

Meeting of:	<b>Public Protection Licensing Committee</b>
Date of Meeting:	<b>Tuesday, 04 June 2019</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	LICENSING DISCRETIONARY FEES 2019/20
Purpose of Report:	To seek approval to amend certain licensing fees and charges
Report Owner:	Director of Environment and Housing
Responsible Officer:	Miles Punter
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for determination by the Public Protection Licensing Committee
Executive Summary:	<ul style="list-style-type: none"> <li>To seek approval to amend non-statutory licensing fees and charges within the purview of the Public Protection Licensing Committee</li> </ul>

## **Recommendations**

1. It is recommended that Members approve the proposed licence fees set out in Appendix A of this report with an implementation date of 24 June 2019 for all fees save those requiring public notice and consultation where a further report to Committee may be required to consider any consultation responses.
2. That the Committee authorise the Head of Shared Regulatory Services to carry out the necessary public notice procedure.
3. If objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter come back before the next appropriate Committee meeting so that any such objections can be considered, modifications be considered, and a new date for the introduction of the variations can be set.

## **Reasons for Recommendations**

1. To ensure a reasonable proportion of the Council's costs are recovered in relation to Hackney Carriage, Private Hire and other non statutory licensing fees and that the costs of such licensing does not present a burden on local taxpayers.

### **1. Background**

- 1.1 The proposed fees have been calculated using a toolkit developed by the Wales Licensing Expert Panel.
- 1.2 The fees under consideration relate to taxi licensing, sex establishments, street trading and body procedures.
- 1.3 Case Law has established that when the Council makes a surplus in respect of licence fees it should give account for that the next time that the fees are reviewed and set; and if it incurs a deficit it may also take that into account. Driver and Operator licences were last increased in late 2015. Taxi vehicle fees were last increased in 2010. Street Trading and Body procedures were last amended for the year 2013/14.

### **2. Key Issues for Consideration**

- 2.1 The follow surplus/deficit amounts apply as follows:
- 2.2 Driver £4,806 Surplus
- 2.3 Operator £ 1610 Deficit
- 2.4 Vehicles £6295 deficit

- 2.5 There is a surplus on driver licences, leading to reductions on the cost of three year licences.
- 2.6 There is a deficit to recover on the operator licences.
- 2.7 There is a deficit to recover on vehicles but the effect on private hire vehicle licensing is minimal. The toolkit has been used to incorporate ancillary fees (transfers, changes of address etc) into the grant fee.
- 2.8 The fee for an annual licence has been reviewed and there is currently minimal take-up of this licence. It is proposed that no increase is applied but that feedback is sought from the trade for the next review of the licence fee. This licence only applies on the first grant of a licence and was not approved for existing licences.
- 2.9 There are currently no sex establishments in the Vale of Glamorgan, but provision has been made should an application for a sex shop be received.
- 2.10 The base level for body procedure fees has been set and should any surplus or deficit occur this will be reflected in the next fee review.
- 2.11 The fees relating to a commercial street trading consent have also been reviewed. There is a distinct fee for street trading consents required as part of community based events for example festivals in High Street Barry. These are generally community led organised by volunteers. On 9/7/2013, the Committee authorised a scheme for processing consents of this type and at that time an administrative fee of £12.00 per consent was also approved. The proposed fee of £18 per consent is based on the officer hourly rate x time for processing divided by the average number of consents per festival. A commercial organisation running involved in organising a festival will not be eligible for the reduced consent fee.
- 2.12 The setting of an application fee and a fee on grant is based on case law and best practice on setting licensing fees. An application fee is charged to cover the authorisation procedures involved in the processing of the application, then successful applicants are charged an additional fee that covers the running costs and enforcement of the licensing regime.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The setting of fees to reflect the cost to the authority of processing applications allows the Council to devote sufficient resource to ensure that the proper safety

checks are undertaken in relation to applications and ensure compliance with the law which is in place to protect the environment and the general public.

- 3.2** The fee recovery process supports the well being objectives-  
An Inclusive and Safe Vale and an Environmentally Responsible and Prosperous Vale

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** The proposals are necessary to ensure a reasonable proportion of the Council's costs are recovered in relation to Licensing.

### **Employment**

- 4.2** None

### **Legal (Including Equalities)**

- 4.3** Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees for the grant of licences in respect of hackney carriage vehicle, private hire vehicles and private hire operators. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 4.4** In respect of vehicle licences the Act states that the Council may charge such fees as may be sufficient in the aggregate to cover in whole or in part:
- 4.5** The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
- 4.6** The reasonable cost of providing Hackney Carriage stands (which has not been included in the proposed fees).
- 4.7** Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles.
- 4.8** The Act, which dates from 1976, also states that the fee for vehicle and private hire operator licences shall not exceed £25 or such other sum as the Council may from time to time determine. In the light of current costs, £25 is not seen as a realistic fee.

- 4.9** Case law has established that when the Council makes a surplus in respect of licence fees it should give account for that the next time that the fees are set; and if it makes a deficit it may also take that into account.
- 4.10** When the Council proposes to set new fees for vehicle and private hire operator licences it is required by Section 70 of the 1976 Act to publish notice of the proposed variation in a local newspaper stating that objections may be made within a period of not less than 28 days. If objections are received and not withdrawn the Council must consider them and set a further date on which the variation shall come into force with or without modifications.
- 4.11** In respect of taxi licensing Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees in respect of Hackney Carriage and Private Hire Drivers Licences. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 4.12** In respect of drivers licences the Act states that the Council may charge 'such a fee as it considers reasonable with a view to recovering the costs of issue and administration associated with the grant of Hackney Carriage and Private Hire Drivers Licences'. Consequently, enforcement costs in relation to driver's licences cannot be recovered through the licence fee.
- 4.13** The fees for sex establishments, street trading and body procedures are governed by the Local Government (Miscellaneous Provisions) Act 1982.

## **5. Background Papers**

None

## APPENDIX A

LICENCE TYPE	CURRENT FEE £	PROPOSED FEE £
Driver Grant 1 Year	99*	108
Driver Renewal 1 Year	96*	100
Driver Grant 3 Year	230*	224
Driver Renewal 3 Year	225*	212
Knowledge Test resit	25	25
Private Hire Operator Grant 1 Year	218	247
Private Hire Operator Renewal 1 Year	214	240
Private Hire Operator Grant 5 Year	573	625
Private Hire Operator Renewal 5 Year	580	618
Hackney Carriage and Private Hire Vehicle Licence New Grant (6 months)	136 (+12 plate)	160 (+12 plate)
Hackney Carriage and Private Hire Vehicle Licence Renewal(6 months)	136	160
Hackney Carriage or Private Hire Vehicle Licence 1 Year**	242	242
Street Trading		
Street Trading Community Event (Per consent)	12	18
Street Trading 1 Day	Application fee £12.00 Fee on Grant £44.00	Application fee £22.00 Fee on Grant £44.00
Street Trading 2 days	Application fee £17.00 Fee on Grant £50.00	Application Fee £22.00 Fee on Grant £44.00
Street Trading 3 to 31 days	Application fee £35.00 Fee on Grant £66.00	Application Fee £44.00 Fee on Grant £88.00
Street Trading up to 6 months	Application fee £53.00 Fee on Grant £720.00	Application Fee £70.00 Fee on Grant £727.00
Street Trading up to 12 months	Application Fee £105.00 Fee on Grant £1,386.00	Application Fee £140.00 Fee on Grant £1,454
Change a Street Trading Licence	12.00	n/a
Sex Shop Grant	No fee	1038

Sex Shop Renewal	No fee	713
Body Procedures (Premises)	99	132
Body Procedures (Personal)	47	66

\*Additional fees to carry out DBS checks will apply to these licence on a three year basis

\*\* Only available on the initial grant of a licence i.e. not applicable to existing licences