



# Borough of Telford and Wrekin

## Licensing Committee

Wednesday 13 March 2024

### Licensing Fees

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<b>Cabinet Member:</b>	Cllr Richard Overton - Deputy Leader and Cabinet Member: Homes & Enforcement
<b>Lead Director:</b>	Dean Sargeant - Director: Neighbourhood & Enforcement Services
<b>Service Area:</b>	Neighbourhood & Enforcement Services
<b>Report Author:</b>	Anita Hunt - Public Protection Group Manager
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<b>Wards Affected:</b>	All Wards
<b>Key Decision:</b>	Not Key Decision
<b>Forward Plan:</b>	Not Applicable
<b>Report considered by:</b>	SMT- 27 February 2024 Licensing Committee – 13 March 2024

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#### 1.0 Recommendations for decision

It is recommended that Licensing Committee:

- 1.1 Review and approve the fees, charges and policy as set out in Appendices A, B and C.
- 1.2 Implement the revised fees and charges and policy from 1<sup>st</sup> April 2024 if approved.
- 1.3 In noting the content of this report, endorse the pre-application service and associated fee for new and renewing taxi licence applicants.

### **2.0 Purpose of Report**

- 2.1 The purpose of this report is to provide an update on the current licensing fees, charges and policy and to seek approval for the revised licensing fees and charges. This report also provides an update on the pre-application service and for new and renewing taxi licence applicants.
- 2.2 If approved, the revised fees and charges will take effect on 1<sup>st</sup> April 2024.

### **3.0 Background**

- 3.1 The Council as licensing authority can recover the costs of administering licences for Hackney Carriage/Private Hire, Gambling, general licences including Street Trading, Scrap Metal, Animal Establishments and Mobile Home Sites. There are also permits, registrations and licences where the level of fees are either set by statute or statutory instrument.
- 3.2 Fees and other charges associated with licenced activity such as Private Hire, Hackney Carriage, Gambling, Mobile Homes and General Licences were previously reviewed in March 2023.
- 3.3 When setting fees the Council must have regard to the impact that any increase may have upon the livelihood of licence holders. The Council follows the Local Government Association guidance on locally set licence fees to ensure a fair and transparent approach for local businesses and communities. The Licensing Team strives to streamline processes and maximise efficiency in order to reduce the burden on business.
- 3.4 In setting the proposed fees for Taxi, Street Trading and Gambling a statutory 28 day consultation has been undertaken. This consultation commenced on 02 January 2024 until 29 January 2024, no responses were received. Licencing Committee are asked to note that the remaining areas of proposed fees and charges adjustments do not require formal consultation.
- 3.5 A full fees and charges review has been carried out to reflect any changes in legislation, government guidance, changes to processes and compliance requirements and to reflect any increase in associated costs.
- 3.6 Scrap metal fees are included within this report for information only. These fees need to be reviewed and approved by Cabinet as set out in the council's constitution and under the law.
- 3.7 In January 2024, the Council introduced a pre-application service for new and renewing taxi licence applicants (both private and hackney carriages). Applicants can book a face to face appointment with a licensing officer to get expert advice on submitting a valid and complete application.
- 3.8 This non-statutory service provides opportunity for drivers to speak with a licensing officer to ensure their application is complete; this in turn allows prompt processing

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of an error free application allowing the applicant to start operating at the earliest opportunity. This service costs £70 in addition to the associated application fee.

### **4.0 Summary of main proposals**

4.1 This report and associated appendices sets out the proposed fees, charges and policy for 2024/25. If approved, it is proposed that the revised fees, charges and policy take effect from 1<sup>st</sup> April 2024.

### **5.0 Alternative Options**

5.1 Committee can decide not to increase the fees and charges as outlined. However, if fees and charges remained the same, then the Council would not recover associated costs in administering and monitoring for compliance throughout the licence duration.

### **6.0 Key Risks**

6.1 Any change in policy will carry some inherent financial risk to the Council in the event of a legal challenge. However, this has been mitigated by ensuring that current and relevant fee-setting and policy guidance has been considered and adhered to.

### **7.0 Council Priorities**

7.1 The report supports the following Council priorities

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy
- A community-focussed innovative council providing efficient, effective and quality services

### **8.0 Financial Implications**

8.1 A full review of licence fees and charges has been undertaken. Licence fees have been calculated on a cost recovery basis taking into account the statutory costs that the Council is permitted to recover.

8.2 In setting the fees and charges the Council has taken into account national guidance from both the Local Government Association on locally set licence fees and the Department for Communities, and the Local Government “ A Guide for Local authorities on setting site licensing fees”. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.

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### **9.0 Legal and HR Implications**

- 9.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.
- 9.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services.
- 9.3 For taxi licensing sections 53 of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to recover such fee as they consider reasonable with a view to recovering the costs of issue and administration in respect of licences to drive private hire or hackney carriage vehicles.
- 9.4 Section 70 of the 1976 Act provides that a district Council may charge such fees for the grant of a vehicle and operators' licence as may be resolved by them to cover the cost of providing stands and reasonable administrative and other costs in connection with the control and supervision of vehicles.
- 9.5 Generally under the Licensing Act 2003 and Gambling Act 2005, fees and charges are set by statute.
- 9.6 Fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of licences covering the costs associated with the licensing process but not generate a profit.
- 9.7 The proposals contained in this report can be delivered using existing resources.

### **10.0 Ward Implications**

- 10.1 This report has implications for all wards in the Borough.

### **11.0 Health, Social and Economic Implications**

- 11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies. This safeguards public safety by setting clear guidelines for licensees operating within the borough. Gambling regulation incorporates an overarching social responsibility to help prevent gambling addiction and to protect children and vulnerable adults from harm by restricting access to gambling. Regulating animal establishments also ensures that good standards of animal welfare is maintained.
- 11.2 The Council should ensure it is recovering its full costs to reduce the risks of a subsidy that then falls on local tax payers. Therefore, any increase to licence holders will be reasonable and proportionate. This ensures that the Council can carry out its licensing functions to maintain compliance and not compromise public safety.

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### 12.0 Equality and Diversity Implications

12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with the proposed fees and charges report, as they will apply equally to everyone regardless of any protected characteristic.

### 13.0 Climate Change and Environmental Implications

13.1 Licensing of scrap metal sites and mobile collector's plays an important part in reducing the effects of environmental crime such as fly tipping.

### 14.0 Background Papers

None

### 15.0 Appendices

- A Proposed Licence Fees 2024-2025
- B Proposed Licence Fees 2024-2025 - Mobile Homes
- C Draft Mobile Homes Fees and Charges Policy 2024-2025

### 16.0 Report Sign Off

<b>Signed off by</b>	<b>Date sent</b>	<b>Date signed off</b>	<b>Initials</b>
Legal	28/02/24	28/02/2024	SH
Finance	28/02/24	01/03/2024	PT
Director	28/02/24	01/03/2024	DRS