



AGENDA ITEM: 8

**LICENSING & APPEALS
COMMITTEE:
1 December 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

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SUBJECT: LICENSING FEES & CHARGES 2016/17

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To consider proposed changes in licensing fees and charges for the period 1st April 2016 to 31st March 2017.

2.0 RECOMMENDATIONS

- 2.1 That with effect from the 1st April 2016, the proposed changes in Hackney Carriage and Private Hire licensing fees and charges contained in Table 1 in this report is approved.
- 2.2 That delegated authority is granted to the Assistant Director Community Services to give notice under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 of the Council's intention to vary the fees and charges for vehicle, driver and operator licences.
- 2.3 That with effect from the 1st April 2016, the proposed fees and charges contained in Table 2 in this report is approved.
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3.0 BACKGROUND

- 3.1 The relevant licensing fees and charges levied by the Council are reviewed on an annual basis. This review is carried out to take account of any material or legislative changes that may impact upon the fees and charges levied by the Council. The landmark case of R (on the application of Hemming and Others) v Westminster City Council [2015] UKSC215 determined earlier this year in the

Supreme Court has had a profound effect on the way in which local authorities should set licence fees. The key tenets of reasonableness and proportionality were embodied by the case, meaning that fees should be set to cover only those costs of the specific licensing regime. This would include the clear separation of the costs of the determination of the licence and the costs of ensuring compliance with the relevant licensing regime (where appropriate). Moreover, any surplus or deficit left at the end of a given financial year should be considered when setting the fees for the following year.

4.0 ISSUES

- 4.1 The principles of the Hemming case have been long embodied in the fee setting process by this Authority. Nevertheless, the decision of the Supreme Court has prompted a thorough review of all relevant fees and associated budgetary processes to ensure each fee is accurate and proportionate. Budget structures will also be amended to ensure all licence fee income can be correctly identified.
- 4.2 Members will recall that Hackney Carriage / Private Hire driver licences and Private Hire operator licences were amended in June 2015 to take account of the Deregulation Act 2015, which increased the duration of these licences to three and five years respectively.

5.0 PROPOSED FEES

- 5.1 *Hackney Carriage and Private Hire*
The proposed changes in Hackney Carriage and Private Hire fees and charges are detailed in Table 1.

Table 1	Existing (2015/16)	Proposed (2016/17)	Unsuccessful application refund
Taxi Licensing – Hackney Carriage			
Hackney Carriage – new (12 month licence - incl. plate)	£282.22	£256.15	£82.38
Hackney Carriage – renewal (12 month licence - incl. plate)	£282.22	£242.03	£107.09
Hackney Carriage Driver – new (3 year licence)	£97.56	£148.28	N/A
Hackney Carriage Driver – renewal (3 year licence)	£73.15	£98.86	N/A
Taxi Licensing - Private Hire			
Private Hire Vehicle – new (12 month licence - incl. plate)	£257.37	£229.56	£82.38
Private Hire Vehicle – renewal (12 month licence - incl. plate)	£257.37	£215.44	£107.09
Private Hire Driver – new (3	£91.92	£148.28	N/A

year licence)			
Private Hire Driver – renewal (3 year licence)	£67.51	£98.86	N/A
Private Hire Operator (5 year licence):			
1 - 10 Vehicles	£258.29	£215.65	£90.62
11 - 20 Vehicles	£289.90	£271.85	£189.47
21 - 30 Vehicles	£446.83	£428.37	£329.52
31 - 40 Vehicles	£574.38	£543.70	£444.85
41 - 50 Vehicles	£703.07	£708.56	£576.66
Over 50 Vehicles	£843.05	£808.37	£626.08
Taxi Licensing – general			
Transfer of Vehicle Licence (change of owner)	£27.21	£16.48	N/A
Change of Vehicle other than renewal + vehicle inspection fee	£41.02	£47.06	N/A
Replacement Vehicle Plate	£35.13	£16.48	N/A
Replacement Driver Badge	£31.73	£16.48	N/A
Duplicate Driver Licence	£27.21	£16.48	N/A
Duplicate Vehicle Licence	£34.00	£16.48	N/A
Re-sit Knowledge Test	£12.78	£16.48	N/A

5.2 Members should also note that other fees are levied in addition to the relevant fee for Hackney Carriage and Private Hire licences, but these costs are dictated by third parties (for example, enhanced Disclosure and Barring Service enhanced disclosure and medical examination) and are borne by the applicant.

5.3 If the Committee resolves to approve the fees detailed in Table 1, the Council is required to give notice under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 of its intention to vary the fees and charges for vehicle, driver and operator licences. The Notice will be published in the local press, on the Council's website and in the Licensing Reception at Robert Hodge Centre. Objections against the proposed increases can be made within 28 days from the date of the Notice. If any objections are received, the matter will be reported back to the next meeting of the Committee for further consideration.

Miscellaneous licences

5.4 Table 2 details the proposed changes in the following licensing fees and charges for 2016/17.

Table 2

	Existing (2015/16)	Proposed (2016/17)	Unsuccessful application refund
Street Trading			
New application (12 month consent)	£538.53	£359.88	£82.38
New application (6 month Occasional Consent)	£304.62	£226.45	£49.43
New application (3 month Occasional Consent)	£181.20	£133.22	£33.75
New application (7 day Occasional Consent)	£75.66	£62.54	£27.53
Renewal (12 month consent)	£411.67	£288.21	£82.38
Variation	£96.43	£96.43	£49.43
Replacement Consent	£39.93	£16.48	N/A
Sexual Entertainment Venue licence			
New / renewal	£5,070.58	£3512.24	£1,351.02
Skin Piercing etc. registration			
New registration	£105.31	£105.31	N/A
Second Hand Goods Dealer registration			
New registration	£103.03	£82.38	N/A
Animal welfare licences – cat/dog boarding, dog breeding, pet shop			
New / renewal (12 month licence)	£145.25	£148.28	£49.43
Animal welfare licences – riding establishment			
New / renewal (+ vet fee) (12 month licence)	£283.85	£232.67	£82.38
Animal welfare licences – dangerous wild animals			
New / renewal (+ vet fee) (2 year licence)	£320.60	£259.15	£98.86
Animal welfare licences – zoo			
New / renewal (+ vet fee) (6 year licence)	£1,141.7	£2174.82	£1,845.30
Scrap metal dealers			
Site Licence – new and renewal (3 year licence)	£321	£280.09	£148.28
Additional named site on Site Licence (per site)	£225	£181.05	£82.41

Collectors' Licence	£169	£131.81	£65.90
Site Licence - variation	£90	£82.35	£32.95
Collectors' Licence – variation	£76	£82.35	£32.95
Inconsequential administrative changes or replacement licence	£14	£16.48	N/A

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 These services have the potential to impact upon many areas within the Community, particularly upon taxi services and the travelling public within West Lancashire. Therefore the proposal links with the following aspect of the Community Strategy: Transport (issue B).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 Based on the current number of licences, the estimated income from licence fees during 2016/17 is £168k. As the budget for 2016/17 is to be agreed in February 2016, exact service costs cannot be determined at time of writing this report. However, the estimated income is sufficient to match expenditure based on the current budget 2015/16.

7.2 The proposed fees detailed in this report may result in a decrease in licence fee income, but this is only in relation to the cost of the relevant licensing regime. It must be demonstrated that licence fee income is reasonable and proportionate. Income must not significantly exceed licence costs and any resultant surplus or deficit is considered when setting the fees for the following year. These issues have been identified in the budgetary process and will receive due consideration.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to carry out the functions of the legislation that dictates the proposed fees and charges contained in this report. Therefore the proposed fees and charges contained in this report are levied at a rate that serves to cover the costs to the Council. Accordingly, there is a potential impact upon the taxi trade, the travelling public and operators of the other licensed activities contained in this report.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results

of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.

Appendix 1

Equality Impact Assessment Form



Directorate: People and Places		Service: Community Services	
Completed by: Paul Charlson		Date: 20/11/15	
Subject Title: LICENSING FEES & CHARGES 2016/17			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	No	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No		
Details of the matter under consideration:			
<i>If you answered Yes to any of the above go straight to Section 3</i>			
<i>If you answered No to all the above please complete Section 2</i>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licence holders for which the Council can set the relevant licence fee.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public and businesses use or operate the licences outlined in this report.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All sections of the public and businesses use or operate the licences outlined in this report.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised fees for licence applications and on-going charges.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed fees for PH & HC licensing will be published in the local press and the Council's website. Any objections will be brought back to this Committee.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed fees for PH & HC licensing will be published in the local press and the Council's website. Any objections will be brought back to this Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The proposed fees for PH & HC licensing will be published in the local press and the Council's website. Any objections will be brought back to this Committee.