

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Review Of Annual Licensing Fees For Financial Year 2021/2022
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	12th January 2021
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To assess the Authority's licence fees for 2021-22.

2. RECOMMENDATIONS:

- 2.1 Members approve the freeze on discretionary fees, with no increase in fees for the period 1st April 2021 to 31st March 2022.
- 2.2 Members approve the freeze on Gambling fees, with no increase in fees for the period 21st May 2021 to 20th May 2022.

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 European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).
- 3.3 Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licences so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. Members will clearly also need to be mindful of the potential burden on businesses of increasing costs, and to weigh that against potential burden of underwriting the costs of administering various licensing functions.
- 3.4 From April 2020 until present, the Covid pandemic has resulted in sporadic trading of those that are licensed. Joint operations have been put on hold by officers, along with the inspections that would normally have been conducted. Training, policy and administration changes have also been put on hold. Officers have had to utilise their time with dealing with Covid incidents and the enforcement of the ever changing legislation. As such, through circumstances beyond our control, it is difficult to assess cost recovery on the normal licensing activities of those that need to be assessed.
- 3.5 The fees that would usually be assessed would be Taxi Licensing, Street Trading, Scrap Metal, Sex Establishments, Safety at Sports Ground Certificates and Boats that would commence 1st April each year. With a further assessment of Gambling premises licensing fees for those licensed in Monmouthshire for Betting shops,

Tracks, Family and Adult Entertainment Centres to commence the 21st May each year.

- 3.6 All of the licence referred to in 3.5 above has been affected as a result of loss of trade, business and event closures. For example, taxi and street traders no longer get the footfall of trade due to lockdown measures, new taxi drivers are still unable to apply as they are unable to get the required medicals to permit them to do so, as part of the fitness test to carry passengers. Gambling venues have had to close, with the sports ground no longer holding races open to the public or conducting large scale music events.
- 3.7 As such this report requests the fee assessment be put on hold until 1st April 2022 and current fees are to remain the same for 1st April 2021 – 31st March 2022, (betting premises fee assessment to be put on hold until 21st May 2022 and similarly current fees to remain the same). This request is as a result of (a) difficulty in assessing a true reflection of cost recovery pertinent to that licence, and (b) such an assessment may have a potential further burden on businesses (see 3.3 above).
- 3.8 If Members refuse the recommendations, any fee increase would need to be approved by the Licensing and Regulatory Committee. Furthermore, 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.

4 REASONS

- 4.1 The fees are set at a level that are appropriate during Covid restrictions.

5. RESOURCE IMPLICATIONS:

- 5.1 Fees are set out to ensure the recovery of reasonable costs.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

- 6.1 An evaluation has been provided in Appendix A to consider the effect of the schedule of Fees proposed for 2021-22.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

None

9. AUTHOR:

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