

## **REPORT TO LICENSING COMMITTEE**

**Date of Meeting: 07 February 2017**

**Report of: Environmental Health and Licensing Manager**

**Title: Licensing Fees and Charges**

### **Is this a Key Decision?**

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### **Is this an Executive or Council Function?**

Licensing is a Council function delegated to the Licensing Committee

#### **1. What is the report about?**

1.1 The purpose of this report is to establish the licensing fees and charges that should apply for 2017/18, for those activities where the Council has discretion.

#### **2. Recommendations:**

2.1 For the period from 1 April 2017 to 31 March 2018 it is recommended that the Licensing Committee set the fees as contained in Appendix B

#### **3. Reasons for the recommendation:**

3.1 The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.

#### **4. What are the resource implications including non financial resources.**

4.1 If there is no increase in fees there is a risk that the Council will not recover all of the costs for services or activities for which it is permitted to charge and increase the burden on the Council's general fund.

4.2 There will be a cost in adoption of fees, as some will require public notice to be given. However this cost will be met from the existing budgetary provision.

#### **5. Section 151 Officer comments:**

5.1 The proposed fees and charges have been included in the budget for Licensing for 2017-18.

#### **6. What are the legal aspects?**

6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include setting a reviewing licensing fees other than those set by statute.

6.2 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 permits a local authority to charge fees for any reasonable administrative or other costs in connection with the control and supervision of hackney carriage and private hire vehicles.

6.3 The European Services Directive (2006/123/EC) came into force in December 2009 and states that charges incurred by applicants under an authorisation scheme “must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities” (effectively the costs to administer the process).

## **7. Monitoring Officer’s comments:**

This report raises no issues for the Monitoring Officer.

## **8. Report details:**

8.1 Exeter City Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allow the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the administration of those licence types. In some cases, costs are also permitted to cover other aspects of providing the regulatory scheme.

8.2 The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed annually to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed or recouped, as applicable.

8.3 Many licensing schemes fall within the definition of ‘services’, under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must “*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*”. This principle was affirmed by the courts in *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*. Fees must reflect administrative, policy and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.

8.4 Appendix A summarises the Council’s powers to set its fees in respect of licensing applications, and any limitations on those powers.

8.5 A notice of any variation to vehicles and operator’s licence fees will be advertised in a local paper and will be deposited at the council offices for a period of 28 days. Any objections received within 28 days of publication of the notice and not withdrawn will be considered at a meeting of the Licensing Committee in March 2016. If there are no objections to the variation in fees they will come into effect on 1 April 2016.

## **9. How does the decision contribute to the Council’s Corporate Plan?**

9.1 The appropriate setting of Licensing Fees will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

## **10. What risks are there and how can they be reduced?**

10.1 The proposed fees have been calculated on a cost recovery basis, and projections show that if the revised fees are adopted the costs of administering licensing schemes should be recovered.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 Formulating a licensing fee structure that supports a strong licensing regime and recognises the key aims of the council will lead to a positive impact in creating a vibrant city to live, work and visit.

11.2 There are no identified equality concerns arising from this report.

**12. Are there any other options?**

12.1 The Licensing Committee could decided to maintain fees and charges at the 2016/17 levels, however the service would not be recovering the full cost incurred to the authority for delivering the individual licence areas.

**Assistant Director Environment**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

The Gambling Act 2005.  
Guidance issued under Section 25 of the Gambling Act 2005  
The Police Reform and Social Responsibility Act 2011  
The Licensing Act 2003  
Guidance issued under Section 182 of the Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government (Miscellaneous Provisions) Act 1976  
Scrap Metal Dealers Act 2013

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## Appendix A - Summary of powers to set application fees

Section	Area	Power arises from
	General principle	Reg 18(4), Provision of Services Regulations 2009 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
U1, U2	Alcohol, entertainment, etc	Prescribed in regulations made by the Secretary of State under the Licensing Act 2003. Section 197A of that Act will allow licensing authorities to set fees locally on a cost-recovery basis, but is yet to be commenced.
T10	Animal boarding	s.1(2), Animal Boarding Establishments Act 1963 Fee as may be determined by LA.
T14	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
T13	Dog breeding	s.3A(2), Breeding of Dogs Act 1973 Reasonable costs incurred in administration and enforcement.
T11	Pet shops	s.1(2), Pet Animals Act 1951 Fee as may be determined by LA.
T12	Riding establishments	s.1(2), Riding Establishments Act 1964 Fee as may be determined by LA. Cost of veterinary inspection.
N/A	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover the reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
T17	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in regulations made under the Gambling Act 2005. No fee chargeable for OUN's
T16, T17	Gaming permits, lotteries	Prescribed in regulations made by the Secretary of State under the Gambling Act 2005
N/A	Charity collections	No fees chargeable
T2, T4, T7, T8	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. Refundable if licence not granted.
T1, T3, T5, T6	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. Refundable if licence not granted. <i>Maximum fees must be advertised.</i>
N/A	Hypnosis	No fees chargeable (except by London boroughs)
T18	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance <b>FEE-SETTING IS AN EXECUTIVE FUNCTION</b>
T15	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee
T19	Skin piercing, etc	s.14(6), 15(6), Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee

## Appendix B – Proposed Fees and Charges compared with existing Fees and Charges

	2016-17				2017-18			
	Fee	VAT @ 20%	Total	VAT	Fee	VAT @ 20%	Total	VAT
	£ p	£ p	£ p	Code	£ p	£ p	£ p	Code
<b>T LICENSING FEES - GENERAL</b>								
A NON RETURNABLE ADMINISTRATION FEE OF £50 INCLUDING VAT AT THE CURRENT RATE IS PAYABLE WITH ALL NEW APPLICATIONS (INCLUDES KNOWLEDGE TEST)								
<b>(1) Hackney carriage</b>								
Vehicle Licence	335.00	-	335.00	9	340.00	-	340.00	9
<b>(2) Hackney Carriage</b>								
Driver's Licence and Identity card - 1 year	98.00	-	98.00	9	99.00	-	99.00	9
Driver's Licence and Identity card - 3 year	233.00	-	233.00	9	235.00	-	235.00	9
<b>(3) Private Hire Operators Licence</b>								
per annum	110.00	-	110.00	9	112.00	-	112.00	9
5 year licence	475.00	-	475.00	9	480.00	-	480.00	9
<b>(4) Private Hire Vehicle Licence</b>	260.00	-	260.00	9	262.50	-	262.50	9
<b>(5) Private Hire Drivers</b>								
Driver's Licence and Identity card - 1 year	98.00	-	98.00	9	99.00	-	99.00	9
Driver's Licence and Identity card - 3 year	233.00	-	233.00	9	235.00	-	235.00	9
<b>(6) Vehicle Licences and Plate - Transfer Fees</b>	60.00	-	60.00	9	60.00	-	60.00	9
<b>(7) Additional Knowledge Test</b>	33.33	6.67	40.00	3	33.33	6.67	40.00	3
<b>(8) Miscellaneous fees</b>								
Replacement plate	30.00	-	30.00	9	30.00	-	30.00	9
Missed appointments	30.00	6.00	36.00	3	30.00	6.00	36.00	3
<b>(9) Consents to Street Trade</b>								
For up to 3 months	730.00	-	730.00	9	730.00	-	730.00	9
For up to 6 months	1,045.00	-	1,045.00	9	1,045.00	-	1,045.00	9
For up to 9 months	1,575.00	-	1,575.00	9	1,575.00	-	1,575.00	9
For up to 12 months	1,825.00	-	1,825.00	9	1,825.00	-	1,825.00	9
<b>Animal Welfare</b>								
<b>(10) Animal Boarding Establishment</b>								
Licence								
(a) New Licence (inclusive of vets fees)	215.00	-	215.00	9	218.00	-	218.00	9
(b) Renewal (inclusive of vets fees)	215.00	-	215.00	9	218.00	-	218.00	9
(c) Renewal (exclusive of vets fees)	85.00	-	85.00	9	86.00	-	86.00	9
<b>(11) Pet Animals Licence</b>								
(a) New Licence (inclusive of vets fees)	215.00	-	215.00	9	218.00	-	218.00	9
(b) Renewal (inclusive of vets fees)	215.00	-	215.00	9	218.00	-	218.00	9
(c) Renewal (exclusive of vets fees)	85.00	-	85.00	9	86.00	-	86.00	9
<b>(12) Riding Establishments Licence</b>								
Minimum charge (inclusive of vets fees)	495.00	-	495.00	9	500.00	-	500.00	9
per horse in excess of 10	7.25	-	7.25	9	7.25	-	7.25	9
<b>(13) Dog Breeding Establishments Licence</b>								
(a) New Licence (inclusive of vets fees)	215.00	-	215.00	9	218.00	-	218.00	9
(b) Renewal (inclusive of vets fees)	215.00	-	215.00	9	218.00	-	218.00	9
(c) Renewal (exclusive of vets fees)	85.00	-	85.00	9	86.00	-	86.00	9
<b>(14) Dangerous Wild Animals Act*</b>								
Licence Fee (inclusive of vets fees)	345.00	-	345.00	9	345.00	-	345.00	9
<b>(15) Sex Establishments Licence</b>	3,700.00	-	3,700.00	9	3,750.00	-	3,750.00	9

	2016-17				2017-18			
	Fee	VAT @ 20%	Total	VAT	Fee	VAT @ 20%	Total	VAT
	£ p	£ p	£ p	Code	£ p	£ p	£ p	Code
<b>(16) Small Lotteries</b>								
Statutory Charges								
(a) Registration	40.00	-	40.00	9	40.00	-	40.00	9
(b) Renewal	20.00	-	20.00	9	20.00	-	20.00	9
<b>(17) Gambling Act 2005</b>								
Statutory charges:								
<b>(i) Bingo</b>								
- Provisional statement	2,745.00	-	2,745.00	9	2,745.00	-	2,745.00	9
- New premises following provisional statement	1,060.00	-	1,060.00	9	1,060.00	-	1,060.00	9
- New premises without provisional statement	3,215.00	-	3,215.00	9	3,215.00	-	3,215.00	9
- Annual fee - First year only following fast track conversion	590.00	-	590.00	9	590.00	-	590.00	9
- Annual fee - other than above	765.00	-	765.00	9	765.00	-	765.00	9
- Variation	1,380.00	-	1,380.00	9	1,380.00	-	1,380.00	9
- Transfer	945.00	-	945.00	9	945.00	-	945.00	9
- Reinstatement	945.00	-	945.00	9	945.00	-	945.00	9
<b>(ii) Adult Gaming Centre</b>								
- Provisional statement	1,530.00	-	1,530.00	9	1,530.00	-	1,530.00	9
- New premises following provisional statement	1,178.00	-	1,178.00	9	1,178.00	-	1,178.00	9
- New premises without provisional statement	2,000.00	-	2,000.00	9	2,000.00	-	2,000.00	9
- Annual fee - First year only following fast track conversion	590.00	-	590.00	9	590.00	-	590.00	9
- Annual fee - other than above	765.00	-	765.00	9	765.00	-	765.00	9
- Variation	765.00	-	765.00	9	765.00	-	765.00	9
- Transfer	945.00	-	945.00	9	945.00	-	945.00	9
- Reinstatement	945.00	-	945.00	9	945.00	-	945.00	9
<b>(iii) Family Entertainment Centre</b>								
- Provisional statement	765.00	-	765.00	9	765.00	-	765.00	9
- New premises following provisional statement	1,120.00	-	1,120.00	9	1,120.00	-	1,120.00	9
- New premises without provisional statement	1,768.00	-	1,768.00	9	1,768.00	-	1,768.00	9
- Annual fee - First year only following fast track conversion	415.00	-	415.00	9	415.00	-	415.00	9
- Annual fee - other than above	590.00	-	590.00	9	590.00	-	590.00	9
- Variation	790.00	-	790.00	9	790.00	-	790.00	9
- Transfer	765.00	-	765.00	9	765.00	-	765.00	9
- Reinstatement	765.00	-	765.00	9	765.00	-	765.00	9
<b>(iv) Betting Track</b>								
- Provisional statement	710.00	-	710.00	9	710.00	-	710.00	9
- New premises following provisional statement	2,060.00	-	2,060.00	9	2,060.00	-	2,060.00	9
- New premises without provisional statement	2,060.00	-	2,060.00	9	2,060.00	-	2,060.00	9
- Annual fee - other than above	736.00	-	736.00	9	736.00	-	736.00	9
- Variation	1,000.00	-	1,000.00	9	1,000.00	-	1,000.00	9
- Transfer	710.00	-	710.00	9	710.00	-	710.00	9
- Reinstatement	710.00	-	710.00	9	710.00	-	710.00	9
<b>(v) Betting Other</b>								
- Provisional statement	2,142.00	-	2,142.00	9	2,142.00	-	2,142.00	9
- New premises following provisional statement	1,200.00	-	1,200.00	9	1,200.00	-	1,200.00	9
- New premises without provisional statement	3,000.00	-	3,000.00	9	3,000.00	-	3,000.00	9
- Annual fee - other than above	600.00	-	600.00	9	600.00	-	600.00	9
- Variation	1,075.00	-	1,075.00	9	1,075.00	-	1,075.00	9
- Transfer	860.00	-	860.00	9	860.00	-	860.00	9
- Reinstatement	860.00	-	860.00	9	860.00	-	860.00	9
<b>(vi) Miscellaneous Premises Licence Fees:</b>								
- Change of circumstances (statutory charge)	50.00	-	50.00	9	50.00	-	50.00	9
- Copy of Licence	27.50	-	27.50	9	27.50	-	27.50	9
<b>(vii) Unlicensed FEC permits</b>								
- Application fee	330.00	-	330.00	9	330.00	-	330.00	9
- Application fee - existing operator	110.00	-	110.00	9	110.00	-	110.00	9
- Renewal fee	330.00	-	330.00	9	330.00	-	330.00	9
- Change of name	27.50	-	27.50	9	27.50	-	27.50	9
- Copy of permit	15.00	-	15.00	9	15.00	-	15.00	9
- Temporary use notices				9				9
- Occasional use notices				9				9



		2016-17				2017-18			
		Fee	VAT @ 20%	Total	VAT	Fee	VAT @ 20%	Total	VAT
		£ p	£ p	£ p	Code	£ p	£ p	£ p	Code
<b>(2)</b>	<b>Other charges</b>								
	Temporary event notice	21.00	-	21.00	9	21.00	-	21.00	9
	Theft, loss etc of premises licence or summary	10.50	-	10.50	9	10.50	-	10.50	9
	Application for provisional statement	315.00	-	315.00	9	315.00	-	315.00	9
	Notification of change of name and address	10.50	-	10.50	9	10.50	-	10.50	9
	Variation to specify individual as premises supervisor	23.00	-	23.00	9	23.00	-	23.00	9
	Transfer of premises licence	23.00	-	23.00	9	23.00	-	23.00	9
	Interim authority notice	23.00	-	23.00	9	23.00	-	23.00	9
	Theft, loss etc of certificate or summary	10.50	-	10.50	9	10.50	-	10.50	9
	Notification of change of name or alteration of club name	10.50	-	10.50	9	10.50	-	10.50	9
	Change of relevant registered address of club	10.50	-	10.50	9	10.50	-	10.50	9
	Theft, loss etc of temporary event notice	10.50	-	10.50	9	10.50	-	10.50	9
	Grant or renewal of personal licence	34.00	-	34.00	9	34.00	-	34.00	9
	Theft, loss etc of personal licence	10.50	-	10.50	9	10.50	-	10.50	9
	Duty to notify change of name or address	10.50	-	10.50	9	10.50	-	10.50	9
	Right of freeholder to be notified	21.00	-	21.00	9	21.00	-	21.00	9