

PART A

Report to: Licensing Committee
Date of meeting: 16 January 2019
Report of: Head of Community and Environmental Services
Title: Licensing fees and charges 2019/2020

1.0 Summary

- 1.1 This report seeks the Licensing Committee's approval to charge fees for the 2019/2020 financial year for some of the different licensing regimes administered by the Council. Setting licensing fees is 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

¹ SI 2000/2853

3.0 Recommendations

- 3.1 That the fees and charges set out at appendix 1 pages 1 and 2 for the financial year 2019/2020 be approved and that the fees and charges in appendix 1 page 3 and 4 be recommended to Council to approve.
- 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,
 - Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks,
 - licence badges and plates,

For the reasons outlined in sections 4.10 and 4.11.

Contact officer:

For further information on this report please contact: Austen Young, Senior Licensing Officer on 01923 278474 or email austen.young@watford.gov.uk

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. Other fees are set by the Council so if agreed here will be recommended to Council for approval in the 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.
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – cost recovery fee calculation regime set out in government guidance.

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

4.6 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. There are two exceptions to this approach.

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

The first exception to this increase are taxi and private hire driver and vehicle licences, and private hire operator licences, where the ongoing 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.

4.8 Animal welfare licensing

The second exception to this increase are the fees for animal welfare licensing, which is a licensing regime that only came into force on with the introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 on 1 October.

Prior to the introduction of the new legislation, the council administered a licensing regime for the following types of activity:

- Pet Shops.
- Keeping of Dangerous Wild Animals.
- Zoos.
- Animal Boarding and Breeding including Home Boarding.

Now, the following types of activity require licensing:

- Selling animals as pets.
- Providing or arranging for the provision of boarding for cats or dogs.
- Providing boarding for cats.
- Providing boarding in kennels for dogs.
- Providing home boarding for dogs.
- Providing day care for dogs.
- Hiring out horses
- Breeding dogs.
- Exhibiting animals.

The legislation governing the licensing of zoos and dangerous wild animals has not changed.

4.9 As well as the new licensing regime, the government has published guidance on how all fees should be calculated to ensure accurate cost recovery. Officers have used this guidance to calculate the new fees. Where licences were in place under both licensing regimes, using the guidance has resulted in an increase in fees. For businesses in a commercial setting, the increase is between 3 and 9%, and for businesses in a domestic setting, the increase is between 17 and 88%. This is because the guidance is quite clear what activities must be taken into account when calculating the fees, and that the cost of running the regime must be spread across all animal welfare licence types.

4.10 The Licensing Committee is also asked to approve that the Head of Environmental Health and Licensing 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.

4.11 This flexibility is requested so that officers can, where necessary, change contractors or service providers or respond to changes in pricing and pass those costs or savings on to licence-holders without requiring further Committee approval.

4.12 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 29 January 2019. This includes reporting the pressures from taxi licensing, which runs on a three year renewal cycle, in the medium term financial plan.

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 2019 – 20.

Background Papers

No papers were used in the preparation of this report.

File Reference

Fees and Charges 2019 – 2020.