

Telford & Wrekin Council**Licensing Committee - 19 March 2019****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 the level of proposed fees for the 2019/2020 Financial Year.
- 2.1.2. Approve the level of proposed fees to come into force on 1st April 2019.

3. Summary

- 3.1 The level of fees and other charges for Hackney Carriage, Private Hire, Gambling, Park Homes and General Licences were last reviewed in 2017/2018. Following a specific change to Council processes and the introduction of new Regulations, these licence fees have been reviewed for the forthcoming Financial Year.

4. Previous Minutes

- 4.1 LC-04 – Licensing Committee 16th January 2018

5 Information**5.1 Background**

- 5.1.1 A local authority may recover the costs of administering licences for Hackney Carriage/Private Hire, Gambling, general licences including Street Trading, Scrap Metal, Animal Establishments, Scrap Metal and Mobile Home Sites. 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

- 5.1.2 When setting fees the Council must have regard to the impact that any increase may have upon the livelihood of licence holders. The Council follows the Local Government Association guidance on locally set licence fees to ensure a fair and transparent approach for local businesses and communities. The Licensing Team must ensure that its service is efficient, effective and streamlined as it can be to help reduce the burden on business.
- 5.1.3 The Council 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 In 2018 the Licensing Service changed the process for administering Dual Driver applications, outsourcing part of the application processes to private companies. Dual Driver licence fees have been reviewed in light of these changes. The cost to the Council, of the processes previously delivered by the Council and now delivered by the private companies, has been taken out of the Dual Driver Licence Fee.
- 5.1.5 On 1st October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaced previous legislation for animal licensing. Business operators will be risk rated against a standard 14 point criteria checklist which considers a number of factors relating to compliance history, complaints, welfare standards and management standards. This scoring system will determine if they are rated as either low or high risk. This new approach has considerably increased the time needing to be taken by the Licensing Service to process applications, carry out inspections and determine the applications. The licence fees have therefore been reviewed and increased, following the changes required by the new regulations, in order to recover costs.
- 5.1.6 The Public Protection Service Delivery Manager has reviewed these and other licence fees and carried out a 28 day statutory consultation which commenced on 6th February 2019. The Principal Licensing Officer has received just one response to the consultation which is included at **Appendix C**.
- 5.1.7 It is recommended that the proposed level of fees for the forthcoming financial year should take effect from 1st April 2019. The proposed fees are attached at **Appendix A and B**.

5.2 Equal Opportunities

- 5.2.1 The Council has consulted widely with the hackney carriage and private hire trades. and their responses taken into account.

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 A full review of license fees has been undertaken for 2019/20 with the Licensing Service. License fees have been calculated on a cost recovery basis taking into account the statutory costs that the service are allowed to recover. The methodology used is consistent with the calculation of the 2017/18 license fees. The 2019/20 fees include inflationary increases to cover increased costs as a result of the pay award.
- 5.6.2 The licensing service has an income budget of £203k to achieve for 2019/20 to which all license fees in the appendices to this report will contribute. It is anticipated that the income target will be met for 2019/20 with the implementation of the proposed fees. MLB 12.02.19.

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 Gambling Act 2005
- 7.5 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 7.6 Dangerous Wild Animals Act 1976
- 7.7 Zoo Licensing Act 1981
- 7.8 Scrap Metal Dealers Act 2013
- 7.9 Mobile Homes Act 201

Report prepared by, Suzanne Fisher, Principal Licensing Officer & Anita Hunt, Public Protection Manager, Licensing Services, - For further information please email Licensing@telford.gov.uk