

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 1270 1693">YES</th> <th data-bbox="1270 1637 1489 1693">NO</th> </tr> </thead> <tbody> <tr> <td data-bbox="1042 1693 1270 1749"></td> <td data-bbox="1270 1693 1489 1749">✓</td> </tr> <tr> <td data-bbox="1042 1749 1270 1805"></td> <td data-bbox="1270 1749 1489 1805">✓</td> </tr> <tr> <td data-bbox="1042 1805 1270 1910"> <p>Other groups/persons (please specify)</p> <p>Other local authorities</p> </td> <td data-bbox="1270 1805 1489 1910">✓</td> </tr> </tbody> </table>	YES	NO		✓		✓	<p>Other groups/persons (please specify)</p> <p>Other local authorities</p>	✓
YES	NO								
	✓								
	✓								
<p>Other groups/persons (please specify)</p> <p>Other local authorities</p>	✓								
<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 1270 1966">YES</th> <th data-bbox="1270 1910 1489 1966">NO</th> </tr> </thead> <tbody> <tr> <td data-bbox="1042 1966 1270 2018"></td> <td data-bbox="1270 1966 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>

