

**TO: LICENSING AND SAFETY COMMITTEE
8 OCTOBER 2015**

**FEES AND CHARGES 2016-2017
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 is an appendix 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 private hire operator, and 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 operators and vehicle licence fees are:**
- a) **advertised;**
 - b) **if no objections are received, implemented for any licences commencing from 1 April 2016; or**
 - c) **if objections are received they be considered by the Committee at the meeting on 7 January 2016.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations recognise restrictions placed by statute, Council and legal guidance on the recovery of costs, 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 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. Officers in drawing up these proposed fees have done so with consideration of 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 1% which takes account of inflationary pressures and staff costs. A significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.

Unrestricted

- 5.2 Recent Court decisions have made it clear that the Council when setting the level of fees may set them at cost recovery but it must not set them to make a profit. In addition if there are any surpluses or deficits from fees levied in the previous years these must be taken into account when setting any new fees. Officers can confirm that overall the Licensing service is running at a deficit and there are no surpluses to take into account.
- 5.3 The appendices attached to the report include the charges relevant to this Committee for the current year, alongside proposed changes for 2016/17. These proposed charges have taken into account guidance on fee setting by the Council, legislation and impact upon the business community. The fees recommended are proposed having due regard to the legal provisions and are recommended to increase where it is judged that it would be legally compliant to do so.
- 5.4 On some of the smaller fees less than £40 where above inflation rises have occurred within the last 2 years, no change is recommended. Fees that have not risen in the last 2 years may have increased by more than 1%. Charges for 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 regulations 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 still set at level which are judged as sufficient for cost recovery.
- 5.5 Any increase in fees charged for the licensing of hackney carriages, home to school and 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 7 January 2016. These fees would then be included within the Council process for final adoption as part of the overall Council fees and charges process.
- 5.6 The fees in respect of 5 year private hire vehicle operator licences were agreed for consultation by the Licensing and Safety Committee at its last meeting in June, and subject to no objections being received, came into force on 1 October 2015.
- 5.7 Fees under the Licensing Act 2003 were set in 2005 when the legislation was implemented. They have not been adjusted since, other than for the introduction of fees for new processes such as minor variation applications. The Police Reform and Social Responsibility Act 2011 amended the 2003 Act to introduce a power for the Home Secretary to prescribe in Regulations that future fee levels should be set by individual licensing authorities to enable them to recover their licensing costs. The Committee may recall the information report brought in June 2014 on the Locally Set Fees consultation which was run by the Home Office. In the period since no changes have been introduced 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 relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 6.2 The Council's guideline for increasing fees and charges for 2016/17 is 1%, where it is considered appropriate the fees and charges in this report have been increased by this amount.

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 The main set of fees and charges will form part of the budget consultation process. The taxi charges have to follow a prescribed process.

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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