

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 15th March 2022

UPDATE OF LICENCE FEES 2022/23

REPORT OF ANITA HUNT PUBLIC PROTECTION GROUP MANAGER

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 This report provides Licencing Committee with an update on the proposed licencing fees for 2022/23 as set out in Appendix A, B and C of this report.
- 1.2 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 2019. In June 2021, a fee was set by Licencing Committee for the application of a fit and proper person under the Mobile Homes Act as set out in the June 2021 Licencing Committee Report. The proposed charges are set out in Appendix B and C.
- 1.3 Licence fees and charges are reviewed annually however, due to the Covid-19 pandemic; the Council postponed any changes to fees and charges to support business recovery. A full fees and charges review has been carried out to reflect new legislation, government guidance, changes to processes and compliance requirements and to reflect any increase in associated costs.

2. RECOMMENDATIONS

- 2.1 It is recommended that Licencing Committee review and approve the Fees set out in Appendix A, B and C.
- 2.2 It is recommended that the revised fees and policy take effect from 1st April 2022.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>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</i>
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	April 2022 for delivery in financial year 2022/23.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	A full review of license fees has been undertaken for 2022/23 with the Licensing Service. Licence fees have been calculated on a cost recovery basis taking into account the statutory costs that the service are allowed to recover. 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. MLB 07.03.22
LEGAL ISSUES	Yes	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.

		<p>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.</p> <p>Licensing is not a revenue raising function and licensing fees should cover the costs associated with the licensing process but not generate a profit.</p> <p>AG 02.03.22</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.</p> <p><i>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.</i></p>
IMPACT ON SPECIFIC WARDS	Yes	<p><i>This report has implications for all/named wards in the Borough.</i></p>

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 A local 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.
- 4.2 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.
- 4.3 Not all costs are able to be recovered by the Council in delivering the Licensing Service. Certain statutorily defined costs can be recovered, for example the licencing service cannot recover the costs of enforcement except in relation to Hackney Carriage/Private Hire Vehicle Licensing, Cinema Licensing or Gambling Licensing.
- 4.4 In setting the proposed fees for Taxi, Street Trading and Gambling there has been a statutory 28 day consultation undertaken. This consultation commenced on 3rd February 2022 until 1st March 2022 with no responses received. Licencing Committee should note that the remaining areas of proposed adjustments to fees and charges do not require formal consultation.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

NONE

6. PREVIOUS MINUTES

Licensing Committee 19th March 2019

Licensing Committee 29th June 2021

7. BACKGROUND PAPERS

LGA guidance on locally set licence fees

https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf

Mobile Homes: a guide for local authorities on the fit and proper person test and Mobile Homes: a guide for local authorities on setting

fees for the fit and proper person test issued by the Ministry of Housing, Communities and Local Government.

<https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities>

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