COUNCIL	Agenda Item 49
28 January 2010	Brighton & Hove City Council

Subject:		**Licence fees 2010/2011**		
Date of Meeting:		**28 January 2010**		
Report of:		**Director of Environment**		
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Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report sets out the proposed fees and charges for 2010/11 relating to the range of services covered by Environmental Health & Licensing.

2. RECOMMENDATIONS:

2.1 That Council approves the Fees and Charges within the schedule at Appendix A.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The budget 2010/11 assumes that income is inflated by 2%. This report aims to provide members with information on the services that are charged and the rate of increase proposed for 2010/11. The schedule of fees and charges covered by this report are set out in Appendix A.

3.2 The council should move to realign fees to achieve break even in the accounts. There will be a cash freeze to the sex establishment fee. Service managers benchmark with appropriate sectors on the level of charges made for services which forms part of the corporate fees and charges policy. Camden, Westminster and Bristol have higher sex shop licence fees than the council; Birmingham and Islington have slightly lower fees. The council has higher fees for sex establishments than other Sussex authorities. It is recommended that the council should freeze this year's sex establishment charge, and provide for a reduced renewal fee to recognise the reduced administration costs. It is also proposed to increase the Street Trading charges by 10% in order to recover costs over time. Any overall financial implications of this in terms of the corporate 2% expected rise will have to be dealt with within the overall Environment budget.

3.3 Any fees charged must be in accordance with any requirements of the legislation under which they are charged. Fees payable to the licensing authority relating to functions covered by the Licensing Act 2003 are set centrally by the Secretary of State for Culture, Media and Sport.

3.4 This year, the European Services Directive will take effect from the end of 2009. It aims to ensure that licence applications and procedures are transparent and burdens on business kept to a minimum. The processes must be non-discriminatory, justified, proportionate, clear, objective, made in advance, transparent and accessible. The domestic legislation will require "any charges provided for by a competent authority which the applicant may incur under an authorisation scheme must be reasonable and proportionate to the cost of the authorisation procedures and formalities under the scheme and must not exceed those procedures and formalities". Any fee charged for establishing a service can only be based on cost recovery and cannot be set at an artificial high level to deter service sectors from an area. Application costs can include administration, initial visits, third party costs (e.g. expert advice like a vet), management costs and local democracy costs. The directive also requires that ongoing enforcement costs should be refundable in the event of an application refusal. Council should schedule regular fee reviews.

3.5 A principle that has underlined fee setting since 1991 is R v Manchester City Council ex p King. The case was about street trading licences but is applicable to all schemes. It indicates that fee setting is not a revenue raising provision and fees charged must be related to the scheme operated by the council. If fees levied exceed the cost of operating the scheme, the original decision remains valid provided the council reasonably considers the fees would be required to meet the total cost of operating the scheme.

3.6 The EU Services Directive does not apply to taxi licensing but will apply to street trading, sex establishments, animal licensing like pet shops and cosmetic piercing like tattooing.

3.7 The corporate fees and charges policy following Audit Commission review requires transparency for councillors informing decision making. During the process of the annual review of fees and charges for services provided should be set to recover costs including central overheads and capital financing.

3.8 It is proposed to freeze sex establishment fees, increase street trading fees by 10% and maintain taxi licence fees, cosmetic piercing fees and most animal welfare fees at their current level. A zoo licensing fee has been recalculated based on veterinary inspections required during the 6 year licensing period for zoos with or without dispensation.

3.9 Licensing authorities are responsible for setting the fees for Gambling Act 2005 premises licences. These must be calculated on a cost recovery basis. Fees must not exceed the maximums set out in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.

4. CONSULTATION

4.1 Council's finance officer and legal services.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 Directorates are required to carry out an annual review of fees and charges in line with corporate policy. The proposed fees and charges should result in income of around £750,000 to offset against the costs of providing the service. Councils are required to comply with the EU Services Directive. Street trading is still likely to operate at a minimal deficit in 2010-11. .

Finance Officer Consulted: Karen Brookshaw Date: 11/01/2010

Legal Implications:

5.2 EU Services Directive requires non-discriminatory, justified, proportionate, clear, objective, public, transparent and accessible process for setting of fees. Fees charged for establishing a service falling within the scope of the Directive cannot be set artificially high to deter specific service sectors.

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Lawyer Consulted: Rebecca Sidell Date:

Equalities Implications:

5.3 There are no direct equalities implications.

Sustainability Implications:

5.4 There are no direct sustainability implications

Crime & Disorder Implications:

5.5 There are no direct crime and disorder implications.

Risk and Opportunity Management Implications:

5.6 None

Corporate / Citywide Implications:

5.7 The city council's ability to raise income impacts on the level of Council Tax and service levels and therefore has citywide implications.

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – list of fees and charges.

Documents In Members' Rooms:

None

Background Documents:

None

Service: Environmental Health & Licensing
Division: Public Safety
Department:
Environment

FEES AND CHARGES

DESCRIPTION AND BASIS OF PROPOSED CHARGE	2009/10 CHARGE PER UNIT	2010/11 PROPOSED CHARGE PER UNIT	% INCREASE
Skin Piercing Fees : Cosmetic Piercers			
Acupuncturist - Premises	116.00	116.00	0.0%
Tattooist, ear piercing - Premises			
Each additional piercer			
Body Piercing, ear piercing - Premises inc one person			
Each additional piercer			
Street Trading :			
Upper Gardner Street	524.00	576.40	10%
Zone B (mobiles)	628.00	690.70	10%
Zone A (42 sq.ft.)	3594.00	3953.40	10%
Zone A (50 sq. ft.)	4312.00	4743.20	10%
Street artists	30.00	33.00	10%
Street Trading :			
Miscellaneous short term consents	30.00	33.00	10%
Farmers Market - Per Stall	227.00	249.70	10%

Small Street Market	300.00	330.00	10%
Other			
Sex Establishment Grant	11837.00	11837.00	0%
Sex Establishment Renewal	11837.00	10061.45	-15%
Occasional Sex Establishment	4044.00	4044.00	0%
Animal Welfare			
Licence fees :			
animal boarding	167.00	170.00	2%
dangerous wild animals	199.00	203.00	2%
dog breeding	41.00	42.00	2%
export licences	50.00	51.00	2%
pet shops	111.00	113.00	2%
riding establishments	262.00	267.00	2%
zoo		4500.00	
zoo (with dispensation)		2500.00	
Dog Fouling- Fixed penalty			
Noise Pollution- Fixed Penalty			
Vehicle Licensing			
Hackney carriage vehicle	180.00	180.00	0%
Private hire vehicle	157.00	157.00	0%
Substitute vehicle fee	29.00	29.00	0%
Drivers initial-Hackney Drivers	66.00	66.00	0%
Drivers renewal-Hackney drivers	44.00	44.00	0%
Private hire - Initial drivers	66.00	66.00	0%
- renewal drivers+A148	44.00	44.00	0%
Private hire operator			
- 1 to 2-Operators License Single	56.00	56.00	0%
- over 2 -~operators License Multiple	197.00	197.00	0%

Each additional external plate	28.00	28.00	0%
Temporary Hackney Carriage / Private Hire Drivers Licence	11.00	11.00	0%
CRB Fees	38.00	38.00	0%
Plate Deposit-Hackney Carriage	38.00	38.00	0%
Plate Deposit-Private Hire	28.00	28.00	0%

Gambling Act 2005	2009/10 CHARGE PER UNIT	2010/11 PROPOSED CHARGE PER UNIT	% INCREASE
	As table below	No change	No change

Table of Premises Licence Fees for Brighton & Hove Licensing Authority

Classes of Premises Licence	**Reg. 4(2)(a) Conversion - fast track**	**Reg. 4(2)(b) Conversion - non fast track**	**Reg. 5(2)(a) Non Conversion -Provisional Statement Premises**	**Reg. 5(2)(b) Non Conversion - Other Premises**	**Reg. 6 and Reg. 8 First Annual and Annual Fees**	**Reg. 10 Change of Circumstance**	**Reg. 11 Variation**	**Reg. 12 Transfer**	**Reg. 13 Copy of Licence**	**Reg. 14 Reinstate -ment**	**Reg. 15 Provisional Statement**
Regional Casino	n/a	n/a	n/a [8,000]	n/a [3,000]	n/a [15000]	n/a [50]	n/a [7,500]	n/a [6,500]	n/a [25]	n/a [6,500]	n/a [15,000]
Large Casino	n/a	n/a	n/a [5,000]	n/a [3,000]	N/a [10000]	N/a [50]	n/a [5,000]	n/a [2,150]	n/a [25]	n/a [2,150]	n/a [10,000]
Small Casino	n/a	n/a	n/a [3,000]	n/a [3,000]	N/a [5,000]	n/a [50]	n/a [4,000]	n/a [1,800]	n/a [25]	n/a [1,800]	n/a [8,000]

Existing Casino	£260 [300]	£1,155 [2,000]	n/a	n/a	£1,500 [3,000]	£11.55 [50]	£1,155 [2,000]	£1,155 [1,350]	£11.55 [25]	£1,155 [1,350]	n/a
Bingo Premises	£260 [300]	£1,155 [1,750]	£577.50 [1,200]	£1,155 [3,500]	£500 [1,000]	£11.55 [50]	£1,155 [1,750]	£1,155 [1,200]	£11.55 [25]	£1,155 [1,200]	£1,155 [3,500]
AGCs	£260 [300]	£1,000 [1,000]	£577.50 [1,200]	£1,155 [2,000]	£500 [1,000]	£11.55 [50]	£1,000 [1,000]	£1,155 [1,200]	£11.55 [25]	£1,155 [1,200]	£1,155 [2,000]
Betting – Tracks	£260 [300]	£1,155 [1,250]	£577.50 [950]	£1,155 [2,500]	£500 [1,000]	£11.55 [50]	£1,155 [1,250]	£950 [950]	£11.55 [25]	£950 [950]	£1,155 [2,500]
FECs	£260 [300]	£1,000 [1,000]	£577.50 [950]	£1,155 [2,000]	£375 [750]	£11.55 [50]	£1,000 [1,000]	£950 [950]	£11.55 [25]	£950 [950]	£1,155 [2,000]
Betting - Other	£260 [300]	£1,155 [1,500]	£577.50 [1,200]	£1,155 [3,000]	£300 [600]	£11.55 [50]	£1,155 [1,500]	£1,155 [1,200]	£11.55 [25]	£1,155 [1,200]	£1,155 [3,000]
Lotteries - New								£40.00	*	£40.00	0.00
- Renewal								£20.00	*	£40.00	0.00

Prices shown in pounds (£) are the relevant fees in Brighton & Hove only; prices in square brackets are legal maximum levels for information.