

NORWICH CITY COUNCIL

Report for Resolution

Report To Licensing committee
8 March 2012

6

Report of Head of citywide services
Head of financial services

Subject Licence and registration fees

Purpose

This report invites members to consider the level of fees payable for those licences administered by the council's licensing section.

Recommendation

To approve the fees detailed in the column headed 'Recommended Charge' of Appendix A.

Financial Consequences

If members approve the proposed licence fee levels, this will set the estimated income for the year 2012/13 as shown in the 'Estimated Income' column of Appendix A.

Corporate Objective/Service Plan Priority

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

Contact Officers

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Background Documents

The Report

1. This report invites members to consider increasing the fees payable for those licences currently administered by the Head of Citywide Services and detailed in Appendix A. The fees in respect of the licences shown in Appendix A were last reviewed at the meeting of Licensing Committee on 31 March 2011.

2. Members will note that the charges fall under three headings: Discretionary Fees (the level of fee is at the discretion of the licensing authority subject to the principles outlined in paragraph 4 below), Discretionary Fees with Statutory Maxima (as Discretionary Fees but with an upper limit) and Fixed Fees (set by statute and cannot be increased).

Level of licence fees

3. When determining the levels of fees charged for the licensing function there are three main areas for consideration. Firstly, case law has established that local authorities are entitled to recover the cost of administering a licensing scheme, provided that allowance is made for exemptions or reductions. Following on from this point, the second area for consideration is that where certain licences are exempt from a fee, the cost of administering these licences cannot be 'transferred' to other licence fee payers. Lastly, it has also been determined through case law that local authorities are not empowered to raise revenue through their licensing function.

4. The points outlined in paragraph 3 above are taken into account when determining the base estimates for the current financial year. In calculating the projected income for each type of licence it is necessary to estimate the number of licences that may be issued over the course of the year.

Proposals for financial year 2012/13

5. The Head of Financial Services and I have considered the level of licence fees for the 2012/13 financial year and the proposals are contained in Appendix A attached to this report.

6. Having taken into account the criteria outlined above, the table at Appendix A suggests a charge for each licence which is obtained by applying a 5% increase to the current fees, except where the fee is fixed by statute.

Implementation

7. The increases can be brought into effect from the April 2012. However, members should be aware that a statutory advertising procedure applies in respect of an increase in the fees payable for Hackney Carriage Vehicle Licences, Private Hire Vehicle and Private Hire Operators' Licences. If objections are received in respect of these particular fees, then members will have to give further consideration to those increases.

NORWICH CITY COUNCIL LICENSING CHARGES 2011/12 TO 2012/13

| | Licence Fee 2011/12 £ | Estimated No. of Licences Issued in 2011/12 | Estimated Income 2011/12 £ | Recommended Charge 2012/13 (5.00% increase) £ | Estimated No. of Licences Issued in 2012/13 | Estimated Income 2012/13 £ |
|--|--------------------------------|---|-------------------------------------|---|---|-------------------------------------|
| DISCRETIONARY FEES | | | | | | |
| (i) Hackney Carriage & Private Hire | | | | | | |
| HC and PH Drivers - Grant | 229.00 | 5 | 1,145 | 240.00 | 5 | 1,200 |
| HC and PH Drivers - Renewal | 101.00 | 449 | 45,349 | 106.00 | 449 | 47,594 |
| PH Drivers Licence - Grant | 229.00 | 55 | 12,595 | 240.00 | 55 | 13,200 |
| PH Drivers Licence - 3 Month | 74.00 | 44 | 3,256 | 78.00 | 44 | 3,432 |
| PH Drivers Licence - Renewal | 101.00 | 350 | 35,350 | 106.00 | 350 | 37,100 |
| Hackney Carriage Vehicle | 126.00 | 217 | 27,342 | 132.00 | 217 | 28,644 |
| Private Hire Vehicle | 108.00 | 335 | 36,180 | 113.00 | 335 | 37,855 |
| Private Hire Operator | 227.00 | 7 | 1,589 | 238.00 | 7 | 1,666 |
| Transfer of HC/PH vehicle licence | 14.00 | 60 | 840 | 15.00 | 60 | 900 |
| Replacement Vehicle Licence Plate | 17.00 | 15 | 255 | 18.00 | 15 | 270 |
| Sub total | | | 163,901 | | | 171,861 |
| (ii) Environmental Services Licences * | | | | | | |
| Acupuncture - Shop | 227.00 | 0 | 0 | 238.00 | 0 | 0 |
| Acupuncture - Employee | 24.00 | 2 | 48 | 25.00 | 2 | 50 |
| Ear Piercing - Shop | 227.00 | 0 | 0 | 238.00 | 0 | 0 |
| Ear Piercing - Employee | 24.00 | 4 | 96 | 25.00 | 4 | 100 |
| Electrolysis - Shop | 227.00 | 0 | 0 | 238.00 | 0 | 0 |
| Electrolysis - Employee | 24.00 | 0 | 0 | 25.00 | 0 | 0 |
| Tattooing - Shop | 227.00 | 1 | 227 | 238.00 | 1 | 238 |
| Tattooing - Employee | 24.00 | 15 | 360 | 25.00 | 15 | 375 |
| Dangerous Wild Animals | 227.00 | 0 | 0 | 238.00 | 0 | 0 |
| Dog Breeding | 227.00 | 0 | 0 | 238.00 | 0 | 0 |
| Animal Boarding Establishments | 227.00 | 0 | 0 | 238.00 | 0 | 0 |
| Pet Shops | 227.00 | 6 | 1,362 | 238.00 | 6 | 1,428 |
| Sub Total | | | 2,093 | | | 2,191 |
| (iii) Other Non-fixed Licences | | | | | | |
| Sex Establishments | 10,899.00 | 1 | 10,899 | 11,444.00 | 1 | 11,444 |
| Motor Salvage Operators (3 Yearly) | 92.00 | 0 | 0 | 97.00 | 0 | 0 |
| Tables and Chairs (grant) | 525.00 | 4 | 2,100 | 551.00 | 4 | 2,204 |
| Tables and Chairs (renewal) | 108.00 | 15 | 1,620 | 113.00 | 15 | 1,695 |
| Tables and Chairs (renewal 3 yearly) | 324.00 | 0 | 0 | 340.00 | 0 | 0 |
| Sub Total | | | 14,619 | | | 15,343 |
| Total | | | 180,613 | | | 189,395 |
| Gambling Act 2005 Licences (Discretionary fees with statutory maxima) | | | | | | |
| Bingo Club | | | | | | |
| Transitional (fast track) | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| New Application | 3,500.00 | 0 | 0 | 3,500.00 | 0 | 0 |
| Annual Fee | 1,000.00 | 2 | 2,000 | 1,000.00 | 1 | 1,000 |
| Variation | 1,750.00 | 0 | 0 | 1,750.00 | 0 | 0 |
| Transfer | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Re-Instatement | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Provisional Statement | 3,500.00 | 0 | 0 | 3,500.00 | 0 | 0 |
| Provisional Licence Application | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Betting Premises | | | | | | |
| Transitional (fast track) | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| New Application | 3,000.00 | 1 | 3,000 | 3,000.00 | 1 | 3,000 |
| Annual Fee | 600.00 | 36 | 21,600 | 600.00 | 36 | 21,600 |
| Variation | 1,500.00 | 0 | 0 | 1,500.00 | 0 | 0 |
| Transfer | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Re-Instatement | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Provisional Statement | 3,000.00 | 0 | 0 | 3,000.00 | 0 | 0 |
| Provisional Licence Application | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Tracks | | | | | | |
| Transitional (fast track) | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| New Application | 2,500.00 | 0 | 0 | 2,500.00 | 0 | 0 |
| Annual Fee | 1,000.00 | 1 | 1,000 | 1,000.00 | 1 | 1,000 |
| Variation | 1,250.00 | 0 | 0 | 1,250.00 | 0 | 0 |
| Transfer | 950.00 | 0 | 0 | 950.00 | 0 | 0 |
| Re-Instatement | 950.00 | 0 | 0 | 950.00 | 0 | 0 |
| Provisional Statement | 2,500.00 | 0 | 0 | 2,500.00 | 0 | 0 |
| Provisional Licence Application | 950.00 | 0 | 0 | 950.00 | 0 | 0 |
| Family Entertainment Centre | | | | | | |
| Transitional (fast track) | 300.00 | 0 | 0 | 300.00 | 0 | 0 |

| | | | | | | |
|---------------------------------|----------|---|-------|----------|---|-------|
| New Application | 2,000.00 | 0 | 0 | 2,000.00 | 0 | 0 |
| Annual Fee | 750.00 | 1 | 750 | 750.00 | 1 | 750 |
| Variation | 1,000.00 | 0 | 0 | 1,000.00 | 0 | 0 |
| Transfer | 950.00 | 0 | 0 | 950.00 | 0 | 0 |
| Re-Instatement | 950.00 | 0 | 0 | 950.00 | 0 | 0 |
| Provisional Statement | 2,000.00 | 0 | 0 | 2,000.00 | 0 | 0 |
| Provisional Licence Application | 950.00 | 0 | 0 | 950.00 | 0 | 0 |
| Adult Gaming Centre | | | | | | |
| Transitional (fast track) | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| New Application | 2,000.00 | 0 | 0 | 2,000.00 | 0 | 0 |
| Annual Fee | 1,000.00 | 2 | 2,000 | 1,000.00 | 2 | 2,000 |
| Variation | 1,000.00 | 0 | 0 | 1,000.00 | 0 | 0 |
| Transfer | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Re-Instatement | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |
| Provisional Statement | 2,000.00 | 0 | 0 | 2,000.00 | 0 | 0 |
| Provisional Licence Application | 1,200.00 | 0 | 0 | 1,200.00 | 0 | 0 |

Gambling Act 2005 Permits (Fixed fees)

| | | | | | | |
|---|--------|-----|-------|--------|-----|-------|
| Family Entertainment Centre | | | | | | |
| Transitional | 100.00 | 0 | 0 | 100.00 | 0 | 0 |
| New Application | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| Renewal Fee | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| Prize Gaming | | | | | | |
| Transitional | 100.00 | 0 | 0 | 100.00 | 0 | 0 |
| New Application | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| Renewal Fee | 300.00 | 0 | 0 | 300.00 | 0 | 0 |
| Alcohol Licensed Premises - notification of 2 or less machines | | | | | | |
| Application fee | 50.00 | 50 | 2,500 | 50.00 | 50 | 2,500 |
| Alcohol Licensed Premises - more than 2 machines | | | | | | |
| Transitional | 100.00 | 10 | 1,000 | 100.00 | 10 | 1,000 |
| New Application | 150.00 | 9 | 1,350 | 150.00 | 9 | 1,350 |
| Annual Fee | 50.00 | 21 | 1,050 | 50.00 | 21 | 1,050 |
| Club Gaming Permit | | | | | | |
| Transitional | 100.00 | 0 | 0 | 100.00 | 0 | 0 |
| New Application | 200.00 | 0 | 0 | 200.00 | 0 | 0 |
| Renewal Fee | 200.00 | 0 | 0 | 200.00 | 0 | 0 |
| Annual fee | 50.00 | 2 | 100 | 50.00 | 2 | 100 |
| Club Gaming Machine Permit | | | | | | |
| Transitional | 100.00 | 0 | 0 | 100.00 | 0 | 0 |
| New Application | 200.00 | 0 | 0 | 200.00 | 0 | 0 |
| Renewal Fee | 200.00 | 0 | 0 | 200.00 | 0 | 0 |
| Annual fee | 50.00 | 0 | 0 | 50.00 | 0 | 0 |
| Small Society Lottery Registration | | | | | | |
| Application fee | 40.00 | 14 | 560 | 40.00 | 14 | 560 |
| Annual fee | 20.00 | 154 | 3,080 | 20.00 | 154 | 3,080 |

| | | | | |
|-----------|--|--------|--|--------|
| Sub Total | | 39,990 | | 38,990 |
|-----------|--|--------|--|--------|

Licensing Act 2003 (Fixed Fees)

| | | | | | | |
|--|--------|-----|--------|--------|-----|--------|
| Premises Licence / Club Premises Certificate - Grant | | | | | | |
| Band A | 100.00 | 3 | 300 | 100.00 | 3 | 300 |
| Band B | 190.00 | 14 | 2,660 | 190.00 | 14 | 2,660 |
| Band C | 315.00 | 5 | 1,575 | 315.00 | 5 | 1,575 |
| Band D | 450.00 | 1 | 450 | 450.00 | 1 | 450 |
| Band E | 635.00 | 4 | 2,540 | 635.00 | 4 | 2,540 |
| Other Licensing Act 2003 fees | | | 6,601 | | | 8,325 |
| Premises Licence / Club Premises Certificate - Annual Fee | | | | | | |
| Band A | 70.00 | 52 | 3,640 | 70.00 | 52 | 3,640 |
| Band B | 180.00 | 342 | 61,560 | 180.00 | 342 | 61,560 |
| Band C | 295.00 | 70 | 20,650 | 295.00 | 70 | 20,650 |
| Band D | 320.00 | 15 | 4,800 | 320.00 | 15 | 4,800 |
| Band E | 350.00 | 51 | 17,850 | 350.00 | 51 | 17,850 |
| Premises Licence / Club Premises Certificate - Variation | | | | | | |
| Band A | 100.00 | 1 | 100 | 100.00 | 1 | 100 |
| Band B | 190.00 | 17 | 3,230 | 190.00 | 17 | 3,230 |
| Band C | 315.00 | 6 | 1,890 | 315.00 | 6 | 1,890 |
| Band D | 450.00 | 1 | 450 | 450.00 | 1 | 450 |
| Band E | 635.00 | 1 | 635 | 635.00 | 1 | 635 |
| Personal Licence | 37.00 | 108 | 3,996 | 37.00 | 108 | 3,996 |
| Temporary Event Notice | 21.00 | 226 | 4,746 | 21.00 | 226 | 4,746 |

| | | | |
|--|---------|--|---------|
| | 137,673 | | 139,397 |
|--|---------|--|---------|

| | | |
|---------------------|----------------|----------------|
| Total income | 358,276 | 367,782 |
|---------------------|----------------|----------------|

APPENDIX B

Licensing Committee: 30 September 2010

3. LICENCE AND REGISTRATION FEES

The senior licensing officer presented the report and asked members to consider the increase where applicable and the level of fees payable for those licences administered by the council's licensing section. The senior licensing officer explained how the fees were categorised under three headings. He said the council were unable to generate income from licence fees and they were used for the costs of operating the licensing service. The increased fees had been prepared in conjunction with the head of finance and the suggested 5% increase would come into effect on 1 November 2010 where applicable. In response to questions the senior licensing officer said if an acupuncture business was ran from a private residence then it would constitute as a premises licence. He also explained the difference between family entertainment centres and adult gaming centres.

The senior licensing officer confirmed that as we were halfway through the financial year the increased fees would not apply retrospectively and would commence from 1 November 2010. The 5% increase was calculated by the heads of both citywide services and finance by looking at the cost of running the licensing service and would form part of the recharge to the licensing budget. It was calculated on the estimated time and cost of processing a licence and the annual increase in the cost of staff in terms of salaries, national insurance and pension contributions.

The senior licensing officer said in comparison with other councils in the vicinity it had been found that it was common practice to increase fees. Those local authorities who were in more rural locations had a greater increase in fees as their premises were more spread out. He said not all councils operated their licensing service in the same way and subsequently fees could vary accordingly. Norwich city council had a policy that prospective taxi drivers had to undertake a knowledge test and driving assessment when they applied for a licence, which was not the case for all other licensing authorities.

He said that were certain licences and permits for which there was no statutory power to charge a fee and that the increase in the discretionary fee licenses could not be used to recover the costs of the work undertaken to process these nonchargeable matters. The senior licensing officer explained that the total income figures for 2010/2011 as shown in Appendix A were estimated figures and not total amounts. The figures were lower than the year before as they reflected that the council was halfway through the financial year with fewer applications. Periods such as Christmas would see an increase in the amount of hackney carriage and private hire applications. In response for clarification, the senior licensing officer explained how the charge for a Sex Establishment licence was calculated and said it was high due to the amount of work undertaken across multiple departments of the council.

RESOLVED unanimously to approve the fees as detailed in the column headed 'Recommendation Charge' of Appendix A of the report.