and the discretion is for the licensing authority. The final set of licensing activities provided for no charges to be made by the Council. In considering the Council's discretion on licensing fees there is a long, established principle that the charging power is not a revenue raising power. As such, charges should stand not seek to recover more that the administrative costs of the Authority relevant to the licensing activities.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Within the legislative framework set out above, the Licensing Team aims to recover all reasonable costs. In a number of areas, statute dictates whether a fee may or may not be charged and the level of any charge.

In general terms, a 7% increase has been applied to licence fees where there is a discretion to apply an increase. This represents the increase in staffing costs in 2022/23.

USE OF RESOURCES AND VALUE FOR MONEY

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The monitoring of reserves deployed to licensing activities is a critical function to setting fees to recover those costs and ensure licencing is sustainable where a discretion exists.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This report sets out that the Council will be supported in decision making on fees and charges for licensing.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The approach to licensing fee setting seeks to ensure it is efficient and economical.

MILESTONES AND DELIVERY

The report sets out the proposed fees and charges to be undertaken from April 2023 (or as soon as is practicable thereafter) and invites the Committee to consider approving these as set

out in Appendix A.

ASSOCIATED RISKS AND MITIGATION

If the Committee determined that no increases in fees are appropriate, this could place a unnecessary financial burden on licensing budgets that may require support from the Council's General Fund. This in turn may mean that other activities or the Council are adversely affected.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The following Council Units or Officers and/or other organisations have been consulted in preparing this report: Management Team

Depending on Members decision, in respect of certain fees, there is a requirement to publicise any proposed increases in Hackney Carriage/Private Hire Vehicle/Operator license fees, in a local newspaper. This allows a period for objections to be made. How this consultation takes places is set down within legislation.

EQUALITIES

There are no direct equality implications. The proposed fees (where discretion exists) in essence seek to broadly maintain their level after general inflation has been accounted for.

An Equality Impact Assessment has therefore not been completed as part of this process. However, the preparation of the report has taken account of the Public Sector Equality Duty.

SOCIAL VALUE CONSIDERATIONS

Well regulated activities should of themselves contribute to the overall economic, social and environmental wellbeing of the District. The fees proposed seek to support an efficient licensing function to support well regulated licensed activities accounted in the District.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no direct implications for climate change, arising from the recommendations as set out in this report.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder

There are no direct implications for crime and disorder, arising from the proposals set out in this report.

Health Inequalities

There are no direct implications for public health, arising from the proposals in this report.

Area or Ward affected

All

ANY OTHER RELEVANT INFORMATION

None

PART 3 – SUPPORTING INFORMATION**BACKGROUND**

The Council last amended its fees and charges change for Hackney Carriage and Private Hire Driver, Vehicle and Operator licences in 2012. No increase has occurred since then.

In proposing the fees for 2023 we have been mindful of the current cost of living increases, the continued effect of the economy post pandemic on the licensed trade, and the increases in costs to the Council arising from general inflation.

In relation to Hackney Carriage and Private Hire Operator and Vehicle Licensing, there is a requirement in Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 for the Council to publish in at least one local newspaper a notice setting out proposed fees (where it is intended to vary these). A copy of the notice must also be made available at the Council's office for twenty eight days from the date of the publication. During that period, objections may be made and the Council must consider these objections and set a date for the confirmed/modified fees to come into effect. The date must be no later than two months after the first proposed date with the pre-election period commencing on 13 March and no planned meeting of the Licensing and Registration Committee before 1 June 2023. It is proposed that consideration of any objections be delegated to the Head of Democratic Services and Elections in consultation with the Chairman of this Committee.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – List of current fees and the proposed increases (Licensing Team)

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

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