

***PART A**

Report to: Licensing Committee
Date of meeting: 17 January 2018
Report of: Head of Community and Environmental Services
Title: Licensing fees and charges 2018/2019

1.0 SUMMARY

1.1 This report seeks the Licensing Committee’s approval to charge fees for the 2018/2019 financial year for some of the different licensing regimes administered by the Council. Setting licensing fees are generally a Council rather than an Executive function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000¹ (as amended).

2.0 RISKS

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(Treat, tolerate, terminate, transfer)</i>	Risk Rating (the combination of severity and likelihood)
<i>Level of fees challenged by District Auditor</i>	May have to justify cost recovery calculations	Maintain cost recovery calculations	Treat	2
<i>Level of fees challenged by judicial review</i>	May have to justify cost recovery calculations	Maintain cost recovery calculations	Treat	3

3.0 RECOMMENDATIONS

- 3.1 That the fees and charges set out at appendix 1 for the financial year 2018/2019 be approved.
- 3.2 To delegate to the Head of Environmental Health and Licensing in consultation with the Chair of Licensing the authority to increase or decrease charges in respect of provision of:
- compulsory door signage for hackney carriages

¹ SI 2000/2853

- Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks
- licence badges and plates

The reason for this request is outlined in sections 4.6 and 4.7.

Contact Officer:

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Report approved by: Justine Hoy, Head of Environmental Health and Licensing

4.0 DETAILED PROPOSALS

- 4.1 The Council is responsible for administering a number of statutory and discretionary licensing regimes, including the Licensing Act 2003, Gambling Act 2005, hackney carriages and private hire vehicles, street trading, pavement cafes, sex establishments and leaflet distribution.
- 4.2 Whilst these licensing fees are set by the Licensing Committee, rather than by Council, they are being considered at this particular meeting to coincide with the overall budget setting of the organisation and if agreed will be reported to Council in the overall budget papers.
- 4.3 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.
- 4.4 When not prescribed by statute, licence fees are set on a cost-recovery basis and subject to the following restrictions:
- Licensing Act 2003 – centrally-set out in regulations by Parliament
 - Gambling Act 2005 – decided by the Council subject to statutory maxima
 - hackney carriage and private hire vehicle licensing - reasonable charges may be made for the cost of administering and enforcing the regime, 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

4.5 The proposed schedule of fees and charges is set out in Appendix 1.

4.5.1 Where fees are calculated on a cost recovery basis, the proposed fees have been raised by a maximum of 2.5% to reflect the increased cost of delivering these services.

4.5.2 Taxi and private hire driver and vehicle licences, and private hire operator licences

The exception to this increase are taxi and private hire driver and vehicle licences, and private hire operator licences, where the introduction of operational efficiencies has allowed us to offset these increased costs.

Members should also be aware that we are obliged to consult current driver and vehicle licence holders on any changes to these licences. As we are not proposing to change the fees for these licences no consultation has been carried out.

4.5.3 Driver change of address

Currently, when drivers advise us of a change of address, we do not charge for updating their records or producing a new licence. This does not represent cost recovery. A change of address fee of £7.00 is proposed, which compares well to the statutory fee of £10.50 for changes to personal and premises licences.

4.5.4 Street trading

Currently, when a six month commercial street trading consent is applied for, we charge half the fee of an annual consent. However, the cost of processing the licence and administering the regime is the same regardless of whether a six monthly or annual licence is requested, so this approach does not represent cost recovery.

It is therefore proposed that we no longer charge a reduced fee for a six month licence.

If the proposed charges are agreed, then we will write to our regular street traders to explain the new charging regime.

4.6 The Licensing Committee is also asked to approve that officers can immediately change, in consultation with the Chair of Licensing Committee, the charges that arise in respect of the cost to the Council of materials/ external fees for:

- compulsory door signage for hackney carriages
- Disclosure and Barring Service, and practical driver assessments
- licence badges and plates

4.7 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.

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

5.0 **IMPLICATIONS**

5.1 **Financial**

5.1.1 The Head of Finance (shared services) comments that the implications of the fees and charges contained within this report have been included in the budget report going to Council on 30 January 2018.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

5.3 **Equalities/Human Rights**

5.3.1 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

Having had regard to the council's obligations under s149, it is considered that there are no human rights or equalities implications associated with the proposed fees and charges as they will apply equally to everyone regardless of any protected characteristic.

5.4 **Staffing**

5.4.1 There are no staffing implications associated with this report

5.5 **Accommodation**

5.5.1 There are no accommodation implications associated with this report

5.6 **Community Safety/Crime and Disorder**

5.6.1 There are no community safety or crime and disorder implications associated with this report.

5.7 **Sustainability**

5.7.1 There are no sustainability implications associated with this report

Appendices

Appendix 1: Licensing Fees and Charges 2018 – 19

Background Papers

No papers were used in the preparation of this report

File Reference

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