

*PART A

Report to: Licensing Committee
Date of meeting: 11 January 2016
Report of: Head of Community and Customer Services
Title: Licensing fees and charges 2016/2017

1.0 **SUMMARY**

1.1 This report seeks the Licensing Committee's approval to charge fees for the 2016/2017 financial year for some of the different licensing regimes administered by the council.

2.0 **RECOMMENDATIONS**

2.1 That the fees and charges set out at appendix 1 for the financial year 2016/2017 be approved.

2.2 To delegate to the Environmental Health and Licensing Section Head, in consultation with the Chair of the Licensing Committee, the authority to increase or decrease charges in respect of provision of:

- compulsory door signage for hackney carriages;
- Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks;
- licence badges and plates; and,
- the knowledge test training day.

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Report approved by: Alan Gough, Head of Community and Customer Services

3.0 **BACKGROUND**

3.1 The council is responsible for administering a number of statutory and discretionary licensing regimes, such as hackney carriages and private hire vehicles, street trading consents, pavement licences, sex establishment licences, leaflet distribution consents, and authorisations under the Licensing Act 2003 and Gambling Act 2005.

3.2 Some general principles apply to the setting of licence fees:

- they cannot be used to generate a profit, and any surplus should be identified and carried over to the following year
- it is acceptable to carry forward deficits from previous years
- income from licence fees may only be spent on the specific regime from which they were generated
- fees may not be discriminatory or to be used as an economic deterrent.

3.3 Licence fees are set on a cost-recovery basis and subject to the following restrictions:

- Licensing Act 2003 – centrally set in regulations by Parliament
- Gambling Act 2005 – decided by the council subject to statutory limits
- hackney carriage and private hire vehicle licensing - reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed drivers and vehicles, and providing taxi ranks
- street trading fees – reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed traders
- pavement licence fees – reasonable charges may be made for the cost of administering the regime
- sex establishment fees – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders
- leaflet distribution – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders

3.4 The Cabinet will consider the budgetary implications of licensing income and expenditure as part of the overall council budget cycle. However, the Licensing Committee is required to formally approve the level of licence fees and charges as licensing fees (other than Gambling Act fees) are generally a council rather than an executive function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

3.5 **Proposals**

The proposed schedule of fees and charges is set out at appendix 1. The proposed changes are:

- a new fee for potential drivers who need to re-sit the knowledge test papers only, and not the training portions of the new knowledge test and driver training day again due to already completing these elements satisfactorily.
- a reduced renewal fee for pavement licences, particularly since all pavement licences in the town centre have been amended to fit in with the Parade layout and market stalls therefore making renewals less complex
- reduced fees for sex establishments and sexual entertainment venue licences, including reduced renewal fees to reflect that most work in processing these licences occurs during the initial application phase
- increased fees for variations to sexual entertainment venue licences to allow full cost recovery, and because a variation to the one licence permitted under our current policy would need to go before a sub-committee
- a small increase to the administration fee for submitting criminal records checks to reflect the actual cost to the council

3.6 For the sake of clarity, it is not proposed to increase or amend any other licence fee or charge other than those mentioned above.

3.7 The proposed changes will result in a reduction to the income from pavement licence renewals of 68.26% (from £8505 p/a to £2700 p/a), and a reduction to the income from sexual establishment and sexual entertainment licence renewals of 44.93% (from £630 p/a to £347 p/a). This is necessary however to reflect the actual costs that can be charged. It is not expected that there will be any new applications for a licence for a sex establishment or sexual entertainment venue as the council's policy is to only allow one of each venue. The changes to the knowledge tests have been calculated on a cost recovery basis, and fund the contracted services for disability awareness training, materials for the test, and officer time.

3.8 The Licensing Committee is also asked to approve that officers can immediately change the charges that arise in respect of materials or external charges, in consultation with the Chair of the Licensing Committee, for:

- the compulsory door signage for hackney carriages;
- Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks;
- licence badges and plates; and,
- the provision of the knowledge test training day.

3.9 This flexibility is requested so that officers can, where necessary, change contractors or service providers or to respond to changes in pricing and pass those costs or savings on to licence-holders without requiring further Committee approval. The licensing authority will be going out to tender in January 2016 for the provider of the disability awareness training which is incorporated into the knowledge test training day, and the successful company may charge less or more than the £30 fee for this training which we have currently secured. If the training is a different cost, then officers

will need to amend the fee to reflect this cost.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that that there are no additional financial implications arising from this report other than those identified above. Cabinet will consider the budgetary implications of licensing income and expenditure as part of the overall council budget cycle.

4.2 **Legal Issues**

4.2.1 The Head of Democracy and Governance comments that there are no additional legal implications arising from this report other than those identified above.

4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
<i>Level of fees challenged by District Auditor</i>	1	2	2
<i>Level of fees challenged by judicial review</i>	2	3	6

Appendices

Appendix 1: Licensing Fees and Charges 2016–17

Background Papers

No papers were used in the preparation of this report

File Reference

Licence fees and charges 2016–17