

Licensing and General Purposes Committee (Special) AGENDA

DATE: Wednesday 24 April 2013

TIME: 7.30 pm

VENUE: Committee Rooms 1 & 2,
Harrow Civic Centre

MEMBERSHIP (Quorum 4)

Chairman: Councillor Mano Dharmarajah

Councillors:

Mrinal Choudhury
Kairul Kareema Marikar
Ajay Maru (VC)
Phillip O'Dell
Varsha Parmar
William Stoodley
Krishna Suresh

Ramji Chauhan
Susan Hall
Manji Kara
Amir Moshenson
John Nickolay
Anthony Seymour
Lynda Seymour

Reserve Members:

- | | |
|-------------------|---------------------|
| 1. Mrs Rekha Shah | 1. Mrs Camilla Bath |
| 2. Ben Wealthy | 2. Stephen Wright |
| 3. Raj Ray | 3. Kam Chana |
| 4. Ann Gate | 4. Stephen Greek |
| 5. Sue Anderson | 5. – |
| 6. Krishna James | 6. Yogesh Teli |
| 7. Bill Phillips | 7. Chris Mote |
| 8. Sachin Shah | |

Contact: Manize Talukdar, Democratic & Electoral Services Officer
Tel: 020 8424 1323 E-mail: manize.talukdar@harrow.gov.uk

AGENDA - PART I

1. ATTENDANCE BY RESERVE MEMBERS

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present.

3. DEPUTATIONS

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.

4. SETTING OF FEES AND CHARGES FOR LICENSING FUNCTIONS (Pages 1 - 8)

Report of the Corporate Director for Environment and Enterprise.

AGENDA - PART II - NIL

**REPORT FOR: LICENSING & GENERAL
PURPOSES COMMITTEE**

Date of Meeting: 24 April 2013

Subject: Setting of fees and charges for Licensing Functions

Responsible Officer: Caroline Bruce, Corporate Director for Environment and Enterprise

Exempt: No

Enclosures: Appendix 1 - Current and proposed fees and charges

Section 1 – Summary and Recommendations

This report sets out the proposed fees and charges for licences/applications for those matters listed in this report, and as set out in appendix 1.

Recommendations: it is recommended that the Committee approve and set the new fees and charges for the year 2013/14.

Section 2 – Report

2.1 Background

2.11 The following matters are covered under this report:

- Fees for applications for Special Treatment Licensing under the London Local Authorities Act 1991
- Fees for licence applications for Houses in Multiple Occupation under the Housing Act 2004
- Charges for notifications for Skip Licences, Materials on Highway, Hording and scaffolding licences under the Highways Act
- Fees for applications for Pet Shops, Animal Boarding/Breeding, Performing Animals and Horse Riding Establishments.
- Fees for applications for Hypnotism, Sex Shops, Sexual Entertainment Venues, Poisons and Scrap Metal & Motor Salvage Operators licences.

2.12 As these are non-executive functions, which fall to the Licensing & General Purposes Committee to deal with, the proposed fees/charges should be agreed by this Committee too.

Financial Implications

The fees and charges are set to recover total cost of administering the licensing functions as per legislation and guidance.

Risk Management Implications

Fees/charges need to be set correctly so as to comply with the requirements of the Provision of Services Regulations 2009, based on the EU Services Directive. Failure to do this could result in the Authority levying a fee that is subsequently considered to have been set unlawfully.

Legislation for each of the areas noted in this report allows the Authority to levy a fee or a charge to recover the cost of administering the process involved. Recent case law has provided further guidance as to what an authority can charge for, and as a result, the proposed fees and charges do not include any enforcement costs.

Large volume licences have been calculated by taking in to account the cost of the total service in providing application processing, advice and compliance visits to check applications and conditions.

On low volume applications, each process has been calculated via a time and motion process based on the steps taken to deal with such applications.

Equalities implications

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 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;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An initial Equalities Impact Assessment (screening) has been conducted and has found no adverse impacts.

Full Equality Impact Assessments were carried out for (the introduction of) Special Treatment Licensing in 2008 and for HMO licensing on 2009. These assessments considered the fees and charges (exclusive of enforcement costs) along with benchmarking against other London Authorities. Further to representations by home operators (for special treatment licences), a reduction of up to 40% was introduced to address their concerns.

Corporate Priorities

Supporting our town centre, our local shopping centres and businesses.

Section 3 - Statutory Officer Clearance

Name: Kanta Halai	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 9 April 2013		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 9 April 2013		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar
0208736 6237
shankar@harrow.gov.uk

Background Papers:

Relevant Legislation and guidance, case law

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES

Appendix 1 - Current & Proposed Fees & Charges

2012/13

2013/14

	2012/13	2013/14
49. Hypnotism Entertainments under the Hypnotism Act 1952		
<i>Note: In as far as the Hypnotism Act permits, the Council uses entertainments licensing procedures for processing and determining authorisations for hypnotism entertainments. In addition the model conditions issued by the Home Office, with any necessary charge</i>		
Capacity (maximum permitted) number of persons		
Up to 100	794.50	810.00
101 – 200	1,589.10	1,620.00
201 – 300	2,383.60	2,430.00
301 – 400	3,178.20	3,240.00
401 – 500	3,972.70	4,050.00
501 – 600	4,767.20	4,860.00
601 – 700	5,561.80	5,670.00
701 – 800	6,356.30	6,480.00
801 – 900	7,150.90	7,290.00
901 – 1,000	7,945.40	8,100.00
1,001 – 1,500	11,918.10	12,152.00
1,501 – 2,000	15,890.80	16,202.00
<i>Note: Additional charges for extension of hours beyond 11pm, 10% of scale fee plus 1% for each day of extension. Prices for larger capacities on application</i>	-	-
	-	-
Open space in local authority occupation and shopping centres	533.26	540.00
41a. Duplicate Licence	41.10	40.00
41b. Variation or transfer of Licence:	-	-
41c. Where public advertisement is required 10% of scale fee for Licence concerned.	-	-
41d. In all other cases	69.00	70.00
Reduced licence fee for registered Charities, religious organisations and other similar bodies where statutory fee exemption not applicable.	115.73	120.00
	-	-
50e. Occasional Licences	-	-
1st Day Charge -estimated Capacity (persons)	-	-
Up to 100	79.60	81.00
101 - 200	159.10	152.00
201 - 300	238.70	243.00
301 - 600	477.40	490.00
601 - 1,000	908.00	930.00
1,001 - 5,000	1,362.10	1,390.00

Additional Days Charge - estimated capacity (persons)	-	-
Up to 100	18.00	20.00
101 - 200	35.00	40.00
201 - 300	52.00	43.00
301 - 600	102.90	105.00
601 – 1,000	204.70	210.00
1,001- 5,000	284.30	290.00
Prices for larger premises on application	-	-
For one or more occasions within a period of one month	-	-
Open space in local authority occupation and shopping centres	102.90	105.00
Nominal fee for community event by non-profit making organisation.	40.30	41.00
Reduced fee for registered charities, religious and voluntary organisations and similar bodies.	102.90	105.00
Nominal fee for events on premises operated by the Council where entertainment is given free.	69.00	70.00
Nominal Fee for occasional variation of an annual Licence	-	-
First day	40.30	41.00
Additional days	29.70	30.00
Additional days in one calendar month or 1/12 of the annual fee for application in that month, whichever is the lower.	29.70	30.00
<i>Note: Nominal Fee for occasional variation of an annual Licence in circumstances where the Council requires public advertisement of the application. A separate fee element for veterinary inspection or other specialist inspection has been introduced for all</i>	-	-
	-	-
	-	-
51. Animal Boarding Establishments	-	-
<i>(Animal Boarding Establishments Act 1963)</i>	-	-
(a) Initial Registration (minimum fee)	204.00	210.00
(b) Renewal	127.50	130.00
<i>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</i>	-	-
52. Dangerous Wild Animals	-	-
<i>(Dangerous Wild Animals Act 1976)</i>	-	-
(a) Initial Registration	255.00	260.00
(b) Renewal	204.00	210.00
<i>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</i>	-	-
53. Performing Animals	-	-
<i>(Performing Animals (Regulations) Act 1925)</i>	-	-
(a) Initial Registration	102.00	104.00
(b) Renewal	51.00	50.00
(c) Certificate	20.40	21.00

<i>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</i>	-	-
54. Pet Shops	-	-
(Pet Animals Act 1951)	-	-
(a) Initial Registration (min.fee)	229.50	234.00
(b) Renewal	153.00	160.00
<i>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</i>	-	-
55. Riding Establishments	-	-
(Riding Establishments Act 1964)	76.50	80.00
<i>Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance</i>		-
56. Poisons		-
(Poisons Act 1972)		-
(a) Inclusion of person on list of those entitled to sell poison	76.50	80.00
(b) Alteration of list	25.50	30.00
(c) Retention of name on list in any year subsequent to post entry	76.50	80.00
d) Entry of name in respect of more than one set of premises for each additional set.	76.50	80.00
(e) Retention of name in respect of each additional set.	76.50	80.00
57. Breeding Establishments for Dogs		-
(Breeding of Dogs Act 1973)		-
(a) Initial Registration	255.00	260.00
(b) Renewal	153.00	160.00
<i>Note: Plus fee for approved veterinary or other specialist inspection</i>		-
		-
58. Massage and Special Treatment Establishments		-
Special Treatments (a) Grant of a new licence		-
BAND A	178.50	180.00
BAND B	357.00	360.00
BAND C	535.50	550.00
BAND D	714.00	730.00
(b) Rate for persons operating from domestic premises	-	-
BAND A	178.50	180.00
BAND B	280.50	290.00
BAND C	331.50	340.00
BAND D	433.50	440.00
(d) Variation of licence		80.00
(e) Premises offering Laser and/IPL for cosmetic purposes	637.50	650.00
		-
63. Houses in Multiple Occupation Licensing Scheme - per application	-	-

New basis for fees to reflect changes in national licensing legislation for houses in multiple occupation (Housing Act 2004).		1,200.00
Renewal of HMO licence, no major changes		850.00
64. Sex Shops	-	-
Initial Application for Annual License fee for a Sex Shop licence	6,120.00	6,240.00
Renewal fee for a Sex Shop licence	5,610.00	5,720.00
65. Immigration Inspections	-	-
<i>Note: The Council responding to requests, provides a letter to the British High Commission in respect of accommodation being fit for purpose.</i>	-	-
Inspection of property and provision of report for immigration purposes. Includes VAT at standard rate	127.50	130.00
66. Scrap Metal and Salvage	-	-
<u><i>Note: The Vehicle (Crime) Act 2001 and associated Motor Salvage Operators Regulations 2002 introduced controls essentially similar to the Scrap Metal legislation. A fee is payable.</i></u>	-	-
Motor Salvage Operators Regulations 2002	229.50	234.00
		-
67. Highways Enforcement	-	-
<u><i>Note: Skip (per month) Where a skip is identified that does not have a permit the council may issue a permit whether or not prosecution is deemed appropriate. The fee for such a 'retrospective' application is twice the initial fee.</i></u>	-	-
Skip (per month)	40.80	42.00
Skip Renewal (per month)	35.70	36.50
<u><i>Note: The deposit required from builders, developers, etc for the positioning of materials on the highway is being increased from £100 to £200. This deposit is fully or partially refunded, depending on any necessary repairs or reinstatement works.</i></u>	-	-
68. Building Materials on the Highway	-	-
Deposit (subject to highway damage)	204.00	210.00
First month	81.60	80.00
Renewal (per month)	71.40	73.00
69. Scaffolding Licence	-	-
Deposit (subject to highway damage)	102.00	104.00
Initial 3 months	102.00	104.00
Renewal (per 3 months)	102.00	104.00
70. Hoarding Licence	-	-
Deposit (subject to highway damage)	102.00	104.00
Initial 3 months	102.00	104.00
Renewal (per 3 months)	102.00	104.00
Inspection of Hoarding (One time charge only)	51.00	52.00