

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF LICENSING COMMITTEE ON 22 MARCH 2019

### PART A : REPORT

**SUBJECT: Licensing Fee Setting**

**REPORT AUTHOR:** Sarah Meeten, Licensing Team Manager

**DATE:** 6 March 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 2019.

**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 such fees have been calculated and asks them to set them to agree fees for specified regimes to take effect on 1 April 2019.
- 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 take into account any surplus or deficit and adjust proposed fees accordingly. This means that fees will 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.

- 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 taken into account 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** An email regarding the setting of street trading fees can be found at appendix 2.

**2. PROPOSAL(S):**

- 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 2019.

**3. OPTIONS:**

- 3.1** To set fees as proposed to take effect on 1 April 2019
- 3.2** To alter fees and set to take effect on 1 April 2019
- 3.3** To not set fees to take effect 1 April 2019

**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   |     |    |
| <b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:<br/>(Explain in more detail at 6 below)</b> | 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)   |  | ✓ |
| <b>6. IMPLICATIONS:</b>  |  |   |
| 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](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](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>