

**TO: LICENSING AND SAFETY COMMITTEE  
18 OCTOBER 2018**

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**FEES AND CHARGES 2019-2020  
(Public Protection Manager)**

**1 PURPOSE OF REPORT**

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Annex A details the licensing fees and charges for the current year, alongside proposed changes for 2019/20.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

**2 RECOMMENDATIONS**

- 2.1 **That, save for the vehicle and private hire operator licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A, for public consultation, and**
- 2.2 **That the Committee agrees that the proposed charges for operators and vehicle licence fees are:**
- a) **advertised;**
  - b) **if no objections are received, implemented for any licences commencing from 1 April 2019; or**
  - c) **if objections are received they be considered by the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2019.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The recommendations recognise restrictions in legislation and guidance, and the possible impact upon local businesses of licence fees. The recommendations reflect, in the officer view, the best compromise given the parameters in place.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There are legislative restrictions upon the maximum charge that can be made in some cases, and also legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non-chargeable through the provision of a licence. In drawing up these proposed fees, officers have done so with consideration of the legal constraints in place.

**5 SUPPORTING INFORMATION**

General

- 5.1 The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.

## Unrestricted

- 5.2 At the meeting of the Joint Public Protection Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle, all fees and charges should be set on the basis of full cost recovery. In 2018/19 the rate for the service was set at £55 per hour as the basis of cost recovery. It was also agreed that there should be a move to align fees across the former Bracknell licensing regime and the former Wokingham/ West Berkshire fee structure where appropriate.
- 5.3 In July 2018 the Joint Public Protection Committee received a further report asking it to consider the basis for setting fees and charges and the application of full cost recovery. That methodology was approved by the Committee. Based on previous decisions work has been carried out by officers to align fee structures.
- 5.4 In respect of all discretionary fees and the hourly rate, an inflationary rise of 2.5% has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise. The result is the fee, schedule set out at Annex A of this report.
- 5.5 It is noted that a significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.
- 5.6 The Committee has discretion to round the proposed fees to the nearest whole pound should they so resolve.

### Hackney Carriage and Private Hire

- 5.7 The 2018/19 fees and charges for hackney carriage and private hire licences shows a significant disparity between the former West Berkshire and Wokingham fee structure and the Bracknell fee structure, in respect of vehicle and operator licensing.
- 5.8 Following the decisions of the Joint Public Protection Committee outlined above regarding full cost recovery, Officers have now completed a review and the proposed single fee structure for hackney carriage and private hire is included within Annex A. In Bracknell this has manifested in a slight decrease in vehicle fees.
- 5.9 Driver rates have remained in line with inflation and have been brought into line across the three PPP Councils. As can be seen at Annex A, these were close in any case across the three authorities.
- 5.10 Any change in fees charged for the licensing of vehicles and private hire operators are required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised, and any objections received must be considered by the Council. It is recommended that in the event of any objections being received, they be considered by the Chairman, who will then set those specific fees having taken account of the objections.

### The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

- 5.11 A new licensing regime covering a number of different businesses involving animals, including pet shops, animal boarding businesses, riding establishments, etc. came into force on October 1<sup>st</sup> 2018. It had been anticipated that the Regulations would include a statutory fee structure. The final Regulations in the end left it to licensing authorities to set their own fees.

- 5.12 The Regulations also brought in new competence requirements for those conducting inspections; this will clearly impact fees. The extent of this impact however is not fully known at this stage.
- 5.13 It is proposed that the fee structure in respect of these establishments for 2019/20 remains as for 2018/19 with an inflationary rise applied. A full review based on the agreed methodology and taking account of the impact of the new Regulations will be undertaken and a new fee structure will be put before Committee to consider at the time the 2020/21 budget is being considered.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The relevant legal provisions are contained within the body of the report.

### Borough Treasurer

- 6.2 The financial implications are included within the body of the report.

### Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

### Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 There are certain legal provisions requiring consultation on the vehicle and operator fees and charges which will be conducted after this meeting. The remaining fees and charges will be subject to the Council's usual budget consultation process.

### Method of Consultation

- 7.2 Advert in a local newspaper and a public notice at the Council's offices.

### Representations Received

- 7.3 No process undertaken at the time of writing the report

### Background Papers

None

### Contact for further information

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