

Licensing Fees & Charges 2019 to 2020

Committee considering report: Licensing Committee on 19 November 2018

Portfolio Member: Councillor Marcus Franks

Report Author: Charlie Fletcher

Forward Plan Ref: L3665

1. Purpose of the Report

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Annex D details the licensing fees and charges for the current year, alongside proposed changes for 2019/20.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

2. Recommendations

- 2.1 That, save for the vehicle and private hire operator licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex D, for public consultation, and
- 2.2 That the Committee agrees that the proposed charges for operators and vehicle licence fees are:
 - a) advertised;
 - b) if no objections are received, implemented for any licences commencing from 1 April 2019; or
 - c) if objections are received they be considered by the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2019
- 2.3 That the Committee uses its discretion to round the proposed fees to the nearest whole pound

3. Implications

- 3.1 **Financial:** Proposals to vary fees and charges to reflect the costs of operating the licensing service. If fees and charges do not reflect the cost of the service, the department may be operating at a loss or a profit.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 There are legislative restrictions upon the maximum charge that can be made in some cases, and also legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non-chargeable through the provision of a licence. In drawing up these proposed fees, officers have done so with consideration of the legal constraints in place.

Executive Summary

5. Introduction / Background

- 5.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process.
- 5.2 The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.
- 5.3 At the meeting of the Joint Public Protection Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle, all fees and charges should be set on the basis of full cost recovery. In 2018/19 the rate for the service was set at £55 per hour.
- 5.4 For 2019/20, in respect of all discretionary fees and the hourly rate, an inflationary rise of 2.5% has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise. The result is the fee schedule set out at Annex D of this report.

6. Proposals

- 6.1 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

7. Appendices

- 7.1 Appendix A – Data Protection Impact Assessment
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Supporting Information
- 7.4 Appendix D – Fees and charges 2019 to 2020

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Fees & Charges 2019 to 2020
Date of Assessment:	8 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – sensitive personal data is described as “ <i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation</i> ”		
Will you be processing data on a large scale?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both		
Will your project or system have a “social media” dimension?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – will it have an interactive element which allows users to communicate directly with one another?		
Will any decisions be automated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – does your system or process involve circumstances where an individual's input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?		
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, polices, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- "(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others."**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve updated list of fees and charges
Summary of relevant legislation:	Various
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	8 October 2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?

Aims:	To publish an updated list of fees and charges
Objectives:	To ensure that the fees and charges levied adequately cover the costs encountered by the licensing team
Outcomes:	New fees set
Benefits:	To ensure that the licensing service is not operating at either a loss or a profit, which will expose liability.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender	No impact	

Reassignment		
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident contribution on inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 8 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.