



**AGENDA ITEM:**

**LICENSING & APPEALS  
COMMITTEE:**

**7 DECEMBER 2021**

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**Report of: Corporate Director of Place and Community**

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**SUBJECT: LICENSING FEES & CHARGES 2022/23**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To consider proposed changes in licensing fees and charges for 2022/23.

**2.0 RECOMMENDATIONS**

2.1 That the proposed changes in Hackney Carriage and Private Hire licensing fees and charges contained in Table 1 in this report are approved.

2.2 If the recommendation at Paragraph 2.1 is approved, that delegated authority is granted to the Corporate Director of Place and Community 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 the proposed fees and charges contained in Table 2 in this report are approved.

**3.0 BACKGROUND**

3.1 Reference to the landmark Supreme Court case of R (on the application of Hemming and Others) v Westminster City Council [2015] UKSC215 (the Hemming Case) and the related decision of the European Court of Justice (ECJ) has been made in previous reports to Members regarding the setting of licensing fees.

3.2 The above decisions require that the fee levied for any given licence can only serve to cover the relevant costs associated with the administration and, in certain circumstances, the enforcement of that licence. Licence fees must

therefore comprise of an initial application fee, which will be charged on application and relates solely to the cost of authorisation procedures (i.e. the costs associated with reviewing an application and granting / refusing a licence), and a successful application fee that relates to the cost of administering and enforcing the relevant licensing framework. Fees are therefore reviewed annually to ensure that fees are not unnecessarily burdensome and/or disproportionate.

3.3 This report includes only those licence fees that the Council is permitted to determine. The relevant licence fees that are set by statute and not subject to local variation are therefore excluded from this report. The administration and/or enforcement costs of such licences are excluded from the fee calculations detailed in this report.

3.4 Members will note that locally set licence fees have not been reviewed during the Covid-19 pandemic. This was in accordance with a decision by the administration not to vary fees to support local businesses during that time. Fees have therefore effectively remained unchanged for two financial years, which should be taken into consideration when determining the proposed fees presented in this report.

#### 4.0 PROPOSED FEES

##### 4.1 *Hackney Carriage and Private Hire*

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

**Table 1**

<b>Driver Licence Applications – Hackney Carriage, Private Hire and Dual</b>			
	<b>Existing (2021/22)</b>	<b>Proposed (2022/23)</b>	<b>Proposed fee comprised of (a) initial fee; and (b) successful application fee</b>
Driver Licence New (3 year licence)*	£172.92	£207.85	(a) £148.57; (b) £59.28
Driver Licence Renewal (3 year licence)*	£127.09	£163.33	(a) 109.05; (b) £59.28
* Applications incur additional fees not set by the Council. These include online Disclosure and Barring Service enhanced disclosure (including validation and update service) and medical examination.			
<b>Vehicle Licence Applications – Hackney Carriage and Private Hire</b>			
Hackney Carriage New (12 month licence - incl. plate)	£201.77	£221.07	(a) £122.26; (b) £98.81
Hackney Carriage Renewal (12 month licence - incl. plate)	£191.08	£205.25	(a) £78.78; (b) £126.47
Private Hire Vehicle New (12 month licence - incl. plate)	£179.95	£201.31	(a) £122.26; (b) £79.05
Private Hire Vehicle Renewal (12 month licence - incl. plate)	£170.90	£191.43	(a) £82.74; (b) £108.69
<b>Private Hire Operator Licence Applications (5 year licence):</b>			

1 - 10 Vehicles	£168.36	£177.86	(a) £98.81; (b) £79.05
11 - 20 Vehicles	£256.46	£276.66	(a) £98.81; (b) £177.85
21 - 30 Vehicles	£398.51	£434.76	(a) £118.57; (b) £316.19
31 - 40 Vehicles	£501.42	£553.33	(a) £118.57; (b) £434.76
41 - 50 Vehicles	£648.47	£711.41	(a) £158.09; (b) £552.32
Over 50 Vehicles	£737.56	£810.22	(a) £177.85; (b) £632.37

<b>Hackney Carriage and Private Hire Licensing – general</b>			
Transfer of Vehicle Licence (change of owner)	£17.49	£23.71	N/A
Replacement Vehicle Plate	£17.49	£23.71	N/A
Replacement Driver Badge	£17.49	£23.71	N/A
Duplicate Driver Licence	£17.49	£23.71	N/A
Duplicate Vehicle Licence	£17.49	£23.71	N/A
Re-sit Knowledge Test	£17.49	£23.71	N/A
Other administrative changes	£17.49	£23.25	N/A

4.2 Members should 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, Disclosure and Barring Service (DBS) enhanced disclosure, DBS update service and medical examination) and are borne by the applicant. Driver licence fees now also include enforcement costs in accordance with recent case law.

4.3 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 and on the Council's website. 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 available meeting of the Committee for further consideration prior to the 2022/23 financial year.

#### *Miscellaneous licences*

4.4 Table 2 details the proposed changes in the following licensing fees and charges for 2022/23.

<b>Table 2</b>	<b>Existing (2021/22)</b>	<b>Proposed (2022/23)</b>	<b>Proposed fee comprised of (a) initial fee; and (b) successful application fee</b>
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<b>Street Trading</b>			
New application (12 month consent)	£232.00	£217.37	(a) £59.28; (b) £158.09
New application (6 month Occasional Consent)	£172.37	£177.85	(a) £59.28; (b) £118.57
New application (3 month Occasional Consent)	£108.05	£118.56	(a) £59.28; (b) £59.28
New application (7 day Occasional Consent)	£69.95	£79.04	(a) £59.28; (b) £19.76
Renewal (12 month consent)	£200.69	£197.61	(a) £59.28; (b) £138.33
Variation	£78.71	£79.04	(a) £59.28; (b) £19.76
Replacement Consent	£17.49	£23.71	N/A
<b>Sex Establishment / Sexual Entertainment Venue licence</b>			
New / renewal	£2190.25	£2015.68	(a) £1225.22; (b) £790.46
<b>Skin Piercing etc. registration</b>			
New / renewal registration	£109.25	£118.57	N/A
Variation to existing registration	£21.34	£39.52	N/A
<b>Second Hand Goods Dealer registration</b>			
New registration	£87.43	£98.81	N/A
<b>Animal Welfare Licences – Cat/Dog Boarding (incl. dog day care / home boarding), Dog Breeding, Pet Shop</b>			
1 year licence New / renewal (+vet fee if required)	£157.38	£197.62	(a) £118.57; (b) £79.05
2 year licence New / renewal (+vet fee if required)	£227.33	£276.67	(a) 118.57; (b) £158.10
3 year licence New / renewal (+vet fee if required)	£297.28	£355.72	(a) £118.57; (b) £237.15
<b>Animal Welfare Licences – Training / keeping animals for exhibition</b>			
3 year licence New / renewal (+vet fee if required)	£297.28	£348.70	(a) £118.57; (b) £237.15
<b>Animal Welfare Licences – Hiring out of horses for the purpose of riding or instruction in riding</b>			
1 year licence New / renewal (+ vet fee)	£200.00	£237.14	(a) £158.09; (b) £79.05
2 year licence New / renewal (+ vet fee)	£277.59	£316.19	(a) £158.09; (b) £158.10
3 year licence	£355.18	£395.24	(a) £158.09; (b) £237.15

New / renewal (+ vet fee)			
<b>Animal Welfare Licences – Dangerous Wild Animals</b>			
New / renewal (+ vet fee) (2 year licence)	£232.14	£256.90	(a) £138.33; (b) £118.57
<b>Animal Welfare Licences – Zoo</b>			
New / renewal (+ vet fee) (6 year licence)	£2448.11	£2766.62	(a) £790.46; (b) £1976.16
<b>Animal Welfare Licences – General</b>			
Replacement licence	£17.49	£23.71	N/A
Licence transfer	£17.49	£23.71	N/A
Other administrative changes	£17.49	£23.71	N/A
<b>Scrap Metal Dealer Licences</b>			
Site Licence New (3 year licence)	£297.27	£335.95	(a) £177.85; (b) £158.09
Site Licence Renewal (3 year licence)	£198.69	£197.61	(a) £39.52; (b) £158.09
Additional named site on Site Licence (per site)	£134.33	£98.80	(a) £39.52; (b) £59.28
Collectors' Licence New	£139.89	£158.10	(a) £79.05; (b) £79.05
Collectors' Licence Renewal	£84.78	£79.05	(a) £39.52; (b) £79.05
Site Licence Variation	£87.43	£118.57	(a) £39.52; (b) £59.28
Collectors' Licence Variation	£87.43	£118.57	(a) £39.52; (b) £59.28
Inconsequential administrative changes or replacement licence	£17.49	£23.71	N/A

## 5.0 SUSTAINABILITY IMPLICATIONS

5.1 The proposals have the potential to impact upon many areas within the Community, particularly upon taxi and other licensing trades and/or services.

## 6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 The licensing fees and charges contained in this report are calculated on full cost recovery. Based on the current number of licences and income previously received, the estimated income from the abovementioned licence fees during 2022/23 is £151,955.80, which is sufficient to match expenditure for the relevant licences based on the current budget. Furthermore, the revised fees make provision to increase the staff resource to address increasing demands for service. This is to ensure suitable and proportionate regulatory activity can be maintained. To ensure costs are suitably covered by income, any changes to staffing would only take place once the revised fees were in place.

6.2 The proposed fees detailed in this report may result in a variation 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 budget process and will receive due consideration.

## **7.0 RISK ASSESSMENT**

7.1 If Members approve the recommendations contained in this report, and if there are no objections to the proposed fees, these will be implemented for the financial year 2022/23. However, if any objections are received, these will be determined by the Committee and the resultant approved fees will be implemented thereafter.

7.2 The 2006 EU Services Directive, which is applied in the UK by the Provision of Services Regulations 2009, does not apply to taxis or gambling activities. However, Officers have taken the precautionary approach of adopting the principles of the Hemming Case in all of the licence fees contained in this report, as future challenges can be expected. Nevertheless, 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.

7.3 Members should also note that the opinion of the Advocate General and the commentary contained in the judgement of the ECJ relating to the Hemming Case went beyond the specific issues that had been referred to it, which make further challenges on the issue of licensing fees likely. Of particular concern, both the opinion and the commentary in the ruling appeared to reopen the issue of whether including the costs of administering and enforcing licensing regimes within licence fees is compatible with the Services Directive, with a strong indication that the Advocate General and ECJ believe it is not. While the Supreme Court's view on this issue remains in place at the current time, meaning councils can continue to include these costs in their licence fees, it is possible that there will be a further challenge on this issue at some point in future. Members will be made aware of such implications should they arise.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

8.1 There are no health and wellbeing implications arising from this report.

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### **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



<b>Directorate: Place and Community</b>		<b>Service: Licensing</b>
<b>Completed by: Paul Charlson</b>		<b>Date: 19/11/21</b>
<b>Subject Title: LICENSING FEES &amp; CHARGES 2022/23</b>		
<b>1. DESCRIPTION</b>		
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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No	
Details of the matter under consideration:		
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>		
<b>2. RELEVANCE</b>		
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>		
If you answered <b>No</b> 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>		
<b>3. EVIDENCE COLLECTION</b>		
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
<b>4. DATA ANALYSIS</b>	
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
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
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  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will	The proposed fees for PH & HC licensing will

review it?

be published in the local press and the Council's website. Any objections will be brought back to this Committee.