

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Review Of Annual Licensing Fees For Financial Year 2016/2017
DIRECTORATE:	Chief Executives
MEETING:	Licensing and Regulatory Committee
Date to be considered:	9th February 2016
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To agree the Authority's licence fees for 2016-17.

2. RECOMMENDATIONS:

- 2.1 Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2016-17", 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 license 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 Officers have undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data. Appendix A provides a summary of these assessments of actual cost along with the current fees.
- 3.5 In the interest of Public Safety, Monmouthshire County Council has introduced a new licensing regime by incorporating Safety at Sports Ground Certificates for venues within the County that requires them. A fee calculation for this certificate is attached to this report as Appendix B, which gives a breakdown of the work conducted in relation to the first application received by this Authority. The fee for the "Sports Ground Safety Certificate / Safety Certificate for a Regulated Stand" and also a fee for "The Amendment, Replacement or Transfer of a Sports Ground

Safety Certificate / Safety Certificate for a Regulated Stand” has been included in the “Schedule of Licence Fees for 2016-17”, which is attached as Appendix A.

- 3.6 All fees, calculated within the Schedule of Fees attached as Appendix A, have increased slightly or remained the same (dependent upon activity for that licence type). An exception is the initial application for a Hackney Carriage/Private Hire Driver as this charge will be made independently of the overall driver licence charge. As per the revised taxi driver/private hire policy the knowledge test will be conducted by Torfaen Training and the charge element for this will be made direct to that training body.
- 3.7 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. It is recommended that any objections to a variation be brought back to Committee for consideration.
- 3.8 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 22nd March 2016 to review the Gambling Act fees to commence 21st May 2016.

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, and Appendix B provides the cost recovery breakdown in relation to the safety at sportsground certification. If fees are set below the levels indicated, the Authority will be underwriting the cost of some licences. 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. The slight increases indicated are consistent with the overall corporate uplift of all discretionary fees for 2016/17.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

- 6.1 An evaluation has been provided in Appendix C to consider the effect of the schedule of Fees proposed for 2016-17.
- 6.2 It should be noted that Council tax receipts and Revenue Support Grant 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:

Any relevant comments made by the Trade etc may be brought back to Committee, as per 2.2 above.

8. BACKGROUND PAPERS:

None

9. AUTHOR:

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