

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE		
<b>SUBJECT:</b>	LICENSING FEES		
<b>DATE OF DECISION:</b>	11 <sup>th</sup> MARCH 2010		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
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## STATEMENT OF CONFIDENTIALITY

None

**SUMMARY** The proposals are to consider the variation of certain fees relevant to specific areas of licensable activities

### RECOMMENDATIONS:

- (i) To consider the scale of discretionary fees and charges for licences and services carried out by the City Council set out in Appendix 1 to this report, and
- (ii) To authorise the publication of the amended fees structure
- (iii) In the absence of any representation to authorise the Solicitor to the Council to implement the fees as advertised.

### REASONS FOR REPORT RECOMMENDATIONS

1. As a matter of good practice, the City Council should regularly review the scale of fees and charges for licences, permits and registrations, where it has discretion as to the level of the fee concerned.
2. Such reviews are usually carried out on an annual basis however none of the fees available to the City Council to review have been considered since November 2007.

### CONSULTATION

3. No consultation has been undertaken as the proposed alterations to fees for Hackney Carriage and Private Hire vehicles will if recommended by this Committee be advertised in the press for consultation purposes.
4. The fees in relation to sex shops are for the Council to set so at this time there has been no consultation except with Finance colleagues.

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. None

### DETAIL

#### Licensing Fees General Information.

6. Where the City Council has discretion as to the level of fees, the law makes it clear that the City Council may only charge a reasonable fee for the purpose of recouping the costs of administering a licensing system and not treat

licensing fees as an opportunity to raise general revenue. The effect of this is that licensing fee income must be “ring fenced” to the licensing function, including using a holding account in respect of future capital investment in items such as IT, and that the income from one such function must not be used to cross subsidise a deficit in another area.

#### **Hackney Carriage and Private Hire Licensing.**

7. Hackney Carriage and Private Hire fees were last increased in November 2007. Since that date there have been significant increases in the provision of service costs such as IT and enforcement and indeed an increase in prosecutions as a direct result. A new full time enforcement officer post has been approved and will be filled in the very near future.
8. It is only proposed to raise certain fees, namely Hackney Carriage and Private Hire vehicle fees, transfer fees and change of vehicle fees. It is considered by officers that the current fees do not reasonably reflect the cost of resources that can be attributed to those discrete functions.
9. A comparison of fees across Hampshire and like authorities is attached at appendix 2.

#### **Sex Establishment Licensing.**

10. The fees for sex establishment licenses were last reviewed in November 2007 at which time the fee was set at £7,500 and there were four establishments. Since that date there has been no increase in the number of establishments and there is one pending application.
11. Some Local Authorities are currently being challenged in relation to the level of fees they charge and this review and action should protect the City Council from any challenge in the future.
12. The setting of fees at this level will not require any contribution from Council funds to support the administration of this area, including enforcement action.

### **FINANCIAL/RESOURCE IMPLICATIONS**

#### **Capital**

13. None

#### **Revenue**

14. It is estimated that the fee increases detailed in this report would generate on average an additional £13,400 in a full year
15. The fee variations are detailed in appendix 1
16. Any increase in income as a result of the increase in these fees will be ring fenced within Hackney and Private Hire Licensing and used to fund additional enforcement.

#### **Property**

17. None

#### **Other**

18. None

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

19. As a matter of law, the City Council can only charge reasonable fees for the purpose of recouping the cost of administering the Licensing system. Relevant statutory provisions for the setting of the fees outlined include:  
S53,S70 Local Government(Miscellaneous Provisions) Act 1976  
Schedule 6, Local Government Planning and Land Act 1980  
S46 Town Police Clauses Act 1847  
Paragraph 19, Schedule 3, Local Government (Miscellaneous Provisions) Act 1982.

### Other Legal Implications:

20. In the case of fees for hackney carriages, private hire vehicles and private hire operators, the City Council is required to advertise any proposed variations to the fees and consider any representations made.

## POLICY FRAMEWORK IMPLICATIONS

21. None

## SUPPORTING DOCUMENTATION

### Appendices

1.	Summary of licence fees
2.	Fees comparison chart for vehicle licenses.

### Documents In Members' Rooms

1.	
2.	

### Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.		
2.		

Background documents available for inspection at:

KEY DECISION?

No

WARDS/COMMUNITIES AFFECTED:	None
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