



AGENDA ITEM:

**LICENSING & APPEALS
COMMITTEE:
5 December 2017**

Report of: Director of Leisure and Wellbeing Services

**Contact for further information: Paul Charlson (ext 5246)
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SUBJECT: LICENSING FEES & CHARGES 2018/19

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To consider proposed changes in licensing fees and charges for the period 1 April 2018 to 31 March 2019.

2.0 RECOMMENDATIONS

- 2.1 That with effect from the 1 April 2018, 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 Director of Leisure and Wellbeing 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 1 April 2018, 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.

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

Driver Licence Applications – Hackney Carriage, Private Hire and Dual			
	Existing (2017/18)	Proposed (2018/19)	Proposed fee comprised of (a) initial fee; and (b) successful application fee
Driver Licence New (3 year licence)*	£149.57	£134.92	N/A
Driver Licence Renewal (3 year licence)*	£99.06	£89.09	N/A
* Applications incur additional fees not set by the Council. These include online Disclosure and Barring Service enhanced disclosure (including validation) and medical examination.			
Vehicle Licence Applications – Hackney Carriage and Private Hire			
Hackney Carriage New (12 month licence - incl. plate)	£211.71	£193.77	(a) £77.71; (b) £116.06
Hackney Carriage Renewal (12 month licence - incl. plate)	£199.82	£183.08	(a) £66.90; (b) £116.18
Private Hire Vehicle New (12 month licence - incl. plate)	£191.90	£171.95	(a) £74.31; (b) £97.64
Private Hire Vehicle Renewal (12 month licence - incl. plate)	£181.99	£161.04	(a) £64.61; (b) £96.43
Private Hire Operator Licence Applications (5 year licence):			
1 - 10 Vehicles	£178.29	£160.36	(a) £89.08; (b) £71.28
11 - 20 Vehicles	£275.37	£248.46	(a) £92.09; (b) £156.37
21 - 30 Vehicles	£432.86	£390.51	(a) £104.53; (b) £285.98
31 - 40 Vehicles	£543.74	£493.42	(a) £106.98; (b) £386.44
41 - 50 Vehicles	£711.23	£640.47	(a) £140.92; (b) £499.55
Over 50 Vehicles	£810.29	£729.56	(a) £158.74; (b) £570.82
Hackney Carriage and Private Hire Licensing – general			

Transfer of Vehicle Licence (change of owner)	£18.81	£15.83	N/A
Replacement Vehicle Plate	£18.81	£15.83	N/A
Replacement Driver Badge	£18.81	£15.83	N/A
Duplicate Driver Licence	£18.81	£15.83	N/A
Duplicate Vehicle Licence	£18.81	£15.83	N/A
Re-sit Knowledge Test	£18.81	£15.83	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 and medical examination) and are borne by the applicant.

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, 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

4.4 Table 2 details the proposed changes in the following licensing fees and charges for 2018/19.

Table 2

	Existing (2017/18)	Proposed (2018/19)	Proposed fee comprised of (a) initial fee; and (b) successful application fee
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Street Trading			
New application (12 month consent)	£289.93	£232.00	(a) £152.74; (b) £79.26
New application (6 month Occasional Consent)	£202.31	£172.37	(a) £121.73; (b) £50.64
New application (3 month Occasional Consent)	£121.15	£108.05	(a) £77.95; (b) £30.10
New application (7 day Occasional Consent)	£56.57	£59.94	(a) £30.77; (b) £29.17
Renewal (12 month consent)	£243.12	£200.69	(a) £118.92; (b) £81.77
Variation	£94.12	£78.71	(a) £37.37; (b) £41.34
Replacement Consent	£18.81	£15.83	N/A
Sex Establishment / Sexual Entertainment Venue licence			

New / renewal	£2766.32	£2190.25	(a) £1285.87; (b) £904.38
Skin Piercing etc. registration			
New registration	£106.28	£109.25	N/A
Second Hand Goods Dealer registration			
New registration	£91.06	£85.09	N/A
Animal Welfare Licences – Cat/Dog Boarding, Dog Breeding, Pet Shop			
New / renewal (12 month licence)	£163.31	£152.87	(a) £97.23; (b) £55.64
Animal Welfare Licences – Riding Establishment			
New / renewal (+ vet fee) (12 month licence)	£225.93	£200.00	(a) £112.31; (b) £87.69
Animal Welfare Licences – Dangerous Wild Animals			
New / renewal (+ vet fee) (2 year licence)	£258.56	£232.14	(a) £107.63; (b) £124.51
Animal Welfare Licences – Zoo			
New / renewal (+ vet fee) (6 year licence)	£2474.68	£2215.53	(a) £642.51; (b) £1573.02
Scrap Metal Dealer Licences			
Site Licence New (3 year licence)	£308.80	£269.03	(a) £113.68; (b) £155.35
Site Licence Renewal (3 year licence)	£239.12	£198.69	(a) £50.53; (b) £148.16
Additional named site on Site Licence (per site)	£189.54	£134.33	(a) £75.93; (b) £58.40
Collectors' Licence New	£145.50	£126.60	(a) £57.64; (b) £68.96
Collectors' Licence Renewal	£106.25	£84.78	(a) £21.54; (b) £63.24
Site Licence Variation	£91.06	£85.09	(a) £48.07; (b) £37.02
Collectors' Licence Variation	£91.06	£85.09	(a) £48.07; (b) £37.02
Inconsequential administrative changes or replacement licence	£18.81	£15.83	N/A

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 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).

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 Based on the current number of licences and income previously received, the estimated income from the abovementioned licence fees during 2018/19 is £119,749.64. The corresponding estimated chargeable service cost of those licences is £115,162.06. As the budget for 2018/19 is yet to be agreed, 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 2017/18.

- 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 budgetary 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 from 1 April 2018. However, if any objections are received, these will be determined by the Committee on 20 February 2018 and the resultant approved fees will be implemented from 1 April 2018.
- 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 likely 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.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

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: Leisure and Wellbeing

Service: Licensing

Completed by: Paul Charlson

Date: 22/11/17

Subject Title: LICENSING FEES & CHARGES 2018/19

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:	

*If you answered **Yes** to any of the above go straight to Section 3*

*If you answered **No** to all the above please complete Section 2*

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 <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
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.
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