

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

Agenda Item No. 6

meeting date: TUESDAY, 4 NOVEMBER 2014
title: ANNUAL FEES AND CHARGES
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1 PURPOSE

1.1 To determine the annual fees for hackney carriage, private hire, scrap metal and sex establishment licences.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council aims to be a well-managed Council providing efficient services based on identified customer needs. The fees charged for licences fund part of that service, and should reflect the costs incurred whilst being set at a reasonable level for licence holders.

2 BACKGROUND

Hackney Carriage and Private Hire Licences

2.1 The Council has power to charge for licences, subject to statutory provisions which both give rise to the power to charge and specify the way the charge for certain licences has to be calculated.

2.2 The relevant provisions are contained in the Local Government (Miscellaneous Provisions) Act 1976.

2.3 Section 53(2) is the relevant provision for:

- driver's licences for hackney carriages;
- drivers licences for private hire vehicles.

2.4 Section 70 is the relevant provision for:

- hackney carriage vehicle licences;
- private hire vehicle licences;
- private hire operator's licences.

2.5 Changes to the licence fees in respect of hackney carriage vehicles, private hire vehicles and private hire operator licences must be advertised in one newspaper, circulated in the local area 28 days before the change in charges takes effect.

2.6 The legislation provides that the fees should be set at a level which provides "such a fee as they consider reasonable with a view to recovering the costs of issue and administration". The Local Government Association has also issued guidance for local authorities on locally set fees which is to be considered when setting fees.

2.8 The current fees for each type of licence are set out in **Appendix 1**.

Scrap Metal Dealers Licences

- 2.9 Schedule 1 paragraph 6 of the Scrap Metal Dealers Act 2013 provides that “(1) An application must be accompanied by a fee set by the authority. (2) In setting a fee under the paragraph, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury”.
- 2.10 On 17 September 2013, Committee considered the report of the Chief Executive, and approved the fees, which were to apply once the Scrap Metal Dealers Act 2013 came into force on 1 October 2013, in doing so Committee considered the calculation of the fees and the Home Office Guidance. Committee considered these fees again on 18 March 2014, and resolved that they should remain unchanged for the period 2014/2015. The current fees are set out in **Appendix 2** to this report.

Sex Establishment Licence

- 2.11 Schedule 3, paragraph 19 of the Local Government (miscellaneous provisions) Act 1982 provides that “An applicant for the grant, [variation,] renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.”
- 2.12 On 6 September 2011, Committee considered a report of the Council’s solicitor and approved the fees set out as Appendix 2 of that report. Those fees were reconsidered by Committee on 18 March 2014 and it was resolved that they remain unchanged for the period 2014/2015. The current fees are set out in **Appendix 3** to this report.

3 ISSUES

Hackney Carriage and Private Hire Licence

- 3.1 In recent years licence fees have generally been uplifted annually in line with inflation. The Council is recommending uplifting the fees by reference to inflation (based on 2%) as this is the amount by which we are advised that the Council’s costs have increased. The proposed annual fees (rounded up or down as most appropriate) for 2015/2016 are set out in **Appendix 1**.

Scrap Metal Dealers Licences

- 3.2 The Scrap Metal Licence fees have now been in place for 1 year and 7 licences have been issued. The Council does not have sufficient evidence therefore to test whether the underlying basis on which the fees were originally calculated requires amendment, but proposes that the fees rise by 2% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2015/2016 are set out in **Appendix 2**.

Sex Establishment Licences

- 3.3 Since the fees were set on 6 September 2011, the Council has not received any applications to licence a Sex Establishment within its area. There is therefore no information to suggest that the underlying basis for the calculation of the fees should be changed, but the Council proposes to increase the fees by 2% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2015-2016 are set out in **Appendix 3**.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Committee must set fees at a level, which must not exceed the costs of administering the licensing process.
- Technical, Environmental and Legal – N/A
- Political – N/A
- Reputation – N/A
- Equality and Diversity – N/A

5 **RECOMMENDED THAT COMMITTEE**

5.1 Agree to set the fees for Hackney Carriage and Private Hire Licences for the year 2015/2016 as those set out in **Appendix 1**.

5.2 Agree to set the fees for Scrap Metal Dealers Licences for the year 2015/2016 as those set out in **Appendix 2**.

5.3 Agree to set the fees for Sex Establishment Licences for the year 2015/2016 as those set out in **Appendix 3**.

MAIR HILL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 3216.

REF: MJH/Licensing Committee/4 November 2014

APPENDIX 2

| SCRAP METAL DEALER LICENCE | | |
|--|-------------------|-------------------|
| | from 1 April 2014 | From 1 April 2015 |
| | £ | £ |
| Application/Renewal of Site Licence | 277 | 282.55 |
| Variation of Site Licence | 180 | 183.60 |
| Application/Renewal of Collector's Licence | 200 | 204 |
| Variation of Mobile Collector's Licence | 160 | 163.20 |

APPENDIX 3

| SEX ESTABLISHMENT LICENCE | | |
|---|--------------------------|--------------------------|
| | From 1 April 2014 | From 1 April 2015 |
| | £ | £ |
| Grant of Sex Shop | 3,000.00 | 3,060.00 |
| Grant of Sex Cinema | 3,000.00 | 3,060.00 |
| Grant of Sexual Entertainment Venue | 5,000.00 | 5,100.00 |
| Renewal of Sexual Entertainment Venue | 2,500.00 | 2,550.00 |
| Transfer of Sexual Entertainment Venue | 500.00 | 510.00 |
| Variation of Sexual Entertainment Venue | 500.00 | 510.00 |