

**To:** General Purposes Licensing Committee

**Date:** 21 January 2014 **Item No:**

**Report of:** Head of Environmental Development

**Title of Report:** Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties: Licence Fees and Charges for the 2014/15 financial year

## Summary and Recommendations

**Purpose of report:** To seek agreement of the licence fees for 2014/15 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) agree the licence fees and charges for 2014/15 as set out in the Appendix.**

## **Introduction**

1. The purpose of this report is to establish the licence fees and charges that should apply for 2014/15, 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 and charges detailed within this report and found at **Appendix One** relate solely to the functions of the General Licensing Team. A further report will be provided to Members in relation to the fees and charges related to the functions of the Miscellaneous Licensing Team.
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 and appeals.

4. Licence fees set by the Council and administered in the General Licensing function consist of Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers and Sex Establishments.

### **Commercial Events**

5. 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.
6. 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.
7. It is proposed that the fee of between £100 and £300 that was implemented for 2012/13 and continued through the last financial year 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.

### **Hackney Carriage and Private Hire Licence Fees and Charges**

8. The procedure for changing Hackney Carriage and Private Hire Licence fees requires consultation and all relevant objections must be considered before making any changes.
9. 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 1<sup>st</sup> March 2011.
10. 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.

### **Motor Salvage Operators**

11. The Committee is asked to note that the previously regulated Motor Salvage Operator function is now obsolete and has been brought into the Scrap Metal Dealer function through the implementation of the Scrap Metal Dealer Act 2013.

### **Scrap Metal Dealers**

12. The Scrap Metal Dealer function is presided over by the Executive Board, and not by the Licensing Committees. The current and proposed fees for this function can be found within the Appendix purely for Members to note.

### **Sex Establishments (Sexual Entertainment Venues)**

13. On 9<sup>th</sup> 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.
14. Last year an increase in line with inflation was applied to the fees for Sexual Entertainment Venue licences in order to ensure that our fee was set at full cost recovery for the services we provide.
15. No changes are proposed to the current level of fees and charges owing to the full cost recovery of the services provided having not risen, nor are the costs to provide the licensing function expected to increase during the next 12 months

### **Sex Establishments (Sex Shops & Sex Cinemas)**

16. On the 3<sup>rd</sup> 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.
17. Last year an increase in line with inflation was applied to the fees for Sexual Entertainment Venue licences in order to ensure that our fee was set at full cost recovery for the services we provide
18. No changes are proposed to the current level of fees and charges owing to the full cost recovery of the services provided having not risen, nor are the costs to provide the licensing function expected to increase during the next 12 months

### **Street Parties**

19. 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.
20. The Street Trading event fee will apply where there is a commercial element with such Street Parties, and this is detailed in the report presented by the Miscellaneous Licensing Team.

### **Financial Implications**

21. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council’s budget estimates for 2014/15.

## **Legal Implications**

22. 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.
23. 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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## **Background papers:**

**Appendix One: Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties Fees and Charges 2014/15**

**Version number: 1.0**