

**TO: LICENSING AND SAFETY COMMITTEE  
9 OCTOBER 2014**

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**FEES AND CHARGES 2015-2016  
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 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, home to school 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 for any licences commencing from 1 April 2015; or**
  - c) **if objections are received they be considered by the Committee at the meeting on 8 January 2015.**

**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 1.8% which takes account of inflationary pressures and staff costs. A

## Unrestricted

significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.

- 5.2 Recent Court decisions have made it clear that the Council when setting the level of fees may cover its costs but must not make a profit in the provision of the licensing regime. 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 2015/16. 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 No increases have been recommended for those fees that relate to Scrap Metal licensing given that the fees were only introduced within the last year there is at present insufficient data to support a justification for an increase on a cost recovery basis. 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 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 still set at an appropriate level so as to ensure cost recovery.
- 5.5 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 8 January 2015. 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 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 new 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 in 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 as a result and there is no indication at this time that any change is imminent.
- 5.5 There are three new fees proposed;
  - 1 a 3 year option for a Home to School driver licence which mirrors the provision for a 3 year private hire driver licence which has been available for a number of years.
  - 2 a fee of £25 which covers the costs incurred by the Council in refunding money where a person has either decided to withdraw their application prior to it being completed or where they have stopped the licence and asked for a refund of any unused period.

- 3 a fee to cover the costs of the Council when a licence holder asks for the licence to be transferred to a cherished plate. This results in the Council conducting checks, changing its database and producing new licence and plate documents.

## **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 2015/16 is 1.8%, 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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