

**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