

Review of Licence and other Fees and Charges in Regulatory Services, Housing and Wellbeing for 2018/19



Report of Councillor Doug Pullen, Cabinet Member for Housing and Health

Date: 6th February 2018

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Key Decision? YES NO (delete as appropriate)

Local Ward
Members

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 Fees and charges are levied for a variety of services or enforcement actions within Regulatory Services, Housing and Wellbeing. The majority of these relate to Licensing matters but others include fixed penalty notices for specified offences, housing enforcement costs recovery, street trading and others.
- 1.2 There are a number of new fees proposed relating to fixed penalty notices which have recently been introduced under new legislation and a charge for undertaking a food hygiene inspection re-rating visit.
- 1.3 This report outlines any changes in what we are able to charge for and sets proposed fees, the majority of which are set to recover costs and / or impose a penalty.

2. Recommendations

- 2.1 That Members consider and approve the fees and charges for the functions in Appendix A for statutory consultation for the forthcoming financial year of 2018/19.
- 2.2 That Members consider and approve the fees and charges for the functions in Appendix B for forthcoming financial year of 2018/19 (no statutory consultation required).
- 2.3 That authority is delegated to the Head of Regulatory Services, Housing and Wellbeing in consultation with the Chairman and Vice Chairman of this Committee, to set or amend any fees which are detailed in Appendix A in consideration of any consultation responses received.
- 2.4 That authority is delegated to the Head of Regulatory Services, Housing and Wellbeing in consultation with the Chairman and Vice Chairman of this Committee, to set on an interim basis any new fees and charges which may arise during the year.

3. Background

- 3.1 Each year the Council must consider fees and charges which are levied. Where these are on a cost recovery only basis, such as for licensing, the Council may be challenged via a number of routes and in order to reduce the risk of challenge to the Council a robust system is used to calculate charges based on the cost of running the relevant service being charged.
- 3.2 A process has been completed to calculate new hourly rates for each element of the licensing charges which takes into account the time spent on the specific job as well as any on costs associated with it.

- 3.3 In addition to charges associated with the various licences which the Council grants, other charges must be set in relation to enforcement fixed penalty notices for a range of offences.
- 3.4 The new *Environmental Offences (Fixed Penalties) Regulations 2017* in relation to fixed penalties for certain environmental offences came into force from November 2017. These regulations adjust the minimum fixed penalty charge upwards from specified dates. The regulations also increase the reduced charge for early payment of a range of fixed penalties. However, our current charging regime is sufficiently high that none of the increases in the minimum charges will create a need to adjust our charges. Furthermore, because charges should take account of the ability of those in the area to pay, and this has previously been considered and set, there is no recommendation that our current fixed penalty charges should be increased.
- 3.5 The new *Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018* are, at the time of writing this report, still in draft form. However, it is likely that these regulations will come into force from April 2018 and will enable the Council to give a littering fixed penalty to a person who is a keeper of a vehicle where a littering offence has been committed in respect of the vehicle within the Lichfield district boundary.
- 3.6 Whilst these new Littering from Vehicles Regulations simply permit a littering fixed penalty to be issued for the amount set by the Council for normal street littering offences, the regulations go slightly further in that if the fixed penalty is not paid in full within the payment period, the amount of the fixed penalty is doubled.
- 3.7 Regulations in relation to the ability to serve a fixed penalty notice for a waste deposit offence (fly tipping) have previously been introduced and the Council has yet to set an amount associated with this fixed penalty. The Regulations allow the fixed penalty to be set in a range from £150 to £400, with £200 the default amount if no amount is set by the authority.
- 3.8 The ability to use fixed penalty notices for fly-tipping offences enables offences to be dealt with in a more efficient, cost-effective and proportionate manner whilst still ensuring that a substantial financial penalty can be imposed upon an individual for their actions. Setting a high penalty amount will also ensure that FPNs can act as a deterrent. A fixed penalty for fly tipping will not always be a default position and consideration will always be given to prosecution if, for example, the cost of clearing the waste is more than the fixed penalty or if there are aggravating factors such as the waste being of a hazardous type or the offender having previously committed similar offences.
- 3.9 As a result it is recommended that the fly tipping fixed penalty is set at £400 with no reduction for early payment. This is the same arrangement which is in place at other Staffordshire authorities including Cannock and Stafford.
- 4.0 In relation to Taxi Licensing, some costs are merely passed on to applicants from the third party provider, such as the cost of medicals and criminal record checks. In relation to fees associated with vehicle tests and MOTs, there is currently a request out to the trade for quotations for this work. The successful garage and the fees involved will be known by the date of the Committee and this will be provided to the Committee verbally.
- 4.1 Following a trial of charging for requested Food Hygiene Rating Scheme (FHRS) re-rating visits with some local authorities in England, using existing powers in the Localism Act (2011) the Food Standards Agency (FSA) has now confirmed a change in policy allowing use of these powers by local authorities in England to introduce cost recovery for requested FHRS re-rating visits. A new fee was previously introduced part way through the current year in consultation with the Chairman and Vice Chairman of this Committee. The fee, based on officer time and cost recovery, has therefore been set for re-rating visits but will need ratifying at this committee. The fee of £165 is in Appendix B.
- 4.2 The Gambling Act 2005 fees listed at the end of Appendix B are still under review at the time of writing this report and any proposed changes will be provided at the committee.

Alternative Options	<ol style="list-style-type: none"> 1. To keep with the currently agreed fees and charges for 2017/18 into 2018/19. However, this would not truly reflect the current cost of the services and therefore what income we should be charging. 2. To maintain only the option of prosecuting in court for fly tipping offences. This can be very time consuming and is considered an inefficient way of dealing with the lower level fly tipping offences which occur. 																																																												
Consultation	<ol style="list-style-type: none"> 1. Some consultation has taken place internally with relevant officers and with other Staffordshire local authorities. 2. Fees and Charges listed in Appendix A <i>must</i> go through a statutory consultation before coming into force in April. 																																																												
Financial Implications	<ul style="list-style-type: none"> • Majority of fees and charges are set on a cost recovery basis and a calculation has been made on the latest available data to determine the appropriate charge in relation to each relevant part. • Fixed Penalty Notices are set to act as a deterrent to offending but also as a means to prevent the need to go to court for lower level offending. Income from Fixed Penalties is ring-fenced in groupings to be used on the issue which the fixed penalties are served for (e.g. receipts for littering may only be used to fund littering, graffiti, etc. work). Income is relatively low and will have little impact on budgets. • The income budgets for licenses and other fees and charges contained in the Draft Medium Term Financial Strategy are shown in the table below for 2018/19: <table> <tr> <th></th><th>2018/19</th></tr> <tr><td>Licensing Charges - Plate</td><td>(£200)</td></tr> <tr><td>Licensing Charges - Hackney door sticker</td><td>(£930)</td></tr> <tr><td>Licensing Charges - Private Hire door sticker</td><td>(£170)</td></tr> <tr><td>Licensing Charges - Renewal Application(1 year)</td><td>(£6,050)</td></tr> <tr><td>Licensing Charges - Renewal Application (3 Year)</td><td>(£5,640)</td></tr> <tr><td>Licensing Charges - Admin Grant</td><td>(£4,940)</td></tr> <tr><td>Licensing Charges - CRB check</td><td>(£2,280)</td></tr> <tr><td>Licensing Charges - Badge</td><td>(£100)</td></tr> <tr><td>Licensing Charges - DVLA</td><td>(£100)</td></tr> <tr><td>Licensing Charges - Medical</td><td>(£2,860)</td></tr> <tr><td>Licensing Charges - Theory</td><td>(£800)</td></tr> <tr><td>Licensing Charges - One year Application</td><td>(£2,220)</td></tr> <tr><td>Licensing Charges - Hackney Application</td><td>(£21,180)</td></tr> <tr><td>Licensing Charges - Private Hire Application</td><td>(£4,030)</td></tr> <tr><td>Licensing Charges - Special Events</td><td>(£1,090)</td></tr> <tr><td>Licensing Charges - Limousine Application</td><td>(£350)</td></tr> <tr><td>Licensing Charges - Backing Plate</td><td>(£190)</td></tr> <tr><td>Licensing Charges - Vehicle Mechanical Test Fee</td><td>(£30)</td></tr> <tr><td>Licensing Charges - Additional MOT</td><td>(£360)</td></tr> <tr><td>Licensing Charges - Exceptional Condition Application</td><td>(£2,650)</td></tr> <tr><td>Sub Total - Hackney Carriage, Private Hire, Vehicles & Operator Licenses</td><td>(£56,170)</td></tr> <tr><td>Licensing Charges - Animal Boarding Licences</td><td>(£1,110)</td></tr> <tr><td>Licensing Charges - Animal Breeding Licences</td><td>(£420)</td></tr> <tr><td>Licensing Charges - Pet Shop Licences</td><td>(£700)</td></tr> <tr><td>Licensing Charges - Riding Licences</td><td>(£1,020)</td></tr> <tr><td>Licensing Charges - Skin Treatment Licences</td><td>(£750)</td></tr> <tr><td>Licensing Charges - Street Trading Licences</td><td>(£33,510)</td></tr> <tr><td>Licensing Charges - Zoo Licences</td><td>(£980)</td></tr> <tr><td>Licensing Charges - Sex Establishments</td><td>(£930)</td></tr> </table>		2018/19	Licensing Charges - Plate	(£200)	Licensing Charges - Hackney door sticker	(£930)	Licensing Charges - Private Hire door sticker	(£170)	Licensing Charges - Renewal Application(1 year)	(£6,050)	Licensing Charges - Renewal Application (3 Year)	(£5,640)	Licensing Charges - Admin Grant	(£4,940)	Licensing Charges - CRB check	(£2,280)	Licensing Charges - Badge	(£100)	Licensing Charges - DVLA	(£100)	Licensing Charges - Medical	(£2,860)	Licensing Charges - Theory	(£800)	Licensing Charges - One year Application	(£2,220)	Licensing Charges - Hackney Application	(£21,180)	Licensing Charges - Private Hire Application	(£4,030)	Licensing Charges - Special Events	(£1,090)	Licensing Charges - Limousine Application	(£350)	Licensing Charges - Backing Plate	(£190)	Licensing Charges - Vehicle Mechanical Test Fee	(£30)	Licensing Charges - Additional MOT	(£360)	Licensing Charges - Exceptional Condition Application	(£2,650)	Sub Total - Hackney Carriage, Private Hire, Vehicles & Operator Licenses	(£56,170)	Licensing Charges - Animal Boarding Licences	(£1,110)	Licensing Charges - Animal Breeding Licences	(£420)	Licensing Charges - Pet Shop Licences	(£700)	Licensing Charges - Riding Licences	(£1,020)	Licensing Charges - Skin Treatment Licences	(£750)	Licensing Charges - Street Trading Licences	(£33,510)	Licensing Charges - Zoo Licences	(£980)	Licensing Charges - Sex Establishments	(£930)
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	<table> <tr> <td>Total</td><td>(£224,520)</td></tr> </table> <p>These income budgets do not include provision for the recommended price increases contained in this report and therefore additional income could result during the financial year.</p>	Total	(£224,520)
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Contribution to the Delivery of the Strategic Plan	The work associated with the fees and charges outlined has cross-cutting relevance to all aspects of the Strategic Plan 2016-2020: A vibrant and prosperous economy; healthy and safe communities and; clean, green and welcoming places to live.
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Equality, Diversity and Human Rights Implications	The work associated with many aspects of the fees and charges outlined will have a positive effect by reducing inequalities, for example in relation to inadequate housing.
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Crime & Safety Issues	The work associated with many aspects of the fees and charges outlined will have a positive effect by reducing crime, for example in relation to the lower level crimes of fly tipping, littering and dog fouling. They will also have an effect on the less obvious aspects of criminality such as rogue landlords leading to poor housing and inadequate hygiene in food establishments.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Objections from taxi licence holders on the proposed fee structure	A robust and defensible system of charge setting for cost recovery. This year charges are broadly the same with some coming down and few going up so objections are not likely.	Green (tolerable)
B	Legal challenge to fee setting process	As above	Green (tolerable)
C			
D			
E			