

To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Licence Fees 2012/13

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2012/13 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffied

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to:

- (a) note the licence fees set by statute,
- (b) request the Head of Environmental Development to consult on the proposed fees, as set out in paragraph 19, for new Street Trading Consents that are required as a consequence of the extension the scheme,
- (c) agree the other licence fees for 2012/13 as set out in Appendix One, and
- (d) receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council area.

Introduction

1. The purpose of this report is to establish the licence fees that should apply for 2012/13, 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 fees recommended are appended. The Committee is recommended to agree to the introduction of fees for some elements of taxi licensing administration that are currently carried out free of charge. A new fee structure is proposed for Street Trading activities following the regulation of street trading across the whole of the city. The Committee is recommended to increase the current Street Trading licence fees in line with inflation, and to consult on the fee levels that should apply for the new Consents that are required because of the extension of the scheme. The report also recommends that a review of the Street Trading Policy is carried out with the intention of incorporating the new provisions relating to the scheme extension into it.
3. 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, enforcement and appeals.

Licence fees set by the Council

Acupuncture, tattooing, electrolysis and ear piercing
Animal Boarding Establishments
Commercial Events
Dangerous Wild Animals
Hackney Carriage and Private Hire Licenses
Motor Salvage Operators
Pavement Café Licences
Pet Shop
Riding Establishments
Sex Establishments
Street Trading Consents

Licence fees set by statute

Integrated Pollution Prevention and Control Permits

Sex Establishments

4. 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.

Sexual Entertainment Venues

4. 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.

Hackney Carriage and Private Hire Licence Fees and Administrative Charges

5. 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. Following consultation with the taxi companies, a number of charges were approved by the General Purposes Licensing Committee on 1st March 2011. These functions were previously carried out free of charge. 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.
6. The following three additional charges and one increase are now proposed to the Committee for approval.
 - 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 chauffeur-driven vehicles used for contract work as permitted under Section 75(3) Local Government Miscellaneous Provisions Act 1976)
 - Introduction of a charge for processing amendments to the licence held by a Private Hire Operator: £25
 - Introduction of a charge for recovering the costs of following up an unpaid cheque: £30
 - 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).

Commercial Events

7. 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 a fee of between

£100 and £300 is set rather than the current fixed fee of £250. The actual fee levied would be calculated to recover the cost of officer time and materials in carrying out this function and would therefore relate to the size of the event.

Street Parties

8. 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.

Motor Salvage Operators

9. It is proposed to increase the current charge to ensure full cost recovery for providing this service, as liaison with Thames Valley Police has led to enforcement operations being undertaken.

Street Trading

10. The General Purposes Licensing Committee on 19th October 2011 agreed a report on the Designation of Streets for Street Trading and requested the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre and for community / charitable events in the review of fees and charges for 2012/13.
11. With regard to setting fees for Street Trading, the Local Government (Miscellaneous) Provisions Act 1982, Schedule 4, Part 9 states:
 - “(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.
 - (2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according –
 - (a) to the duration of the licence or consent;
 - (b) to the street in which it authorises trading; and
 - (c) to the descriptions of articles in which the holder is authorised to trade.”
12. Following Council resolution on the 19th December 2011, the statutory processes have now been completed, and the designation of all streets across the City as Consent Streets came into effect on the 1st February 2012. The extension of the scheme enables the Council to regulate Street Trading that was previously unregulated. Street Trading such as food vans operating outside the City centre will now require the Council's consent. In addition, this extension of the scheme will enable

enforcement action to be taken against the selling of vehicles from the side of the road.

13. The fee levels for the street trading activities that have been drawn into licensing by the extension of the scheme should now be determined. It is recommended that these should be at a lower level than in the City centre to reflect the lower costs of administration and regulation.
14. The current evening food traders at Headington and Summertown are covered by the existing scheme and will continue to pay fees that are in line with City centre traders. They operate into the early hours of the morning and the resources required to regulate them are higher than those who operate outside the City centre during the day.
15. A benchmarking exercise has been undertaken with local authorities in our DEFRA grouping, predominantly drawn from Cheltenham BC, Hastings BC, Crawley BC, Wolverhampton City Council and Telford & Wrekin Council. The specific factors that were compared were fee levels, the period of consent, whether there was a licence or consent scheme, delegated powers, conditions of licence, consultation processes and the number of consents issued.
16. For commercial ventures such as Christmas/Continental markets, the fee for commercial Street Trading events should apply. There will be no fee for Street Trading at non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity or educational organisation.
17. Committee is requested to consider and approve, or vary, the fee structure proposed in paragraph 19, that would include the City centre area, evening food traders, and all other traders (in areas outside the City centre). It is proposed that the City centre area should be defined as the area within Folly Bridge, Magdalen Bridge, Osney Bridge and Bevington Road.
18. It is recommended that the increases in line with inflation should be approved for the City centre and evening trading and that consultation is carried out on the new fees that are proposed for all other traders at paragraph 19 and in the appendix. It is also recommended that a review of the Street Trading Policy is carried out to incorporate the extension of the scheme to the whole of the Oxford City Council area.

19.

Street Trading Consents	2011/12	2012/13
City Centre & Evening Traders		
Annual consent	£7,000	£7,315
Six months	£3,600	£3,762
Three months	£1,750	£1,829
One month	£585	£611
One week	£155	£162
All Other Traders		
Annual consent	Not listed	£2,600
Six months	Not listed	£1,300
Three months	Not listed	£650
One month	Not listed	£220
One week	Not listed	£60
Commercial Events e.g. Christmas / Continental Markets	Not listed	£20 per stall per day (min £120)
Non-commercial, community or charity events	Not listed	No fee
Consent badge (replacement)	£25	£25

Financial Implications

20. The projected income from this licensing tariff is included in the Council's budget estimates for 2012/13.

Legal Implications

21. 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, as set out in paragraph 3.

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Background papers: None

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