

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Review Of Annual Licensing Fees For Financial Year 2024/2025
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	16th January 2024
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

1.1 To agree the Authority's licence fees for 2024-25.

2. RECOMMENDATION(S):

2.1 Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2024-25", subject, where relevant, to any required public notice.

2.2 Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration.

3. KEY ISSUES

3.1 The Authority has a broad range of licensing responsibilities including the regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some licence fees are set by Government, others are locally set at the discretion of the Authority.

3.2 The basis of setting such fees is generally to ensure full cost recovery, or as close as possible. Licensing fees may not be used to generate a profit for Councils. This report summarises all licensing fees that are proposed to be reviewed to come into effect from 1st April 2024 (as Appendix A).

3.3 The European Services Directive, as incorporated by the Provision of Services Regulations 2009 provides that fees and charges must "be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities".

3.4 Relevant legislation and guidance around fee setting for local authorities, that must be taken into account when determining the actual costs of producing a licence, has been considered when preparing this report and proposed fees. Appropriate case law has also been taken into consideration. The ethos underpinning this legislation and guidance is that businesses that benefit from a licence should be asked to pay any reasonable costs incurred by the local authority in providing that licence. However, they must also be able to depend on local authority licence fees being fair and reasonable.

3.5 Fees are reviewed annually, using the following steps:

- (a) The fees setting process itself is reviewed to ensure that it remains valid – any changes in law, guidance or case law will be taken into account.
- (b) The underlying data determining the fees is reviewed to ensure that the time calculated remains accurate.

- (c) Each licence process step is reviewed to ensure that the time calculated remains accurate.
- (d) The Authority's Finance department is asked to update the staff hourly costs, including on-costs.
- (e) Other costs such as IT, specialist equipment etc. are reviewed to ensure that they remain relevant.
- (f) If there was a significant profit or loss in the previous licence period, the fee for the next period will need to be reduced / increased by the same amount.
- (g) The cost calculator is then updated to calculate any changes in fees, using the Wales Licensing Expert Panel spreadsheet – as recommended for national use.

3.6 A breakdown of the licences this Authority can set, being discretionary fees, for the financial year 2024/25 are as follows:

Safety At Sports Ground Certificates

We currently have one Regulated Stand Certificate in force at Chepstow Racecourse. Monmouthshire doesn't have any designated sports grounds in its area. The detailed certification process (being administrated by Environmental Health with additional oversight from Event Safety Advisory Group partners) allows for compliance with relevant sports ground safety legislation.

Hackney Carriage / Private Hire Licences

Hackney Vehicles: This is an annual licence and we currently licence 80 vehicles that we hope will renew in 2024/25. During 2023/2024 vehicles were changed and we had 16 new applications.

We do not currently have any horse drawn carriages requiring a licence.

Private Hire Vehicles: This is an annual licence and we currently licence 97 vehicles that we hope will renew in 2024/25. During 2023/2024 vehicles were changed and we had 17 new applications.

Private Hire Operators: This is a 5 year licence. Fees are paid once every 5 years and cover a 5 year period. When fees are received it is prorated for each year, the financial year payment is due and the subsequent 4 financial years. Accounting adjustments will be made to ensure that each of the 5 years receive 1/5th of the income received. We currently have 27 private hire operators licenced. We did licence 1 new operator during 2023/24 and it is anticipated that we will have 1 operator that will be due for renewal in 2024/25. The anticipated income, following adjustment, will be £230.60 for this operator renewal for the financial year 2024/25.

Hackney Carriage/Private Hire Drivers: This is a 3 year licence. Fees are paid once every 3 years and cover a 3 year period. When fees are received it is prorated for each year, the financial year payment is due and the subsequent 2 financial years. Accounting adjustments will be made to ensure that each of the 3 years receive 1/3rd of the income received. We currently have 179 drivers licenced. We did licence 14 new drivers during 2023/24 and it is anticipated that we will have 111 drivers that will be due for renewal in 2024/25. The anticipated income, following adjustment, will be £81.67 x 111 = £9,065 for the driver renewal for the financial year 2024/25.

Street Trading Consents

Street Trading Consents: This is an annual consent and we currently have 21 street trading consents that may renew in 2024/25.

Block Street Trading Consents: This is an annual consent and we currently have 7 block street trading consents that may renew in 2024/25.

Day Consents and Day Block Street Trading consents: These are one off consents and are mainly used for events. During 2023/24 we had 5 day consents and 10 day block street trading consents. The number of such consents for the financial year 2024/25 will be dependent on the nature of the event whether a consent is required.

Scrap Metal Dealers

Site Licence: This is a 3 year licence. Fees are paid once every 3 years and cover a 3 year period. When fees are received it is prorated for each year, the financial year payment is due and the subsequent 2 financial years. Accounting adjustments will be made to ensure that each of the 3 years receive 1/3rd of the income received. We currently have 4 scrap metal sites licenced. We did not have any licences requested in 2023/24 and there are no scrap sites due for renewal in 2024/25.

Collectors Licence: This is a 3 year licence. Fees are paid once every 3 years and cover a 3 year period. When fees are received it is prorated for each year, the financial year payment is due and the subsequent 2 financial years. Accounting adjustments will be made to ensure that each of the 3 years receive 1/3rd of the income received. We currently have 4 scrap metal collectors licenced. We had 1 new collectors licence requested in 2023/24 and there are no scrap collectors due for renewal in 2024/25.

Boats

We do not currently have any licences for a Boatman or a Boat Licence. The stretch of waterway that was previously licensed for pleasure boats was on the river Wye and is not required for canal boats.

Sex Establishments

We do not currently have any licences for Sex Establishments. A sex establishment licence covers a sex shop, sex cinema and sexual entertainment venues. If an application is received the application will be deferred to the Licensing and Regulatory Committee for a decision whether to grant a licence.

Gambling Act

The Gambling Act 2005 allowed Authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21st May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 9th April 2024 to review the Gambling Act fees to commence 21st May 2024.

- 3.7 As indicated in Appendix A, there is a slight uplift in most of the proposed discretionary fees for 2024/25. One exception is the proposed fees for street trading consents. There is a slight decrease in three of these annual consents. Due to the low numbers of such consents, there is no detrimental impact on the overall Licensing fees and charges received.
- 3.8 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is obliged to give notice of any intention to vary the fees for the grant of licences for hackney carriage and private hire

vehicles/operators. It is recommended that any objections to a variation be brought back to Committee for consideration.

4 REASONS

- 4.1 The fees are set at a level that will recover the costs associated with administering them.
- 4.2 Duly made objections must be considered.

5. RESOURCE IMPLICATIONS:

The Schedule of fees in Appendix A are set out to ensure the recovery of reasonable costs. If fees are set below the level indicated, the Authority will be underwriting the cost of some licenses. For the reasons set out in para 3.2, the Authority cannot legally set the fees higher than the cost recovery basis set out in Appendix A.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

- 6.1 An evaluation has been provided in Appendix B to consider the effect of the schedule of Fees proposed for 2024-25.
- 6.2 It should be noted that Council tax receipts and Revenue Support Grants are insufficient to fund the full extent of Council services so increasing fees and charges helps sustain our services into the future for customers, as opposed to potentially withdrawing services.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

None

9. AUTHOR:

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APPENDIX A

SCHEDULE OF LICENCE FEES FOR 2024-25

	Current Fees 2023/2024	Proposed Fees 2024/25
1. LICENSING ACT 2003		
Premises Initial (Dependant on Business Rate)	£100.00 - £1,905.00	Fee Set By Central Government
Premises Annual (Dependant on Business Rate)	£ 70.00 - £1,050	
Personal Licence Holder	£37.00	
Temporary Event Notice	£21.00	
Theft, loss, etc of premises licence or summary	£10.50	
Provisional Statement	£315.00	
Notification of change of name and address	£10.50	
Application to vary licence to specify individual as designated premises supervisor (DPS)	£23.00	
Application for transfer of premises licence	£23.00	
Interim authority notice following death etc. of licence holder	£23.00	
Theft, loss etc. of certificate or summary	£10.50	
Notification of change of name or alteration of rules of club	£10.50	
Change of relevant registered address of club	£10.50	
Theft, loss etc. of temporary notice	£10.50	
Theft, loss of personal licence	£10.50	
Duty to notify change of name and address	£10.50	
Right of freeholder etc. to be notified of licensing matters	£21.00	
Land without rateable value	Band A	
Land without rateable value – when a building is under construction	Band C	
Application to remove the mandatory condition requiring a DPS at Community Halls	£23.00	
Application for a Minor Variation on a Premises Licence or Club Premises Certificate	£89.00	
2. SAFETY AT SPORTS GROUND CERTIFICATE		
Sports Ground Safety Certificate/Safety Certificate for a Regulated Stand SGSC/SCRS	£1,375.00	£1,375
The Amendment, Replacement, Transfer of a SGSC/SCRS	£155.00	£155
3. GAMBLING ACT 2005		
(For Premises and Permit Fees please refer to separate list)		
Lotteries		Fee Set By Central Government
Initial	£40.00	
Renewal	£20.00	
4. STREET / HOUSE COLLECTIONS		
No Fee charged under current legislation.		
5. HACKNEY CARRIAGE / PRIVATE HIRE		
(a) Hackney Carriage Vehicle - New	£262.00	£286
Hackney Carriage Vehicle – Renewal	£196.00	£220
Hackney Carriage Vehicle – Substitution of licence to new vehicle	£262.00	£286
Hackney Carriage Vehicle – Transfer of licensed vehicle to new owner	£ 71.00	£ 72
(b) Horse Drawn Hackney Carriage Vehicle – As 5(a) above.		
(c) Private Hire Vehicle – New	£240.00	£254
Private Hire Vehicle – Renewal	£189.00	£203
Private Hire Vehicle - Substitution of licence to new vehicle	£240.00	£254
Private Hire Vehicle – Transfer of licensed vehicle to new owner	£ 71.00	£72
(d) Private Hire Operator – New	5yr £849.00	5yr £1133
Private Hire Operator – Renewal	5yr £837.00	5yr £1153
(e) Driver Licence (Dual Badge) – New	3yr £266.00	3yr £286
Driver Licence (Dual Badge) – Renewal	3yr £221.00	3yr £245
(f) Knowledge Test – Torfaen Training (TT)	£60.00	Set By TT
(g) Resit of Knowledge Test – Torfaen Training (TT)	£30.00	Set By TT
(h) Safeguarding Children and Vulnerable Persons Training – Torfaen Training (TT)	£35.00	Set By TT
(i) Disclosure and Barring Service Check (DBS)+£6 Processing Fee	£44.30	Set By DBS
6. STREET TRADING CONSENTS		
Annual Street Trading Consent - New	£456.00	£478
Annual Street Trading Consent – Renewal	£371.00	£350
Annual Block Street Trading Consent - New	£796.00	£784
Annual Block Street Trading Consent - Renewal	£511.00	£493
Street Trading Consent– Substitution (Replacement Vehicle)	£347.00	£316
Day Street Trading Consent – For Events (no entrance fee)	£50.00	£51
Day Block Street Trading Consent – For Events (no entrance fee)	£146.00	£149

7. SCRAP METAL DEALERS

(a) Site Licence - New	3yr	£485.00	3yr	£512
Site Licence – Renewal	3yr	£410.00	3yr	£436
Site Licence – Change of Details		£39.00		£39
(b) Collectors Licence – New	3yr	£468.00	3yr	£485
Collectors Licence - Renewal	3yr	£329.00	3yr	£346
Collectors Licence – Change of Details		£39.00		£39

8. BOATS

(a) Pleasure Boat Licence - New		£399.00		£407
Pleasure Boat Licence – Renewal		£153.00		£156
Pleasure Boat Licence – Transfer of Boat		£399.00		£407
(b) Pleasure Boatman’s Licence - New		£109.00		£111
Pleasure Boatman’s Licence – Renewal		£105.00		£107

9. SEX ESTABLISHMENTS

Sex Establishment - New		£465.00		£475
Sex Establishment – Renewal		£168.00		£171
Sex Establishment – Transfer of Premises Usage		£465.00		£475

10. HYPNOTISM

No Fee charged under current legislation.