

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF THE LICENSING COMMITTEE ON 29 JANUARY 2021

SUBJECT: Licensing Fee Setting

REPORT AUTHOR: Sarah Meeten, Licensing Manager

DATE: January 2021

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 2021.

RECOMMENDATIONS: That the licensing fees set out in Appendix 1 are agreed, effective 01 April 2021.

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 2021.
- 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 The investment in new software has proved greatly beneficial during the pandemic and has allowed service continuity whilst officers work remotely. This has facilitated much greater service continuity than we would have been able to sustain with the previous system.
- 1.6 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.

1.7 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.

1.8 Functionality now exists to provide the facility for more 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 where this is applicable. 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.

1.9 Street Trading fees will be addressed together with policy review, this work has been delayed due to the pandemic.

2. PROPOSAL(S):

2.1 That the licensing fees set out in appendix 1 are agreed, effective 01 April 2021.

3. OPTIONS:

3.1 To set specified fees as proposed to take effect on 1 April 2021

3.2 To alter fees and set to take effect on 1 April 2021

3.3 To not set fees to take effect 1 April 2021

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)	✓	
Other local authorities		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	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>