

PUBLIC PROTECTION COMMITTEE: 4 July 2017

Report of the Head of Shared Regulatory Services

REVIEW OF GENERAL LICENCE FEES

1. Background

1.1 At its meeting on 7th June 2016 the Committee authorised the introduction of the current fees for the general licensing functions detailed in the table below, which were implemented on 1st July 2016.

1.2 The purpose of this report is to approve new fees for these licensing functions.

2. Details.

2.1 Table 1 below shows the existing fees compared with the proposed new fees.

Table 1:

	Existing Fee	Proposed Application Fee	Proposed Grant Fee
Sex Establishment Licences:			
Sex Shop:			
Grant	£835	£442	£175
Renewal	£613	£171	£148
Transfer	£436	£140	£22
Sexual Entertainment Venue:			
Grant	£928	£422	£317
Renewal	£706	£165	£224
Transfer	£436	£105	£67
Skin Piercing:			
Premises	£97	£21	£78
Person	£43	£21	£28

Street Trading:			
Licence	£594	£60	£537
Merchandise Consent	£166	£33	£133
Food Consent	£211	£82	£132
Mobile Consent	£83	£38	£51
Programme seller	£32	£12	£20
St Mary Street Market 3 months	£60	£17	£43
St Mary Street Market 1 month	£46	£17	£29

2.2 The fees have been calculated using a toolkit developed by the Wales Licensing Expert Panel. The toolkit is being used by all Welsh local authorities.

3. Hemming v Westminster City Council – European Court of Justice

3.1 At its meeting of 7th February 2017 the Public Protection Committee were informed of the European Court of Justice (ECJ) Ruling in the Hemming V Westminster case. The ruling had implications for the way in which local authorities structure their fees. The judgement recommends that fees should be structured as 2 charges; one to cover the authorisation cost (the costs involved in receiving and considering the application) and an additional charge only paid by successful applicants to cover the running and enforcement of the licensing regime.

3.2 With the ECJ ruling in mind the proposed fees in Table 1 above are split into 2 separate charges; an ‘application fee’ to cover the authorisation costs, and a ‘grant fee’ to cover the licensing regime running and enforcement costs.

3. Legal Implications

3.1 Regulation 18(4) of the Provision of Services Regulations 2009 provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme. The fee charged cannot exceed the cost of the procedures, i.e. the steps which an applicant for a licence has to take if he wishes his application to be granted or his licence to be renewed. A fee can include the administrative costs involved, and the costs of vetting the applicants (in the case of applications) and the cost of investigating compliance with licence terms (in the case of renewals).

3.2 It should be noted that certain licensing activities are specifically excluded from the 2009 Regulations; these are taxi licensing, cinema licensing and gambling licensing.

4. Financial Implications.

4.1 The Licensing Service is required to be self financing within the limitations of statute.

4.2 It is essential that the new fees are set at a level which fully funds the costs of the service insofar as permissible by statute.

5. Recommendation

5.1. That the proposed fees and charges outlined in the report are approved with an implementation date of 1st August 2017

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

12 June 2017

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: Public Protection Committee: Report of the Head of Shared Regulatory Services, 7th February 2017; ‘Licence Fees: European Court of Justice Ruling – Hemming v Westminster’