



TAXI AND GENERAL COMMITTEE – 2ND MARCH 2017

SUBJECT: GENERAL LICENSING/REGISTRATION/PERMIT FEES – 2017/18

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To recommend general Licensing/Registration/Permit Fees for the next financial year and to seek the views of Members prior to its presentation to Council.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service and this report recommends changes in fees where appropriate for a number of general fees such as Street Trading, Animal Premises and Hackney Carriage and Private Hire Drivers licences.

3. LINKS TO STRATEGY

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A more equal Wales

4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service.
- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.

- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to establish the fees for 2017/18.
- 4.4 The process indicated that some current fee levels are not meeting the cost of providing the service, for example Animal boarding licences, and taxi drivers licences. These have been increased accordingly in an effort to cover costs. In other areas improved cost information, time monitoring data, streamlining of processes etc. has resulted in a reduction of actual costs.

The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:

- Cost summary – calculates the hourly rate chargeable for each officer based on the Council’s agreed annual productive hours.
 - Other charges –
 - (i) Total charges for time based on functions associated with the service provision.
 - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
 - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.
- 4.5 Appendix 1 to this report sets out the existing general fees and those proposed for 17/18. For the ease of calculation and collection, all these fees have been rounded to the nearest pound.
- 4.6 Whilst the Authority acknowledges the difficulties faced by local businesses in the current economic climate, it has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service.

4.7 **Taxi Vehicle Licences**

The Council is entitled to set fees that cover the reasonable costs of providing these services. It is proposed that the fees for Vehicles and Operators remain at current levels with minor changes to Hackney Carriage / Private Hire Drivers as indicated in the table in Appendix 1. The latter are not subject to statutory consultation under the Local Government Miscellaneous Provisions Act 1976. There are also some minor changes proposed for consumables such as rear vehicle plates, badges etc. due to a change in supplier.

4.8 **Street Trading**

A number of changes are recommended to the fee structure in respect of street trading.

- 4.8.1 A reduction in the application fee for a new street trading consent from £783 to £674 due to improvements in administrative recording and a streamlined application process. These changes influence the estimated cost of providing the function when fed into the fees toolkit.
- 4.8.2 Conversely an increase is recommended in the renewal fees as all processing and consultation steps are now standardised for grant and renewal and so the cost is the same. The renewal fee would need to increase from £503 to £674 to recover full costs. However if members consider that such an increase is excessive an alternative proposal would be a phased approach working towards full cost recovery over a three year period. The alternative proposal is therefore to

increase the renewal fee from £503 to £560.00 in 2017/18. Members will appreciate that a phasing in of the increase will impact on the licensing budget.

- 4.8.3 It is recommended that the current variation fee be removed, as material changes to any street trading consent would be subject to the same consultation and processing requirements as an initial grant. Examples of such material changes would include extending operating hours late into the night, not replacing trading units with like for like, changing the types of goods being traded.
- 4.8.4 It is recommended that a new fee be introduced in respect of changes to details of the consent which would cover such changes as a new trading name, approval of new plans for replacement like for like units, changes to consent holders details, etc.

4.9 **Civil Marriages/Partnerships- Approval of Premises**

The Marriages and Civil Partnerships (Approved Premises) Regulation 2005 set out the obligations on the Council in respect of approving premises for the celebration of marriages and requires that approvals shall not be granted for less than a period of three years. There is no maximum period set for such approvals; however the Registrar General has formally encouraged Councils to grant approvals for a period of 5 years. Officers have assessed the impact of such a change on the licence fee and recommend that it remains at its current rate. Increasing the time period for approvals would result in a reduction in administration costs but this would be offset by an increase in inspection costs over the five year period. In practice the cost of providing the service would remain the same. It is therefore proposed that any new applications or renewals be granted for a five year period.

5. **WELL-BEING OF FUTURE GENERATIONS**

- 5.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The proposals in this report contribute to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.

6. **EQUALITIES IMPLICATIONS**

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

7. **FINANCIAL IMPLICATIONS**

- 7.1 As set out at 4.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service.

Following review of all locally set fees, the predicted income for the period 2017 to 2018 will be dependent on the aggregation of fees for different licence types. The main impact in respect of this report will arise from the level of fees adopted in respect of the renewal fees for street trading. Options are set out at point 4.9 above, full cost recovery would result in an increase of approximately £6,000.00 whereas a phased increase would result in an increase of approximately £2,000.00 in the first year.

The total licensing income for 2017/18 also takes into consideration proposals considered by the Licensing and Gambling Committee and Cabinet for Scrap Metal and Dog Breeding Fees. Depending on the outcome of these meetings the options chosen above the predicted overall income in 17/18 is likely to increase by either £6,500 or £2,500

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications.

9 CONSULTATIONS

9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

10.1 That the Committee consider the level of fees proposed for 2017/18 as outlined in Appendix 1 and offer any comments for consideration by Council on the 7th of March. In particular any comments on the appropriate fee for Street Trading Consent Renewals.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service.

12. STATUTORY POWER

12.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; This is a Council function.

Author: Myra McSherry, Licensing Manager
Consultees: Cllr Denver Preece Chair, Licensing Committee
Cllr C Gordon, Vice Chair, Licensing Committee
Cllr Nigel George, Cabinet Member for Community and Leisure Services,
Dave Street, Corporate Director, Social Services
Robert Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Gail Williams, Interim Head of Legal services and Monitoring Officer
Sue Ead, Solicitor, Legal Services
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Della Mahony, Superintendent Registrar
Mary E Powell, Fleet Manager

Background Open for business LGA guidance on Licensing fees Nov 2015

Appendices:

Appendix 1 General Licensing/Registration/Permit Fees for 2017/18 - Existing and Proposed Fees

APPENDIX 1

GENERAL LICENSING/REGISTRATION/PERMIT FEES FOR 2017/18 – EXISTING AND PROPOSED FEES

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<u>Miscellaneous</u>	£	£
Zoo	1172.00*	1172.00*
Commercial Animal Boarding Establishments	219.00*	219.00*
Home Animal Boarding Establishments	123.00*	130.00*
Pet Shops	198.00*	198.00*
Riding Establishments	330.00*	330.00*
Dangerous Wild Animals	423.00*	332.00*
Performing Animals	166.00*	166.00*
	* Fees for vet to be added, where appropriate	
Acupuncture, Tattooing, Special procedures, Ear Piercing and Electrolysis -		
Premises	178.00	178.00
Person	140.00	140.00
Variation	40.00	40.00
Explosives, Fireworks and Petroleum (Petroleum licences can be charged at a pro rata rate of 50 % for yr 2 & 33% for yr 3)	Fixed rates linked to statutory & advisory documents	Fixed rates linked to statutory & advisory documents
Pleasure Boats	200.00	200.00
Pro rata per month	17.00	17.00
Boatmen	84.00	84.00
Pro rata per month	7.00	7.00
<u>Sex Establishments</u>		
Shop/ Cinema		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00
Sexual Entertainment Venue		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
Street Trading Permanent static consent and mobile traders (new applications)	783.00	674.00
Option 1 - Permanent static consent and mobile traders (renewal applications)	503.00	674.00
Option 2 -permanent static consent and mobile traders (renewal applications). Increases to be implemented over a three year period.	503.00	560.00
Variation	107.00	-----
Change of detail	-	10.50
Temporary consent –		
One off day rate	26.00	30.00
Up to 7 days	53.00	58.00
8 – 28 days	107.00	115.00
Quarterly / Seasonal		
Up to 3 months	195.75	168.00
Up to 6 months	391.50	337.00
Up to 9 months	587.25	505.00
<u>Marriage Act (Increasing from a 3 Year to a 5 Year Premises Approval)</u>		
New applications	1080.00	1080.00
Renewal	769.00	769:00
<u>Hackney Carriage: Private Hire Vehicles, Operators and Drivers</u>		
Hackney Carriage/Private Hire Vehicles**	190.00 plus compliance check fee	190.00 plus compliance check fee
Hackney Carriage/Private Hire Vehicle Driver 3yr	£224.00	£231.00
2yr	£191.00	£191.00
1yr	£158.00	£151.00
Private Hire Vehicle Operator 5yr	£763.50	£763.50
4yr	£632.50	£632.50
3yr	£501.00	£501.00
2yr	£369.50	£369.50
1yr	£238.00	£238.00
Replacement Fees		
Rear plate	£11.00	£11.00
Rear plate and bracket	£22.00	£17.00
Badge	£6.00	£6.00
Internal front disc	£6.00	£6.00
Internal back disc	£7.00	£6.00
Replacement external plate bracket.		£6.00
Replacement pouches		£1.00 each

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
DVLA mandate Fee (3 yearly)	£5.00	£5.00
Missed appointment fee	£10.00	15.00
Compliance Check Fees** Fees payable from 1 April 2016 directly to the Fleet Service Garage and set by them. The fee is subject to review so cannot be quoted at time of writing report.		

* Excludes Vet Fees which are payable separately