

To: General Purposes Licensing Committee

Date: 19th February 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Licence Fees 2013/14

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2013/14 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffied

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation(s):

Committee is recommended to:

- (a) note the licence fees set by statute,
- (b) agree the other licence fees for 2013/14 as set out in the Appendix.

Introduction

1. The purpose of this report is to establish the licence fees that should apply for 2013/14, for those activities where the Council has discretion. This report does not cover the fees for Licensing and Gambling Act activities, which are reported separately to the Licensing and Gambling Acts Committee.
2. The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.
3. Licence fees set by the Council

Acupuncture, Ear Piercing, Electrolysis and Tattooing
Animal Boarding Establishments
Commercial Events
Dangerous Wild Animals
Dog Breeding Establishments
Hackney Carriage and Private Hire Licenses
Motor Salvage Operators
Pavement Cafés
Pet Shops
Riding Establishments
Road Closure Orders (temporary)
Sex Establishments
Street Trading Consents
Zoos

Licence fees set by statute

Integrated Pollution Prevention and Control Permits

Commercial Events

4. The making of Temporary Road Closure Orders under the Town Police Clauses Act 1847 is a discretionary service and the Council may make a charge for carrying it out, as long as the charge does not exceed the costs to the authority. A number of Road Closure applications have been made in the last year for events involving a commercial element, such as for a Continental Market. It is proposed that the fee of between £100 and £300 that was implemented for 2012/13 not be changed, in order to help promote Oxford as a city where events can be held, and as such increase the profile of the city.
- 5 Street Trading (the selling or exposing or offering for sale of any article - including a living thing) at commercial events will continue to receive a charge per stall per day. The £120 minimum fee has been removed as this could potentially price some smaller events out of the City.

Hackney Carriage and Private Hire Licence Fees and Administrative Charges

6. The procedure for changing Hackney Carriage and Private Hire Licence fees requires consultation and all relevant objections must be considered before making any changes. An extensive review of the costs of providing administrative functions for taxi licensing was carried out in 2011 and following consultation with the taxi companies, a number of charges were approved by the General Purposes Licensing Committee on 1st March 2011. The additional income from these charges means that the cost of providing the Taxi Licensing service can be recovered without increasing the base Licence fees this year.

7. The following three additional charges and one increase are now proposed to the Committee for approval (originally proposed for 2012/13 and approved by this Committee but not implemented in the Budget Book and therefore not previously charged).
- Introduction of a charge for processing the application for a Private Hire Vehicle to be granted an Exemption Notice: £50 (permission not to display a licence plate and door stickers on executive or chauffer-driven vehicles used for contract work as permitted under Section 75(3) Local Government Miscellaneous Provisions Act 1976). This charge will cover full cost recovery for providing such a service.
 - Introduction of a charge for processing amendments to the licence held by a Private Hire Operator: £25. This charge will cover full cost recovery for providing such a service.
 - Introduction of a charge for recovering the costs of following up an unpaid cheque: £30. This charge will cover full cost recovery for providing such a service.
 - A small increase in the charge for an Enhanced Criminal Records Bureau Disclosure, to cover the Bureau's own increase in charge to the Council: £50 (from £43). This charge will cover full cost recovery for providing such a service.

Motor Salvage Operators

8. It is not proposed to increase the level of fee charged for this function, as the current fee adequately enables full cost recovery.

Pavement Cafés

9. A one off payment per year is recommended for Pavement Cafés. In the majority this will result in reduced costs for local businesses and encourage more premises to licence. There will also be a reduction in expenditure on Council resources in relation to promoting compliance.

Sex Establishments (Sexual Entertainment Venues)

10. On 9th June 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the level of fee to be set for the licensing of such premises. It is recommended that an increase in line with inflation is applied to the fees for Sexual Entertainment Venue licences in order to ensure that our fee is set at full cost recovery for the services we provide.

Sex Establishments (Sex Shops)

11. On the 3rd October 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the costs applicable to the licensing of Sex Establishments (Sex Shops), following a request to determine the “reasonable fee” charged for this purpose. It is recommended that an increase in line with inflation is applied to the fees for Sex Establishment Licences in order to ensure that our fee is set at full cost recovery for the services we provide.

Street Parties

12. The Council wishes to support the organisers of community based events such as street parties. It is, therefore, proposed to continue with the current practice of making no charge for small street parties or community events. The Street Trading event fee will apply where there is a commercial element, for example:
 - a stall holder with a pig roast where all or part of the proceeds of sales are kept by the trader; and/or
 - a stall holder at a farmers market where all or part of the proceeds of sales are kept by the trader.

Street Trading Consents

13. There is a £100 administration fee for all annual Street Trading applications. At paragraph 8.2 of the Street Trading Policy it states ‘Applications for annual consents should be accompanied by a non-refundable fee of £100. If the application is approved, the balance of the fee will be due before the consent is issued. If the application is not successful the fee will be retained to cover the cost incurred in processing the application.’ To make it clear to applicants this fee has now been included in the fees and charges (see attached Appendix).
14. It is proposed to simplify the Street Trading Consent fee for those traders that trade for less than twelve months, by charging on a pro rata basis of the annual Consent fee (see attached Appendix).
15. The Weekly Consent fee is slightly higher than the pro rata fee to cover the costs of administering the annual rota and accommodating changes throughout the year.

Zoo

16. Although we currently have no Zoo licences in effect at the moment, there is a possibility that one may be required at Cutteslowe Park in relation to the volume of exotic birds that are kept in the aviary. In anticipation that some of the stock cannot be re-homed it would be sensible to publish a fee. The fee has been determined in line with the process and resources required to administer such a licence which is most similar to the Riding Establishment procedures.

Financial Implications

17. The projected income from this licensing tariff is included in the Council's budget estimates for 2013/14.

Legal Implications

18. The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and fees should reasonably represent the costs of carrying out the function.

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