

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Licensing Committee

Date:

REPORT TITLE: Setting of Licensing Fees and Charges

PORTFOLIO: Regulatory Services

HEAD OF SERVICE: Mark Rizk

CONTACT OFFICER: Louise Kemplay Ext. No. x 1343

WARD(S) AFFECTED: N/A

1. Purpose of the Report

1.1. This report brings forward for consideration a proposed Schedule of Fees and Charges in respect of the Council's licensing activities.

2. Executive Summary

2.1. The Council has a wide range of responsibilities in relation to the licensing and registration of certain activities that are prescribed in a variety of statutes.

2.2. In many cases the Council is empowered to recover certain elements of the costs that it incurs by providing such services. In other cases licence fees are set centrally.

2.3. The fees are required to be consulted upon and taken before the Licensing Committee for approval.

3. Background

3.1. The Council is obliged to provide a wide range of licensing and registration services in respect of certain activities, usually concerned with public protection.

3.2. Whilst some licensing fees and charges are set centrally, in many cases the applicable legislation provides for the Council to set fees locally. In the case of locally set fees and charges the Council is only able to recover certain

elements of the costs associated with the provision of the respective licensing activity. In most cases this relates to the administrative, inspection and decision-making processes associated with individual licence applications. Enforcement costs for example cannot be taken into account when calculating licensing fees and charges.

- 3.3. The Council may elect to subsidise licensing fees and charges but cannot raise revenue through its licensing activities. In previous years the Council has sought to recover its reasonable costs through its licensing fees and charges.
- 3.4. An exercise has been undertaken to calculate the costs incurred by the Council associated with each of its licensing activities and this has been used to inform the development of a proposed Schedule of Licensing Fees and Charges.
- 3.5. The proposed Schedule of Licensing Fees and Charges is set out in Appendix 1 to this report.
- 3.6. Some, but not all, of the relevant statutory provisions require that where it is proposed to revise Licensing Fees and Charges the Council publish a notice of its intention and afford a reasonable time for representations to be made and considered before proceeding. In any event it is considered good practice to 'consult' on the setting of all licence fees and charges.
- 3.7. The Licensing Committee have delegated powers to consider the proposed fees, and agree they are suitable for the purposes of a consultation exercise. Following the consultation exercise any representations can be considered by the Licensing Committee prior to adoption.
- 3.8. Legislation controlling Skin Piercing and High Hedges fall under separate delegated powers and will require approval by Cabinet, however this may be delegated to the Deputy Leader for Approval.

4. Contribution to Corporate Priorities

- 4.1. Value for Money - the proposed licensing fees and charges reflect the actual costs of providing the service.
- 4.2. Promoting Local Economic Growth - having in place a set of clear and transparent licensing fees and charges will help ensure a fair trading environment.
- 4.3. Protecting and Strengthening Communities - the Council's licensing activities are primarily concerned with public protection.

5. Report

- 5.1. A review of licensing fees and charges has been undertaken in line with the Council's agreed Methodology for Conducting Charging Reviews.

- 5.2. As a result of that review a proposed Schedule of Licensing Fees and Charges has been prepared and is set out in Appendix 1 of this report.
- 5.3. The proposed fees and charges are based on the actual costs incurred by the Council and have been calculated using time analysis data relating to typical administrative, inspection and decision-making tasks for each category of licensing activity. The proposed fees and charges are also in accordance with the applicable legislation.
- 5.4. The schedule also details current licensing fees and charges for comparison purposes. In most cases there is no increase in the proposed fee or charge; though there are a few cases where there is a small variation between current and proposed fees and charges.
- 5.5. Most notable are the increases in proposed fees for the following:
- Knowledge tests – A proposed increase of £2 from £41 to £43
- High hedges – A proposed increase of £444 from £210 to £654.
- Skin Piercing- A proposed increase of £8 for Ear Piercing from £92 to £100; £9 for electrolysis/ acupuncture/ semi-permanent skin colouring from £110 to £119 and £14 for Tattooing/ Cosmetic Piercing Registration from £165 to £179.
- 5.6. The Licensing Committee have delegated powers to consider fees suitable for consultation purposes and recommend their suitability for adoption.
- 5.7. High hedge fees and skin piercing fees are a matter for approval by Cabinet, however these can be delegated to the relevant Deputy Leader and approved via an EDR following the consultation.

6. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: [Anya Murray]

- 6.1. The financial impact of the proposed price increases (where applicable) have been included within the 2019/20 – 2023/24 Medium Term Financial Strategy.
- 6.2. Income levels have been calculated on a total cost basis that includes all associated expenditure in accordance with proper accounting practice.
- 6.3. Individual fee levels reflect the time analysis of respective areas of work and the current and estimated numbers of the individual licences on a cost recovery basis for that licence. As a result, there is no one size fits all in the variation in price levels.

6.4. Cost recovery has been based on estimated/historical demand levels. This will be monitored during the course of the year and if demand increases, there may be a need to re-visit resource levels or revise fees accordingly.

7. Risk Assessment and Management

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. Positive (Opportunities/Benefits):

Adopting the proposed Schedule of Fees and Charges ensures that the Council has in place a clear and transparent fee structure based on the recovery of reasonable costs and enables the Council to demonstrate their validity in the event of any challenge from a licensee or applicant.

7.3. Negative (Threats):

By not adopting the revised fees and charges the Council would not be fully recovering its reasonable costs for providing its licensing services.

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. Legal Considerations

This section has been approved by the following member of the Legal Team:

8.1. It is important that the Council review its licensing fees and charges on an annual basis to ensure that they are up-to-date and accurate. Failure to maintain an up-to-date charging scheme could expose the Council to a legal challenge.

8.2. There are no significant legal issues arising from this Report.

9. Equalities and Health

9.1. Equality impacts: The subject of this Report is not a policy, strategy, function or service that is new or being revised.

9.2. Health impacts: The outcome of the health screening question does not require a full Health Impact Assessment to be completed.

10. Human Rights

10.1. There are no Human Rights issues arising from this Report.

11. Sustainability (including climate change and change adaptation measures)

11.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

12. Recommendation(s)

12.1. That the Licensing Committee approve the revised schedule of fees and charges 2019/2020 as suitable to be published for the purposes of a consultation exercise

12.2. To continue to monitor and undertake a review of the demand levels in licensing and the associated current available resource.

13. Background Papers

13.1 N/A

14. Appendices

14.1 Appendix 1: Schedule of Fees and Charges

Appendix 1

Licence Type	Fee 2017-2018	Proposed Fee 2019-2020	Hours Per Licence	Number Per Year	Change in Fee
Private Hire Operator (New) 5 year	£452	£452	9.5 plus DBS check	9	£0
Private Hire Operator (Renewal) 5 year	£452	£452	9.5 plus DBS check	49	£0
Private Hire Driver (New)(Single) 3 year	£370	£370	7.6 plus DBS check	13	£0
Private Hire Driver (Renewal)(Single) 3 year	£370	£370	7.6 plus DBS check	189	£0
Private Hire Vehicle	£164	£164	3.4 plus licence plates	258	£0
Private Hire Exceptional Vehicle	£164	£164	3.4 plus licence plates	4	£0
Hire Company Vehicle (8 weeks)	£164	£164	3.4 plus licence plates	76	£0
Private Hire Transfer of Ownership	£123	£123	3	14	£0
Private Hire Vehicle Detail Change	£123	£123	3 plus licence plates (where applicable)	5	£0
Hackney Carriage Driver (New)(Single)3 year	£370	£370	7.6 plus DBS check	4	£0
Hackney Carriage Driver (Renewal)(Single)3 year	£370	£370	7.6 plus DBS check	20	£0
Hackney Carriage Vehicle	£164	£164	3.4 plus licence plates	160	£0
Hackney Carriage Transfer of Ownership	£123	£123	3 plus licence plates (where applicable)	14	£0

Hackney Carriage Vehicle Detail Change	£123	£123	3 plus licence plates (where applicable)	5	£0
Private Hire and Hackney Carriage Driver (New)(Combined)3 year	£370	£370	7.6 plus DBS check	55	£0
Private Hire and Hackney Carriage Driver (Renewal)(Combined) 3 year	£370	£370	7.6 plus DBS check	379	£0
Private Hire and Hackney Carriage Driver (New)(Combined) 1 year	£287	£287	5.6 plus DBS check	0	£0
Private Hire and Hackney Carriage Driver (New)(Combined) 2 years	£328	£328	6.6 plus DBS check	0	£0
Knowledge Tests	£41	£43	1	82	£2
Exempt Vehicle New and Renewal 1 year	£164	£164	4	30	£0
Panel and Plate Exemption (where applicable)	£15	£15		Ad hoc as applicable	£0
Scrap Metal Collector New and Renewal 3 year	£205	£205	5	15	£0
Scrap Metal Variation to Collect	£164	£164	4	15	£0
Scrap Metal Site New and Renewal 3 year	£369	£369	9	4	£0
Scrap Metal Variation to Site Licence	£160	£164	4	4	£0
Street Trading	£2,980	£2,980	0	0	£0
Sex Establishment (New)	£3,025	£3,025	0	0	£0
Sex Establishment (Renewal)	£1,815	£1,815	0	0	£0
Sex Establishment Transfer	£760	£760	0	0	£0
Sex Establishment Variation	£1,815	£1,815	0	0	£0
Sex Establishment Minor Variation	£760	£760	0	0	£0

Hypnotism	£55	£61	1.5	0	£6
Dog Breeding (New)	£175	Licences no longer valid due to a change in legislation in 2018			
Dog Breeding (Renewal)	£145				
Animal Boarding (New)	£175				
Animal Boarding (Renewal)(<24 Kennels/animals)	£110				
Animal Boarding (Renewal)(24-129 Kennels/animals)	£130				
Animal Boarding (Renewal)(<129 Kennels/animals)	£145				
Dog Sitter (New)	£90				
Dog Sitter (Renewal)	£75				
Pet Shop (New)	£145				
Pet Shop (Renewal)	£110				
Riding Establishment (New)	£185				
Riding Establishment (Renewal) (1-9 horses)	£130				
Riding Establishment (Renewal) (10-19 horses)	£145				
Riding Establishment (Renewal) (> 20 horses)	£165				
Initial Animal Licence for a single Licensable Activity	£270	Prices reviewed in 2018 following a change in animal welfare legislation. Valid for 2019-2020.	n/a	47 anticipated licences under the new legislation with 1, 2 or 3 year licences	n/a
Initial Animal Licence for an additional Licensable Activity	£162				
Renewal Animal Licence for a single Licensable Activity	£247				
Renewal Animal Licence for an additional Licensable Activity	£148				
Dangerous Wild Animal (New)	£220	£220	n/a	0	£0
Dangerous Wild Animal (Renewal)	£220	£220	n/a	0	£0
Zoo (New)	£445	£445	n/a	0	£0
Zoo (Renewal)	£445	£445	n/a	0	£0
Application for a HMO with 1-5 bedrooms	£550	Prices reviewed in	n/a	5 year licence.	n/a

Application for a HMO with 6-10 bedrooms	£600	2018/19 following a change in legislation. Valid for 2019-2020.		Anticipated 250 HMOs subject to new legislation n/a n/a	
Application for a HMO with 11+ bedrooms	£650				
Application for a selective licence for a single property	£466	Prices reviewed in 2018/19 following a review of the selective licensing scheme. Valid for 2019-2020.	n/a	5 year licence. Anticipated 300 properties within selective licensing area	n/a
Application for a selective licence for a HMO not subject to mandatory licensing	£569				
Ear Piercing Registration	£92	£100	n/a	n/a- fee is a one off registration fee	8
Electrolysis/ Acupuncture/ Semi Permanent Skin Colouring	£110	£119	n/a		9
Tattooing/ Cosmetic Piercing	£165	£179	n/a		14
Additional Activity Fee (excluding ear piercing)	£54	£58	n/a		4
Additional operator/ amendment to operator registration	£36	£39	n/a		3