



## LICENSING COMMITTEE – 16TH FEBRUARY 2015

**SUBJECT: LICENSING/REGISTRATION/PERMIT FEES – 2015/16**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 The report is seeking views of Members on recommended increases in the Licensing / Registration / Permit Fees for 2015/16 prior to its presentation at Council.

### **2. SUMMARY**

- 2.1 Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends increases in fees where appropriate and advises Members of the fee structure established by the Government under the Licensing Act 2003.

### **3. LINKS TO STRATEGY**

- 3.1 The Licensing function is a statutory duty of the authority and contributes to the Prosperous Caerphilly and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers. Due to the broad range of Licensing/Registration/Permit Fees covered, the function also contributes to a number Objectives under the Council's Strategic Equality Plan 2012.

### **4. THE REPORT**

- 4.1 The review of fees charged, involves consideration of the cost to the Authority in providing the service and comparing fees set by neighbouring and other South Wales authorities. The authority has a statutory duty to administer certain licences, registrations and permits. Some fees are set centrally by government e.g. alcohol licences, 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. A review of locally set fees has indicated that some current fee levels are not meeting the cost of providing the service. These have been increased accordingly in an effort to cover costs.
- 4.2 Licence fees are based on the estimated time spent by officers on the processes for issuing and administering the various types of licences and where appropriate monitoring and compliance. The hourly rate applied includes salaries, supplies and services costs associated with the Licensing Service, management costs and general on costs and overheads.
- 4.3 Appendix 1 to this report sets out the existing general fees and those proposed. Appendix 2 sets out the comparisons of the taxi related fees currently charged by neighbouring authorities. Appendix 3 sets out the proposed fees to be charged in connection with the Gambling Act 2005. For the ease of calculation and collection, all these fees have been rounded to the nearest pound. The fees charged in connection with the Licensing Act 2003 are attached for information as Appendix 4. Appendix 5 shows the estimated income and expenditure relating to the taxi element of the service for 2015/16.

- 4.4 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. Examples of the level of increase are as follows:
- £15.00 (£0.56 a month) for a 2 year hackney carriage/private hire vehicle driver's licence
  - £20.00 (£1.52 a month) for a hackney carriage or private hire vehicle licence
  - £18.00 (£1.36 a month) for a pet shop licence
  - £24.00 (£1.84 a month) for a Street Trading renewal licence.
- 4.5 **Licensing Act 2003** fees are set by the Government and have remained static since 2005. The Police Reform and Social Responsibility Act 2011 enables local Authorities in future to set their own fees. The Government has indicated a move from centrally-set to locally-set fees under the Licensing Act 2003 but at the time of writing this report an implementation date is unknown. Until the Secretary of State implements any changes, applications and annual fees must continue to be charged at the current fee level.
- 4.6 **Gambling Act 2005** – Whilst the Government sets maximum fee levels, the Authority has the discretion to set fees at a level considered appropriate to cover costs. It is proposed that these fees remain at the current level.
- 4.7 **Taxi Vehicle and Operator Licences** - The Council is entitled to set fees that cover the reasonable costs of providing these services. Appendix 5 demonstrates the deficit between income and expenditure in this area and appendix 2 a comparison of the proposed fees, with those currently charged by neighbouring authorities. Fees charged for hackney carriage/private hire vehicles and private hire vehicle operator's licences cannot be increased without the proposals being advertised in the local press. This is the process by which the trade can formally object to any increases. Any objections received must be considered and historically the Licensing Committee has been given delegated authority to do this and to determine the date on which any fee variance should come into force, with or without modification. The costs for transfer of vehicle and change of vehicle have been incorporated into the Hackney Carriage /Private Hire vehicle licence fee.

The DVLA will shortly stop issuing paper licence counterparts which will have a direct impact on the processing of taxi driver applications. In order to verify an applicant's driving status it will be necessary to implement the DVLA on line licence validation service. Applicants will be obliged to sign a 3-year mandate, which entitles the authority to conduct the online check at a charge of £1.00 per check. A fee of £5.00 is therefore proposed payable every three years to cover annual checks and associated administrative costs.

The authority intends to introduce a knowledge test to assess the suitability of applicants to be licensed as a taxi driver in 2015/16. Applicants will be required to pass the test before applying for a licence. The test will be administered by external providers, who set their own fees. Costs are therefore included in Appendix 1 for information purposes only.

New types of fee are also proposed to cover additional costs to the authority incurred from replacing lost plates and badges. These include the cost of consumable materials and administrative costs associated with producing and issuing replacements.

There has been a marked increase in demand for new vehicle and driver licences but also an increase in missed appointments. This results in wasted officer preparation time and inconveniences those persons who are waiting for appointments. It is therefore proposed to introduce a charge for failure to attend an appointment without having notified the authority twenty-four hours in advance of their inability to attend.

- 4.8 **Scrap Metal Dealers Act 2013** - The fees charged for Scrap Metal dealers were introduced in October 2013 as a result of new legislation and licensing controls. The current and proposed fees are included in Appendix 1 for information only as this is an Executive function.

4.9 **Civil Marriage and Civil Partnership** - premises licence fees have been reviewed and reflect the more streamlined approval process now in place and the fact that newspaper advertisements are no longer required.

4.10 **Street Trading** - It is proposed to introduce pro rata fees in respect of street trading during seasonal periods, for example 3 months during the winter or 9 months covering spring to autumn.

## 5. EQUALITIES IMPLICATIONS

5.1 An Equalities Impact Assessment on Locally set Licensing Fees has been completed as part of the Medium Term Financial Planning process and is available on request.

## 6. FINANCIAL IMPLICATIONS

6.1 If the recommendations of the report are adopted, the annual income where appropriate will be increased. The requirement to advertise and consult on increased taxi vehicle fees will result in a cost to the service of approximately £750; Fees must not exceed the costs of administering the licensing regime.

## 7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications.

## 8. CONSULTATIONS

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

## 9. RECOMMENDATIONS

9.1 That the Committee note the level of fees charged in connection with the Licensing Act 2003 and consider and offer any comment to Council on the following:

- (i) Where appropriate, the fees proposed for 2015/16, as outlined in Appendices 1 and 3 to the report, be implemented with effect from 1<sup>st</sup> April 2015.
- (ii) The proposed fees for hackney carriage/private hire vehicles be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.

## 10. REASONS FOR THE RECOMMENDATIONS

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

## 11. STATUTORY POWER

11.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts. This is a Council function.

Author: Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Consultees: Cllr J Bevan, Chairman, Licensing Committee  
Cllr DM Gray, Vice Chairman, Licensing Committee  
Cllr D Poole, Cabinet Member for Community and Leisure Services,  
Dave Street, Director Social Services  
Robert Hartshorn, Head of Public Protection  
Myra McSherry, Licensing Manager  
Mike Eedy, Finance Manager  
Gail Williams, Interim Head of Legal services and Monitoring Officer  
Sue Ead, Solicitor, Legal Services  
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)  
Sian Phillips, HR Manager  
Della Mahony, Superintendent Registrar

Appendices:

Appendix 1 – Existing and proposed fees for 2015/16  
Appendix 2 – Comparison of existing taxi related fees with neighbouring authorities  
Appendix 3 – Gambling Act 2005 – Proposed premises licence fees for 2015/16  
Appendix 4 – Licensing Act 2003 – Main fees  
Appendix 5 – Estimated income and expenditure relating to the taxi element of the service for 2015/16