

**TO: LICENSING AND SAFETY COMMITTEE  
13 OCTOBER 2011**

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**FEES AND CHARGES  
(Chief Officer: Environment and Public Protection)**

**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. Attached to this report are appendices which set out the current and proposed fees. Members are asked to note the proposals and agree that these fees go forward for further discussion and consultation as part of the Council fee setting process.

**2 RECOMMENDATIONS**

- 2.1 **That save for the Operator, Hackney Carriage and Private Hire Vehicle licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A for public consultation.**
- 2.2 **That the Committee agrees that the proposed charges for Operator and vehicle licence fees are:**
- (a) advertised;**
  - (b) if no objections are received, implemented as from 1 April 2012; or**
  - (c) if objections are received, that they be considered by the Committee at the meeting on 12 January 2012.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The recommendations recognise the restrictions placed by statute upon the setting of a range of licensing fees, the Council guidance on assumed increases in income generation and the possible impact upon local businesses of increases in licensing fees upon their business model. The recommendations reflect, in the officers' view, the best compromise given the parameters in place.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There were a number of alternative options considered ranging from no increase to increases across the board. There are legislative restrictions upon the maximum charges that can be made and other legislation that restrict the elements of the service provided which can be chargeable. Officers in making their recommendations had to dismiss alternatives that may have been challenged successfully through available legal processes.

**5 SUPPORTING INFORMATION**

- 5.1 The Council has given guidance that fees and charges should be increased on average by 4%. With respect to Licensing, a number of fees are set by regulation and cannot be changed by the Council.

- 5.2 The Appendices attached to the report include the charges for the services relevant to the Licensing and Safety Committee for the current year and the proposed charges for 2012/13 based upon Council guidance on fee setting alongside comparison with equivalent fees and charges within neighbouring local Authorities. To allow for easy collection, many charges have been rounded to the nearest £1. Overall the effect is an increase on those charges that can be adjusted by the Council.
- 5.3 Charges for casinos and other gambling establishments were set at 75% of the statutory maximum fee from September 2007. Given the nature of the premises within the Borough and the workload associated with them, officers are of the view that the fees at their present levels are appropriate for cost recovery. To set fees at a higher level at this time could invite a challenge under the legislation that they are excessive.
- 5.4 Fees charged for the licensing of Hackney Carriage, Private Hire Vehicles and Operators are required by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised in a local paper with any objections received to be considered by the Committee. The next Committee meeting is 12 January 2012 and should any objections be received, they would be brought to that meeting, with any recommendations going forward to the Executive for final adoption as part of the overall Council fees and charges process.
- 5.5 Fees under the Licensing Act 2003 have remained significantly the same since the legislation was introduced in 2005 despite many indications from central Government of proposals for change. New proposals were announced by the present Government in 2010 for greater freedom for local authorities to set the fees based upon local needs. Present indications are that it is highly unlikely that any change in the setting of fees under the Licensing Act 2003 will be introduced and implemented prior to 1 April 2012. As such the fees must remain at those set by statute.

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

### Borough Solicitor

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

### Borough Treasurer

- 6.2 For planning purposes it has been assumed that income from fees and charges will increase in line with the Council's general inflation forecasts i.e. averaging 2.5% over the three year planning period. Although averaging 2.5% over the three years general inflation is expected to be 4% for 2012/13.

### Equalities Impact Assessment

- 6.3 There are no direct consequences of this report for any group and no direct community safety implications.

### Strategic Risk Management Issues

- 6.4 There are no issues to consider.

## 7 CONSULTATION

### Principal Groups Consulted

- 7.1 Certain groups must be consulted due to statutory requirements. The remaining fees and charges will be subject to a Council consultation process.

### Method of Consultation

- 7.2 See above.

### Representations Received

- 7.3.1 None.

### Background Papers

None

### Contact for further information

Robert Sexton – 01344 352580

[robert.sexton@bracknell-forest.gov.uk](mailto:robert.sexton@bracknell-forest.gov.uk)

### Doc Ref

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