

Telford & Wrekin Council**Licensing Committee 19th July 2016****Licence Fees****Report of: Service Delivery Manager - Public Protection****1. Purpose**

- 1.1 For Members to consider proposed level of Licence Fees and charges affecting the Hackney Carriage, Private Hire trades, Gambling and other licences.

2. Recommendations

2.1 It is recommended that Members

2.1.1 Approve that the level of fees remain the same for the current Financial Year.

2.1.2. Approve the level of proposed fees to come into force on 1st September 2016 subject to any consultation responses received.

3. Summary

- 3.1 The level of fees and other charges for Hackney Carriage, Private Hire, Gambling and General Licences were last reviewed in 2014/15 and implemented on 1st June 2015 and for Scrap Metal Licences on 1st November 2015.

4. Previous Minutes

- 4.1 LC-9 – Licensing Committee 24th March 2015
CB – 44 – Cabinet 15th October 2015

5 Information**5.1 Background**

- 5.1.1 The current level of fees and other charges for Hackney Carriage, Private Hire, Gambling and General Licences were implemented by the Licensing Authority on 1st June 2015.
- 5.1.2 A local authority may recover the costs of administering Hackney Carriage/Private Hire, Gambling and other licences. When setting fees the Council must have regard to the impact that any increase may have upon the livelihood of licence

holders. However, it is also important not to subsidise this service area to the detriment of front line services that are in line with other Council priorities. However, the Licensing Team owe it to licensees that its service is as efficient and effective as it can be to reduce the burden on business in these difficult economic times.

- 5.1.3 The Licensing Service is not able to fully recover the costs of delivering the Licensing Service. Only certain statutorily defined costs can be recovered, for example the service cannot recover the costs of enforcement except in relation to Hackney Carriage/Private Hire Vehicle Licensing, Cinema Licensing or Gambling Licensing.
- 5.1.4 There are also permits, registrations and licences where the level of fees are either set by statute or statutory instrument and many of these have not historically recovered the Council's cost of administering the service..
- 5.1.5 Following the review in 2014/2015 a report was considered by Members of the Council's Licensing Committee on 24th March 2015 and the proposed level of licence fees was implemented on 1st June 2015.
- 5.1.6 During 2015 the Council's Licensing Service transferred the administration of licences to a new licensing software system. Also in 2015 the Licensing Service's telephones were transferred to the new Council Contact Centre. These two items have brought about new licensing processes and a new way of working for the Licensing Service.
- 5.1.7 The Public Protection Service Delivery Manager has reviewed the fees and in light of paragraph 5.1.6 above, it is recommended that the proposed level of fees for the remainder of the current financial year should remain the same. A further review will be carried out towards the end of this financial year when it will be better known what effect on costs these administrative changes have had. The proposed fees are attached at **Appendix A**.

5.2 Equal Opportunities

- 5.2.1 Adequate local taxi services are considered an important and legitimate part of the transport system. The licence holders will pay the same fee for the remainder of this year, which could have a positive impact on the community should this benefit of no increase in licence fees be passed on to the customers.

5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

- 5.4.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.
- 5.4.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services.

5.4.3 Licensing is not a revenue raising function and licensing fees should cover the costs associated with the licensing process but not generate a profit.

5.4.4 The EU Services Directive requires non-discriminatory, justified, proportionate, clear, objective, public, transparent and accessible process for the setting of fees.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following priorities :

Protect and Support our Vulnerable Children and Adults
Protect and create jobs as a “Business Supporting, Business Winning Council”

5.6 Financial Comment

5.6.1 The charges set out in Appendix A have been calculated on a cost recovery basis and contribute to the licensing income target of £193k for 2016/17. In 2015/16 there was a shortfall of £5k against this target however this was offset by under spends across staffing and supplies & services. Any variations against this budget in 2016/17 will be reported through the financial monitoring process.
MLB 15.06.16

5.7 Risks and Opportunities

5.7.1 The following key risks and opportunities associated with this report have been identified and assessed and arrangements will be put in place to manage them.

- The level of fees set being unreasonable arising to a challenge by judicial review.

6. Ward Implications

6.1 This report has Borough wide Implications

7. Background Papers

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
- 7.2 Local Government (Miscellaneous Provisions) Act 1982
- 7.3 Town Police Clauses Act 1847
- 7.4 Transport Act 1981
- 7.5 Gambling Act 2005
- 7.6 Animal Boarding Establishments Act 1963
- 7.7 Breeding of Dogs Act 1973
- 7.8 Pet Animals Act 1951
- 7.9 Performing Animal's (regulation) Act 1925
- 7.10 Dangerous Wild Animals Act 1976
- 7.11 Zoo Licensing Act 1981
- 7.12 Riding Establishments Act 1970

Report prepared by, Suzanne Fisher, Principal Licensing Officer, Licensing Services, Darby House - For further information please telephone 01952-381818 or email Licensing@telford.gov.uk