

Part A

Report to: Licensing Committee

Date of meeting: Thursday, 14 January 2021

Report author: Senior Licensing Officer (AY)

Title: Licensing Fees & Charges 2021-2022

1.0 Summary

1.1 This report seeks the Licensing Committee's approval to charge fees for the 2021/2022 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 2000 (as amended).

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Level of fees challenged by district auditor	May have to justify cost recovery calculations	Maintain cost recovery calculations	Treat	2
Level of fees challenged by judicial review	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 pages 1 and 2 for the financial year 2021/2022 be approved and that the fees and charges in appendix 1 page 3 and 4 be recommended to Council for approval.

3.2 To delegate to the Head of Community Protection, in consultation with the Chair of Licensing, the authority to increase or decrease charges in respect of the 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 4.9 and 4.10.

Further information:

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Report approved by:

Justine Hoy, Head of Community Protection

4.0 Detailed proposal

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 some of 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. Below are details of the statute and restrictions that apply:

- 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 3% to reflect the increased cost of delivering these services.

4.7 There is one exception to this approach; 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 since 2017.

4.8 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. Please note if members are minded to increase these fees consultation with the Hackney Carriage and Private Hire trade will need to take place and the results brought back to a subsequent meeting before being implemented.

4.9 The Licensing Committee is also asked to approve that the Head of Community Protection 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.

4.10 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.

4.11 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 Shared Director of Finance comments that the approval of the proposed increases in the fees and charges will generate the additional income required to cover the increased costs of service delivery. If the increases are not approved this will create a budget pressure for the Council which will need to be met from an alternative funding source from within the Council.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that the committee has to have regard to paragraphs 4.3 and 4.4 above when setting the fees and charges.

5.3 **Equalities, Human Rights and Data Protection**

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.

5.3.2 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.

5.3.3 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

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 & Charges 2021-2022

Background papers

No papers were used in the preparation of this report.