



Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

16 January 2020

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in **Pink Room at Arun Civic Centre Maltravers Road, Littlehampton, BN17 5LF** on the Friday 24 January 2020 at **9.30 am** and you are requested to attend.

Members: Councillors B Blanchard-Cooper (Chairman), Brooks (Vice-Chair), Bennett, C Blanchard-Cooper, Mrs Catterson, Charles, Clayden, Mrs Cooper, Edwards, Goodheart, Kelly, Lury, Oliver-Redgate, Purchase and Mrs Worne

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. MINUTES

(Pages 1 - 2)

To approve as a correct record the Minutes of the meeting held on 20 September 2019.

4. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5. MINUTES OF LICENSING SUB-COMMITTEE - 26 JULY 2019 AND 28 JUNE 2019 (Pages 3 - 8)

To receive and note the minutes of the meetings of the Licensing Sub-Committees held on 28 June and 26 July 2019.

6. LICENSING FEE SETTING (Pages 9 - 20)

This report sets out proposed licence fees for specified licensing regimes to take effect on 1 April 2020.

Members are recommended to support the Officer proposals set out in appendix 1.

Note : Report attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Subject to approval at the next Licensing Committee meeting

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LICENSING COMMITTEE

20 September 2019 at 9.30 am

Present: Councillors B Blanchard-Cooper (Chairman), Charles, Clayden, Mrs Cooper, Coster (substituting for Councillor Goodheart), Kelly, Lury, Oliver-Redgate and Mrs Worne.

Councillor Mrs Madeley was also in attendance at the meeting.

226. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett, C. Blanchard-Cooper, Mrs Catterson and Goodheart.

227. DECLARATIONS OF INTEREST

There were no declarations of interest made.

228. MINUTES

The Minutes of the meeting held on 22 March 2019 were approved by the Committee and signed by the Chairman as a correct record.

229. START TIMES

Following consideration, the Committee

RESOLVED

That the start times of meetings be 9.30 a.m. for the remainder of 2019/20.

230. STATEMENT OF LICENSING POLICY - REVISION

The Group Head of Technical Services introduced this item and advised that, in the absence of the Licensing Manager, the Licensing Officer would present the detail of the revised Statement of Licensing Policy and answer any questions Members might have. Since publication of the agenda, a couple of presentational issues had been identified and he was therefore seeking Members' agreement to an additional recommendation to read "Authority be delegated to the Group Head of Technical Services to make minor changes to the policy, in consultation with the Chairman".

The Licensing Officer informed the Committee that the revisions to the Statement of Licensing Policy centred on additions to sections 3, 5, 6, 15, 20, 22 and 24 and he provided a brief summary of those additions. He also advised that, as a result of the

Licensing Committee - 20.09.19

public consultation that had been undertaken, Public Health had provided information that was considered to be useful for inclusion in the policy.

In discussing the matter, clarification was sought that the Public Space Protection Orders (PSPO) would dovetail in with the Licensing Act regime and the Group Head of Technical Services was able to provide that clarification. Following further questions, which were responded to at the meeting, Members commented that this was an excellent report that was understandable and easy to read.

It was suggested and agreed that, following amendment to the policy as discussed, a draft final version would be circulated to Members for comment and proof reading.

The Committee then

RESOLVED

That the Public Health data provided be inserted into section 7 of the policy; and

RECOMMEND TO FULL COUNCIL - That

- (1) the Statement of Licensing Policy be approved for adoption to take effect from 01 January 2020; and
- (2) Authority be delegated to the Group Head of Technical Services to make minor changes to the policy, in consultation with the Chairman.

(The meeting concluded at 10.00 am)

LICENSING SUB-COMMITTEE

28 June 2019 at 9.30 am

Present: Councillors Charles, Kelly and Purchase

Sarah Meeten, Licensing Manager
Glenn James, Licensing Officer
Louise Greene, Legal Services Manager

1. ELECTION OF CHAIRMAN

Councillor Charles was elected as Chairman for the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. CHANGE TO THE ORDER OF THE AGENDA

At the request of the Chairman, a change to the order of the agenda was agreed as the applicant for the Street Trading Consent, London Road Precinct, Bognor Regis, was not yet in attendance. This matter would therefore be considered as the last item on the agenda.

4. EXEMPT BUSINESS

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

5. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

The Subcommittee received a report from the Licensing Officer which set out the detail of a case whereby the applicant for a Hackney Carriage/Private Hire driver licence had previous relevant conviction.

Licensing Sub-Committee - 28.06.19

The applicant was in attendance and explained the circumstances of the offences and, following questions from Members, all parties then left the room to enable the Subcommittee to consider the matter.

In discussing the matter, the Legal Services Manager reminded the Subcommittee of the Council's Taxi Policy, particularly that in general a person should be expected to remain free of conviction for 3 years or at least 3 years from completion of sentence (whichever is longer) before a licence is granted. However, having taken account of all the circumstances surrounding the conviction and the applicant's acknowledgement that he had acted unwisely, together with his employment history, Members were of the view that they would allow someone they cared for to get into a vehicle alone with the applicant, and therefore considered the fit and proper test satisfied. It was therefore felt that the application should be granted with a strict warning for 12 months.

The Subcommittee therefore

RESOLVED

That the licence be granted, subject to the knowledge test, medical and driving assessment being completed to the satisfaction of officers, and with a strict warning for 12 months.

(All parties were then recalled as advised of the decision.)

6. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

The Subcommittee received a report from the Licensing Officer which set out the detail of a case whereby the applicant for a Hackney Carriage/Private Hire driver licence had previous relevant convictions.

The applicant was in attendance and explained the circumstances of the offences and, following questions from Members, all parties then left the room to enable the Subcommittee to consider the matter.

In discussing the matter, Members took account of the fact that the applicant's misdemeanours had occurred when he was a juvenile and that there had been no criminal offences since.

The Subcommittee therefore

RESOLVED

That the licence be granted, subject to the knowledge test, medical and driving assessment being completed to the satisfaction of officers.

(All parties were then recalled as advised of the decision.)

7. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

The Subcommittee received a report from the Licensing Officer which set out the detail of a case whereby the applicant for a Hackney Carriage/Private Hire driver licence had previous relevant convictions.

The applicant was in attendance and explained the circumstances of the offences and, following questions from Members, all parties then left the room to enable the Subcommittee to consider the matter.

In discussing the matter, serious concerns were raised by Members that the applicant had not satisfactorily demonstrated that he was a Fit and Proper person to hold a taxi driver licence. They took account of the seriousness of the offences; the cumulative history of offending; and insufficient evidence to convince Members that such behaviour would not recur in the future.

The Subcommittee therefore

RESOLVED

That the application for a hackney carriage/private hire driver licence be refused.

(All parties were then recalled as advised of the decision.)

8. APPLICATION FOR A STREET TRADING CONSENT - LONDON ROAD PRECINCT, BOGNOR REGIS

Prior to consideration of this item, the Licensing Manager advised the meeting that the Council's Street Trading Policy was going to be reviewed in the near future to ensure that street trading would enhance the local amenity.

The Licensing Officer presented this report which set out the detail of an application for a Street Trading Consent in the London Road Precinct, Bognor Regis to sell burgers, tortillas, hot and cold drinks from a mobile trailer on Saturdays and Sundays from 8.00 a.m. to 3.00 p.m.

The applicant was in attendance and gave a presentation and provided photographs to illustrate what he was intending to sell. He emphasised that his offering would concentrate on good quality local produce for families as he felt that was not available in the town at the present time.

The Subcommittee asked the applicant a number of questions to fully understand what his offering would be; the design of his stall; and its siting in the

Licensing Sub-Committee - 28.06.19

precinct. A photograph was circulated at the meeting of the trailer from which the food would be sold and Members were advised by the applicant that he had consciously chosen a smaller trailer so as to take up less space. Members were also informed that the colour could be changed and minor design changes made if Members so wished.

All parties then left the room to enable Members to consider their decision.

In the course of discussion, the Subcommittee was positive with regard to the food offering to be provided by the applicant but had reservations that the trailer did not enhance the townscape. It was felt that the applicant should be encouraged to discuss any future application with officers, all relevant stakeholders and a representative from the Bognor Regis BID (Business Improvement District).

The Subcommittee

RESOLVED

That the application be refused.

(All parties were recalled and advised of the decision.)

(The meeting concluded at 1.25 pm)

LICENSING SUB-COMMITTEE

26 July 2019 at 9.30 am

Present: Councillors B Blanchard-Cooper, Brooks and Catterson

Glenn James, Licensing Officer
April Heasman, Legal Advisor
Caroline Perry, Legal Observer

1. ELECTION OF CHAIRMAN

Councillor Blanchard-Cooper was elected Chairman for the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. EXEMPT BUSINESS

The Subcommittee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

4. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS)

The Subcommittee received a report from the Licensing Officer which set out the detail of case whereby an applicant for a hackney carriage/private hire driver licence had a previous relevant conviction.

The applicant was in attendance and explained the background to the offence and he confirmed that, since then, he had had no further endorsements attached to his DVLA licence.

Following questions from Members, all parties left the room to enable the Subcommittee to consider its decision.

Having taken account of the time lapse since the offence had taken place, the one off nature of the offence, and the clean record of the applicant since that offence,

Subject to approval at the next Licensing Sub-Committee meeting

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the Subcommittee was of the view that he satisfied the test of a fit and proper person and therefore

RESOLVED

That the licence be granted, subject to the knowledge test and medical and driving assessment being completed to the satisfaction of officers.

(All parties were then recalled and advised of the decision.)

(The meeting concluded at 9.50 am)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON FRIDAY 24 JANUARY 2020

PART A : REPORT

SUBJECT: Licensing Fee Setting

REPORT AUTHOR: Sarah Meeten, Licensing Manager

DATE: 10 December 2019

EXTN: x37680

PORTFOLIO AREA: Technical Services

EXECUTIVE SUMMARY: This report sets out proposed licence fees for specified licensing regimes to take effect on 1 April 2020.

RECOMMENDATIONS: It is recommended the fees are set as proposed by officers, which have been calculated in accordance with the requirements of each regime and principles of cost recovery laid out in guidance.

1. BACKGROUND:

- 1.1 A number of licensing regimes allow for calculation and setting of fees at a local level. This report provides information to Members regarding how specified fees have been calculated and asks them to set them to agree fees for specified regimes to take effect on 1 April 2020.
- 1.2 The general principle is that the council should seek to recover its costs in relation to the authorisation procedures and formalities of each regime.
- 1.3 Some fees regimes are set on a national basis which the District Council has no power to amend. Some regimes allow for the charge of a reasonable fee to cover costs up to a capped limit set by government. Some statute permits for the setting of local fees to recover costs.
- 1.4 When setting fees locally, calculations will consider any surplus or deficit and adjust proposed fees accordingly. This means that fees may fluctuate year on year based on income and costs associated with each regime.
- 1.5 An important influencing factor for current fee setting is that the council has procured a new software system which is in the process of changing the way applications are administered. As fees are calculated including the time taken to process and administer applications this will impact on the fees chargeable. It is likely that further changes to processes will continue over the next few years as ways of working more efficiently are brought forward.

<p>1.6</p> <p>1.7</p> <p>1.8</p> <p>1.9</p>	<p>The European Union Services Directive – 2006/123/EC was given effect in UK law via the Provision of Services Regulations 2009 (SI2009/2999). The Directive and Regulations contain provisions about the fees which may be charged under relevant licensing regimes within the scope of the Directive. In particular licensing authorities may not set fees which are dissuasive, and any fees must be reasonable and proportionate to the cost of the licensing process and the issuing of a licence. The provisions have been considered with the proposals in this paper.</p> <p>In addition to the above a Supreme Court judgement has provided clarification that for regimes that fall within scope of the Directive, application costs must be split so that charges for the application through to determination are charged separately from the costs of ongoing operating and compliance costs of regimes. Where fees fall within scope of the relevant Directive, the costs have been divided into parts.</p> <p>Functionality now exists to provide the facility for some applications to be made on-line. Where this is currently available, or is hoped to be available shortly, an on-line discount has been specified to make provision for the office processing savings. This varies between applications dependant on the amount of time saved. It will not be possible to introduce self-service applications for every type of licence at this time, officers aspire to make provision for this service as widely as possible and recognise the benefits it will bring to our customers.</p> <p>Fees that have not been specified do not require review as there have been no significant changes in the last 12-month period which have impacted on costs. These will be re-visited in the year ahead. Street Trading fees will be addressed together with policy review.</p>										
<p>2. PROPOSAL(S):</p> <p>2.1 Officers propose that fees are set in accordance with proposals set out at appendix 1 of this report to take effect from 1 April 2020.</p>											
<p>3. OPTIONS:</p> <p>3.1 To set specified fees as proposed to take effect on 1 April 2020</p> <p>3.2 To alter fees and set to take effect on 1 April 2020</p> <p>3.3 To not set fees to take effect 1 April 2020</p>											
<p>4. CONSULTATION:</p>											
<p>Has consultation been undertaken with:</p>	<table border="1"> <thead> <tr> <th data-bbox="1042 1637 1268 1691">YES</th> <th data-bbox="1268 1637 1489 1691">NO</th> </tr> </thead> <tbody> <tr> <td data-bbox="1042 1691 1268 1747"></td> <td data-bbox="1268 1691 1489 1747">✓</td> </tr> <tr> <td data-bbox="1042 1747 1268 1803"></td> <td data-bbox="1268 1747 1489 1803">✓</td> </tr> <tr> <td data-bbox="1042 1803 1268 1910">Other groups/persons (please specify)</td> <td data-bbox="1268 1803 1489 1910">✓</td> </tr> <tr> <td data-bbox="1042 1910 1268 1971">Other local authorities</td> <td data-bbox="1268 1910 1489 1971"></td> </tr> </tbody> </table>	YES	NO		✓		✓	Other groups/persons (please specify)	✓	Other local authorities	
YES	NO										
	✓										
	✓										
Other groups/persons (please specify)	✓										
Other local authorities											
<p>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</p>	<table border="1"> <thead> <tr> <th data-bbox="1042 1910 1268 1971">YES</th> <th data-bbox="1268 1910 1489 1971">NO</th> </tr> </thead> <tbody> <tr> <td data-bbox="1042 1971 1268 2018"></td> <td data-bbox="1268 1971 1489 2018"></td> </tr> </tbody> </table>	YES	NO								
YES	NO										

Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS:		
Licence fees require setting correctly to allow cost recovery for the authority.		

7. REASON FOR THE DECISION:
To allow the authority to charge suitable fees falling within scope of specified licensing regimes.

8. BACKGROUND PAPERS:
Open for Business: LGA Guidance on Locally Set Licence Fees
https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf

Provision of Services Regulations 2009
http://www.legislation.gov.uk/uksi/2009/2999/pdfs/uksi_20092999_en.pdf

Current fees and charges
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12080.pdf&ver=12082>

Appendix 1 - Licensing Committee 24 January 2020 – Licensing fee setting

Proposed licensing fees to be effective 1 April 2020. Following review fees not listed are proposed to remain structured as set to take effect on 1 April 2019 or are set via other processes (including under delegation in accordance with direction from Group Head of Technical Services).

Taxis

Application Type		Duration of licence	Total Cost	On-line discount (deductible from Part A)
Drivers	New	1 year	£280	£15
	Renewal	1 year	£165	£12
	Renewal	3 years	£385	£12
Replacement badge			£15	n/a
Replacement plate			£30	n/a
Additional charge for late renewal			£30	n/a
Change of address			£15	n/a
Change of vehicle ownership (same as COA)			£15	n/a
Change of vehicle registration			£35	n/a
30 day replacement vehicle licence			£40	n/a
Knowledge Test			£55	n/a
Replacement licence document			£10	n/a
Knowledge Test Pack in hard copy (free from website)			£15	n/a

Animals

Appendix 1 - Licensing Committee 24 January 2020 – Licensing fee setting

Application Type		Duration	Part A	Part B	Total Cost	Additional costs	On-line discount
Animal Boarding	New	1-3 years dependent upon rating	£259	£177	£436	Vet fees if required	£17
	Renewal	1-3 years dependent upon rating	£173	£177	£350	Vet fees if required	£17
	Variation	n/a	£162	n/a	£162	Vet fees if required	£17
	As an additional activity	1-3 years dependent upon rating	£90	n/a	£90	Vet fees if required	n/a
	Re-score	n/a	£91	n/a	£91	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Pet Shop	New	1-3 years dependent upon rating	£266	£177	£443	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£176	£177	£353	Vet fees if required	£16
	Variation	n/a	£246	n/a	£246	Vet fees if required	n/a
	As an additional activity	n/a	£161	n/a	£161	Vet fees if required	n/a
	Re-score	n/a	£211	n/a	£211	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Horses (up to 10)	New	1-3 years dependent upon rating	£213	£177	£390	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£149	£177	£327	Vet fees if required	£16
	Variation	n/a	£194	n/a	£194	Vet fees if required	£16
	As an additional activity	n/a	£113		£113	Vet fees if required	n/a
	Re-score	n/a	£166	n/a	£166	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Horses (11 to 20)	New	1-3 years dependent upon rating	£258	£177	£435	Vet fees if required	£16
	Renewal	1-3 years	£172	£177	£349	Vet fees if	£16

Appendix 1 - Licensing Committee 24 January 2020 – Licensing fee setting

		dependent upon rating				required	
	Variation	n/a	£239	n/a	£239	Vet fees if required	£16
	As an additional activity	n/a	£158	n/a	£158	Vet fees if required	n/a
	Re-score	n/a	£211	n/a	£211	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Horses (20+)	New	1-3 years dependent upon rating	£303	£177	£480	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£194	£177	£372	Vet fees if required	£16
	Variation	n/a	£284	n/a	£284	Vet fees if required	£16
	As an additional activity	n/a	£203	n/a	£203	Vet fees if required	n/a
	Re-score	n/a	£256	n/a	£256	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Dog Day Care	New	1-3 years dependent upon rating	£187	£177	£364	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£138	£177	£364	Vet fees if required	£16
	Variation	n/a	£168	n/a	£168	Vet fees if required	n/a
	As an additional activity	n/a	£90	n/a	£90	Vet fees if required	n/a
	Re-score	n/a	£143	n/a	£143	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Home Boarding	New	1-3 years dependent upon rating	£202	£177	£379	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£149	£177	£327	Vet fees if required	£16
	Variation	n/a	£183	n/a	£183	Vet fees if required	£16
	As an additional activity	n/a	£113	n/a	£113	Vet fees if required	n/a

Appendix 1 - Licensing Committee 24 January 2020 – Licensing fee setting

	Re-score	n/a	£166	n/a	£166	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Breeding	New	1-3 years dependent upon rating	£216	£177	£393	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£156	£177	£333	Vet fees if required	£16
	Variation	n/a	£197	n/a	£197	Vet fees if required	£16
	As an additional activity	n/a	£116	n/a	£116	Vet fees if required	n/a
	Re-score	n/a	£169	n/a	£169	Vet fees if required	n/a
	Appeal	n/a	£74	n/a	£74	Vet fees if required	n/a
Provision of Boarding	New	1-3 years dependent upon rating	£204	£177	£381	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£204	£177	£381	Vet fees if required	£16
	Variation	n/a	£185	n/a	£185	Vet fees if required	£16
	As an additional activity	n/a	£90	n/a	£90	Vet fees if required	n/a
	Re-score	n/a	£91	n/a	£91	Vet fees if required	n/a
	Appeal	n/a	£63	n/a	£63	Vet fees if required	n/a
Exhibition of Animals	New	1-3 years dependent upon rating	£176	£177	£353	Vet fees if required	£16
	Renewal	1-3 years dependent upon rating	£127	£177	£304	Vet fees if required	£16
	Variation	n/a	£176	n/a	£176	Vet fees if required	n/a

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Equality Analysis for a Policy, Project or Report

What is the name of your policy, project, or report? Licensing Fee Setting	Month/Year December 2019
Name and job title of lead officer Sarah Meeten, Licensing Manager	
Briefly describe the aims of your policy, project, or report. Report to Licensing Committee regarding fee setting to take effect April 2019	

The Equality Act 2010 legally protects people from discrimination, both in the workplace and in wider society. It covers 9 specific groups of people who share 1 or more of these protected characteristics; age; disability; gender; gender reassignment; marriage & civil partnership; pregnancy & maternity; race; religion or belief; and sexual orientation.

As a local authority Arun District Council (and any other organisation that is carrying out a public function on our behalf) is further bound by the Public Sector Equality Duty. This means that we have to consider **all** individuals in their day-to-day work – in shaping policy, in delivering services and in relation to our own employees.

The Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and people who do not share it – this means removing or minimising disadvantages suffered by people due to their protected characteristics and encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.
- foster good relations between people who share a protected characteristic and people who do not share it – this involves tackling prejudice and promoting understanding.

Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Duty involves consciously thinking about the three aims as part of the process of decision-making. Doing this will entail understanding the potential effects of the organisation's activities on different people. Keeping a simple record of how decisions were reached will help public bodies show how they considered the Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Analysis

Consider what it is that you are trying to achieve and write a brief equality analysis in the box below. You should mention each of the nine protected groups, plus any others (e.g. families, people on low incomes, people in remote areas, etc) who may be affected. The following questions should help shape your thought process and subsequent decision making.

- Who will benefit most from this? Will anyone be treated more favourably as a result?
- Is there any evidence to suggest that your action or policy could have an adverse impact on some groups of people and specifically those with a protected characteristic? Does it present barriers or problems for any groups or communities?
- Is there any data, research or other evidence available to help or support your decisions?
- Have you considered any existing examples of good practice.
- How do you intend to deal with any adverse impact, or lessen it?

- Who else will you need to be working with to do this e.g. partners, contractors etc and what is their approach? How will this help?

The fees apply to all persons equally. They are determined on a cost recovery basis in accordance with the relevant pieces of statute and EU legislation.

Where fees have been calculated which result in a significant financial jump, and where possible, the increase will be staggered in increments over a period of years until the required figure is reached. Officers will always look to make efficiencies where possible and to recover fees where due so as not to put an unnecessary burden on the tax payer.