

**TO: LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012**

**FEES AND CHARGES
Director of Environment, Culture and Communities**

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 for Licensing matters.
- 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 Operators, Hackney Carriage and Private Hire Vehicle Licence fees, that 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 Operators and Vehicle Licence fees are:**
 - a) **advertised**
 - b) **if no objections are received, implemented as from 1 April 2013; or**
 - c) **if objections are received they be considered by the Committee at the meeting on 10 January 2013.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations recognise restrictions placed by statute, Council guidance on assumed increase of income generation, 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 a number of alternative options to consider, ranging from no increase to increases across the board. There are legislative restrictions upon the maximum charge that can be made or other 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. Officers in drawing up these proposed fees have done so with consideration the legal constraints in place.

5 SUPPORTING INFORMATION

- 5.1 The Council has given guidance that fees and charges should be increased on average by 2.5%. A significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.
- 5.2 The Appendices attached to the report include the charges relevant to this Committee for the current year, alongside proposed changes for 2012/13. These proposed charges have taken into account guidance on fee setting by the Council, legislation and impact upon the business community. To allow for easy collection all charges are rounded to the nearest £1.00.
- 5.3 Charges for casinos and other gambling establishments under the Gambling Act 2005 are set at 75% of the statutory maximum. The statutory fee has not changed since first implemented by regulation in 2007. Given the nature of the premises within the Borough and the workload associated with them officers are of the view that fees at their present levels are appropriate for cost recovery. To set fees at a higher level could invite a challenge under the legislation that they are excessive.
- 5.4 Fees charged for the licensing of Hackney Carriages, Private Hire vehicles and Operators are required by Section 70 Local Government (Miscellaneous Provisions) Act 1976 to be advertised and any objections received to be brought back to this Committee for consideration. It is recommended that in the event of objections being received they be considered at the next Committee meeting on the 10 January 2013. These fees would then be included within the Council process for final adoption as part of the overall Council fees and charges process.
- 5.5 Fees under the Licensing Act 2003 have remained virtually the same since 2005 when the legislation was implemented. The fees are set by regulation and there have been many consultations and promises that the fee structure will be changed to more closely match the actual costs incurred by the Council. Officers reported to this Committee in October 2001 that the Government had recently announced the introduction of a new structure in April 2012. No changes have been implemented and there is no indication at this time that any change is imminent.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are contained within 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. General inflation is expected to be 2.5% for 2012/13.

Equalities Impact Assessment

- 6.3 There are no direct consequences in this report for any group.

Strategic Risk Management Issues

- 6.4 There are no issues to consider.

7 CONSULTATION

Principal Groups Consulted

- 7.1 There are certain legal provisions requiring consultations and these will be conducted. The remaining fees and charges will be subject to the Council consultation process.

Method of Consultation

- 7.2 See paragraph 5.4.

Representations Received

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

Background Papers

Contact for further information

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