

**BRIDGEND COUNTY BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**5 JULY 2006**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE AND EXECUTIVE DIRECTOR**  
**- RESOURCES**

**1.0 LEGAL SERVICES DEPARTMENT**

**LICENSING FUNCTIONS**

**DISCRETIONARY LICENCE FEES AND CHARGES**

**1.1 Purpose of report**

1.2 To determine licensing fees and charges for 2006/2007.

**2.0 Background**

2.1 The Licensing Committee has the power to determine fees charged in respect of those licensing functions within the purview of the Licensing Committee and to hear and determine objections relating to proposed fee revisions. A table of the current and proposed fees and charges is shown at Appendix 1.

2.2 The Council has a policy that, where permitted by legislation, the overall level of fees is set to recover the cost of providing the service. Members are requested to note however, that fees for the majority of the licensing functions are set by statute and the Council has no discretion to vary these fees.

**3.0 2006/2007 budget issues**

3.1 The increases proposed for 2006/2007 are in line with the rate of inflation with rounding up to the nearest whole £1. Licensing fees are set so as to provide an income which offset the administration costs, including employee costs. The fees therefore need to be increased each year in line with pay and prices inflation. The budget is monitored monthly to ensure the targets are still correct and Members are advised accordingly.

3.2 The budget for 2006/2007 was agreed by Council on 15 February 2006. At the meeting of the Licensing Committee held to determine the fees for 2004/2005, Members asked to be appraised of the budget setting process prior to determining the fee scales.

- 3.3 The function is mainly funded via an income budget. Therefore the budget set by the Council is one which must be achieved via income rather than one which provides a resource for the department. Until 2004/2005 the Council had power to set licence fees at a level to recover the total cost of the service. The streamlining of the licensing system means that a premises may have been subject to separate fees for different licensable activities. Fees for licences granted under the Licensing Act 2003 are now set by statute and attract a single annual fee. As a consequence the ability of the department to meet its target is therefore strictly limited to the annual fee payable by licence holders and new applications received.
- 3.4 During budget year 2005/06 following the introduction of the liquor licensing regime, additional income was received over and above the norm due to the need for all licensed premises to apply under the new legislation. This has provided an under spend of £60,000. The budget settlement for 2006/07 however did not take account of the significant drop in income for this year due to the lack of need to make further applications and an efficiency saving was offered in respect of the two enforcement officer posts to reduce the income target.
- 3.5 Although additional staffing was provided as part of the preparations for the new legislation, (two administrative staff) the budgetary pressure is compounded by the need to prepare for additional responsibilities transferred from the Magistrates' Court Service. The Council will be the regulatory body for gambling premises providing an administrative and enforcement service for premises ranging from adult amusement arcades to betting shops and bingo halls.
- 3.6 The Department currently employs two enforcement officers. Provision was made for 2 additional enforcement officers to cover the additional workload arising from the Licensing Act but no appointment was made due to an original delay in the implementation of the legislation and uncertainty of when the enforcement provisions would apply and, more recently, a need to reduce the income target of the department due to efficiency savings and the known lack of funding available this year. The cost of one enforcement officer with on costs is £22,535.
- 3.7 The present enforcement officers are required to cover all aspects of the licensing service including taxis, alcohol and entertainment venues, and gambling premises. Their role involves not only enforcement and investigation of complaints. The service has been committed to a proactive approach to enforcement, with an emphasis on training and education and working with licensees to resolve problems at an early stage. For health and safety reasons it is not possible to undertake some enforcement duties (particularly at night) with only one officer.

3.8 Approval has now been gained to carry over the under spend (or over recovery of income) from last year so as to employ one of the two additional enforcement officers referred to above on a temporary contract. In addition, one officer has left the department and a recruitment exercise is underway. It is hoped that it will be possible to recruit to both posts under the single process.

#### 4.0 **Fees for street trading consents**

4.1 Members have also asked for information on powers available to them to grant applications for reduced fees for street trading consents.

4.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading. The majority of designated streets are known as consent streets where trading is only permitted under the authority of a street trading consent granted by the Council. The legislation was adopted to regulate traders and to protect the public from poor quality goods and unfair trading practices.

4.3 The Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent and they may set different rates according to the duration of the consent, the street in which it authorises trading and the type of articles sold.

4.4 The above legislation gives the Council discretion to charge for consents based on the type of event and duration of the consent, and/or to implement a policy to reduce the fee in certain circumstances.

#### 4.5 **Bridgend**

On 24 May 2002, the Licensing Committee adopted guidelines for the granting of street trading consents in Bridgend Town Centre. Whilst the guidelines were not intended to fetter the discretion of any Licensing Sub-Committee when considering an application, the main principles were that trading should be:

- Of benefit to the regeneration of Bridgend Town Centre, and
- Of benefit to the commercial vitality of the Town Centre.

4.6 Since 2002, the majority of applications for street trading consents have been from the Bridgend Festivals Committee, a non-profit making organisation which has promoted a number of street markets and festivals in the Town Centre working to promote regeneration of the town centre.

#### 4.7 Porthcawl

The only policy in place relates to a prohibition on the sale of hot food save in exceptional circumstances. The current policy limits street trading consents for ice-cream tricycles to six per year. In 2005/2006 the Council received applications for ice-cream tricycles to operate on the Esplanade on a commercial basis. An application was also granted for a market promoted by the Bridgend Festivals Committee. The current trend is that the number of enquiries for street trading consents is decreasing.

4.8 The proposed fees for 2006/2007 are £190 per site or stall or barrow for an annual consent and £28 per month or part thereof. A number of Council's including Torfaen CBC, North Lincolnshire Council and Purbeck DC make provision for fees for charitable events. To date this Council has considered applications for reduced fees on their merits and no policy is in place.

4.9 Members may therefore wish to consider whether the following organisations should be given special consideration:

- a) registered charities
- b) other 'not for profit' organisations

4.10 If Members are minded to introduce such a policy then it is recommended that the application should be subject to the organisation submitting written evidence of its status and/or audited accounts to the Council with the application. In order to cover costs it is suggested that a fee of £30 be charged for each annual consent of this type.

4.11 It is recommended that the street trading policy be reviewed should the trend in enquiries change.

#### **Recommendations**

##### 4.12 Discretionary fee increases

The Committee is recommended to approve the proposed fee increases to be effective from 17 July 2006, with the exception of fees relating to taxi vehicle licences and operator licences which are subject to Public Notice and will become operative either 28 days following the expiration of the Public Notice, or, if objections are received, on a date to be determined by the Licensing Committee following formal consideration of the objections.

#### 4.13 Street trading fees

The Committee is requested to adopt a policy whereby the Licensing Sub-Committee may consider applications for reduced fees based on the following criteria and subject to the appropriate evidence being submitted as to the status of the organisation.

- a) registered charities
- b) other 'not for profit' organisations

4.14 Subject to a £30 fee being charged for each annual consent to cover costs.

4.15 A further report to be presented should the trend in street trading enquires change.

#### 5..0 **LICENSING ACT 2003: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982** **LATE NIGHT REFRESHMENT HOUSES ACT 1969** **APPLICATIONS FOR REFUND OF FEES**

##### 5.1 **Purpose of report**

5.2 To determine applications received for refunds of fees paid for entertainment licences and a late night refreshment house licence required during the period before the Licensing Act 2003 came into full effect.

##### 5.3 **Background**

5.4 Members are advised that licensees were required to hold entertainment licences until the provisions of the Licensing Act 2003 came into force. As the date of implementation was not known at the time of renewal a number of premises within the County Borough were required to renew their licences and pay the full annual fee to cover them during the interim period.

5.5 The Licensing Act 2003 came into effect on 24 November 2005. The Council has therefore received a number of applications for refunds from licensees who did not have the benefit of a licence for a full year, the details of which are set out below. The Licensing Committee is asked to determine whether the fees paid were reasonable and appropriate having regard to the fact that licensees did not have the benefit of a full year.

5.6 To assist Members, the following table sets out details of the fee paid, the period of time the licence was in force and a proposed pro rata refund based on the number of months the licence was held. The fee retained will cover the cost of administering the applications.

Premises	Fee Paid	Period of Time Licence(s) in force	Recommended Refund
The Two Brewers Brackla Bridgend	£375	1 December 2004 to 24 November 2005	None
The Sawyers Arms Commercial Street Maesteg	£315	1 May 2005 to 24 November 2005	£131.25
Tyrisha Alehouse Pen y Cae Bridgend	£315	6 March 2005 to 24 November 2005	£105.00
The Hi Tide Inn Mackworth Road Porthcawl	£505	1 August 2005 to 24 November 2005	£336.00
Brackla Break Café Heol Ffaldau Bridgend	£245	1 April 2005 to 24 November 2005	£80.00

5.7 As the closing of accounts has now taken place, the Committee is requested to resolve that further applications for refunds for the financial year 2005/2006 will only be considered in exceptional cases.

5.8 **Recommendation**

5.9 The Committee is recommended to determine whether the above fees were reasonable and appropriate and whether the applications should be granted.

6.0 **TOWN POLICE CLAUSES ACT 1847**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**APPLICATION FOR REFUND OF FEE: MR. A**

6.1 An application has been received for a refund of the fee paid in connection with an application for the grant of a taxi licence. The person paid the full fee of £85 at the time of making the application. The Council requests a deposit of £40 when application is made to cover the cost of administration and the fee of payable to the Criminal Records Bureau. The applicant subsequently withdrew the application because of a medical condition.

6.2 For the information of Members, the Council has the discretion to refund the whole or part of the fee in respect of a licence if they think it is appropriate to do so.

6.3 **Recommendation**

6.4 Licence fees are set to recover the costs of issue and administration and, in this case, the applicant withdrew his application following his visit to his Doctor regarding the medical certificate. As the application had not been processed, it is recommended that the balance of fee paid be refunded, i.e. £45.00.

7.0 **TOWN POLICE CLAUSES ACT 1847**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**APPLICATION FOR REFUND OF FEE: MR. K**

7.1 An application has been received for a refund of the fee paid in connection with an application for the grant of a taxi licence. The person paid the renewal fee of £37.00 at the time of making the application. Mr. K.'s application was subsequently refused on medical grounds.

7.2 For the information of Members, the Council has the discretion to refund the whole or part of the fee in respect of a licence if they think it is appropriate to do so.

7.3 **Recommendation**

As the application was processed, the Council incurred administrative costs. It is recommended that a refund of £10.00 be made to the applicant.

L M James

Deputy Chief Executive and Executive Director – Resources

Date : 29 June 2006

Background Documents:

Street Trading Consent Guidance [www.torfaen.gov.uk](http://www.torfaen.gov.uk)

Street Trading Fees [www.northlincs.gov.uk](http://www.northlincs.gov.uk)

Notes for applicants and consent holders [www.purbeck.gov.uk](http://www.purbeck.gov.uk)

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## APPENDIX 1

### LICENSING AND REGISTRATION – DISCRETIONARY FEES

Category	2005/2006 Fees	2006/2007 Proposed Fees
<b><u>Miscellaneous Premises</u></b>		
Marriage Premises approval	£1060.00	£1090.00
Sex Establishment Grant (Minimum)	£566.00	£583.00
Sex Establishment Renewal (Minimum)	£412.00	£424.00
<b><u>Hackney Carriage and Private Hire Licences</u></b>		
Vehicle (including 2 tests)**	£206.00	£212.00
Additional tests**	£47.00	£49.00
Special vehicles (including stretch limousines)**	£258.00	£266.00
Deposit on plate	£25.00	£25.00 (no increase)
Grant of Driver licence (inc Driver Awareness Course and cost of CRB check)	£92.00	£94.00
Renewal of Driver licence	£37.00	£38.00
Driver Awareness Course referral	£24.00	£25.00
Criminal Records Bureau Search – cost to be met by applicant	as advised by CRB currently £29.00	as advised by CRB £31.00 from 6 April 2006
DVLA check – cost to be met by applicant	as advised by DVLA	as advised by DVLA
Replacement licences/photocard badges	£10.00	£10.00 (no increase)
Cancellation of vehicle test within one working day or non-attendance at test	£47.00	£49.00
Transfer of ownership	£36.00	£37.00
Part re-test of vehicle minimum	£20.00	£20.00



Operator licence**	£134.00	£138.00
<b><u>Miscellaneous licences and permits</u></b>		
Amusement with Prizes – All cash Machines	£250.00	£250.00 (no change)
Street Trading Consent – per annum Minimum***	£185.00	£190.00
Street Trading Consent – per month or part thereof minimum	£27.00	£28.00
Sports Ground Certificate (Minimum fee)	£1030.00	£1060.00
Sports Ground regulated stand (per stand) (Minimum fee)	£360.00	£370.00
Sports Ground certificate variation, transfers and consent to non-specified activities (Minimum fee)	£72.00	£74.00
** subject to Public Notice		
***subject to policy review for charitable organisations		

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