

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

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**Date of Meeting:** 17 March 2014

**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  
Appendix 2 - LGA briefing on the implication of Hemming v Westminster City Council on locally set licence fees

## **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 2014/15

## **Section 2 – Report**

### **2.1 Background**

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 Licenses, Materials on Highway, Hoarding and scaffolding licences under the Highways Act 1980
- 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.

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.

### **2.2 Financial Implications**

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

### **2.3 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.

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.

Special Treatment Licence fees for domestic premises have been recalculated downwards to reflect cost

## **2.4 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.

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

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 in 2009, and appropriate adjustments made

## **2.5 Corporate Priorities**

The setting of the fees and charges meets the current administration priorities, and contribute to the Council vision of delivering a “Cleaner, Safer, Fairer” Harrow.

### Section 3 - Statutory Officer Clearance

Name: Jessie Man

on behalf of the\*  
Chief Financial Officer

Date: 4.3.14

Name: Paresh Mehta

on behalf of the\*  
Monitoring Officer

Date: 4.3.14

### Section 4 - Contact Details and Background Papers

**Contact:** Richard Le-Brun  
Environmental Service Manager  
[Richard.lebrun@harrow.gov.uk](mailto:Richard.lebrun@harrow.gov.uk) 020 8736 6267

#### Background Papers:

Hemmings v Westminster Case Law (re Fees & Charges not including enforcement costs)

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES

<b>APPENDIX 1</b>								
<b>79. Occasional Licences (outside scope of VAT)</b>		<b>Charges 2013/14</b>			<b>Proposed 2014/15</b>			
Licensing Act 2003		<b>Basic</b>		<b>Total</b>	<b>Basic</b>		<b>Total</b>	<b>% Change</b>
1st Day Charge -estimated Capacity (persons)								
Up to 100		81		81	81		81	0.00%
101 - 200		152		152	152		152	0.00%
201 - 300		243		243	243		243	0.00%
301 - 600		490		490	490		490	0.00%
601 - 1,000		930		930	930		930	0.00%
1,001 - 5,000		1,390		1,390	1,390		1,390	0.00%
Additional Days Charge - estimated capacity (persons)								
Up to 100		20		20	20		20	0.00%
101 - 200		40		40	40		40	0.00%
201 - 300		43		43	43		43	0.00%
301 - 600		105		105	105		105	0.00%
601 - 1,000		210		210	210		210	0.00%
1,001 - 5,000		290		290	290		290	0.00%
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		105		105	105		105	0.00%
Nominal fee for community event by non-profit making organisations		41		41	41		41	0.00%
Reduced fee for registered charities, religious and voluntary organisations and similar bodies		105		105	105		105	0.00%
Nominal fee for events on premises operated by the council where entertainment is given free.		70		70	70		70	0.00%
Nominal fee for occasional variation of an annual licence								
First day		41		41	41		41	0.00%
Additional days		30		30	30		30	0.00%
Additional days in one calendar month or 1/12 of the annual fee for application in that month, whichever is the lower		30		30	30		30	0.00%
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.								

80. Special Treatments	Charges 2013/14			Proposed 2014/15			% Change
	Basic		Total	Basic		Total	
London Local Authorities Act 1991							
<b>Grant of a new licence</b>							
Band A : Ear piercing only	180		180	180		180	0.00%
Band B - Aromatherapy, body massage, Champissage (Indian Head massage), Fairbane therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure, Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and all treatments in Band A.	360		360	360		360	0.00%
Band B (Domestic)- Aromatherapy, body massage, Champissage (Indian Head massage), Fairbane therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure, Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and all treatments in Band A.	290		290	145		145	-50.00%
Band C - Acupressure, Acupuncture, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Rolfing, Sclerotherapy, Stone therapy, Trichology, Tui – na, Ultra sonic and all treatments in Band A and B.	550		550	550		550	0.00%

Band C (Domestic) - Acupressure, Acupuncture, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Rolfig, Sclerotherapy, Stone therapy, Trichology, Tui – na, Ultra sonic and all treatments in Band A and B.	340	340	221	221	-35.00%
Band D - Body piercing, beading, Bio Skin Jetting, Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds) and all treatments in Band A, B & C	730	730	730	730	0.00%
Band D (Domestic) - Body piercing, beading, Bio Skin Jetting, Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds) and all treatments in Band A, B & C	440	440	286	286	-35.00%
Band E - Laser and intense pulse light treatments	650	650	650	650	0.00%
Band E (Domestic) - Laser and intense pulse light treatments	650	650	650	650	0.00%
<b>Variation of licence</b>	80	80	80	80	0.00%
<b>81. Pet Shops</b>					
(Pet Animals Act 1951)					
Initial registration	234	234	234	234	0.00%
Renewal	160	160	160	160	0.00%
Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance					

<b>82. Sex Entertainment Venue</b>						
Local Government Miscellaneous Provisions Act 1982 (as amended)						
Annual Licence New Grant	7,817	7,817	7,817	7,817	0.00%	
Renewal	4,456	4,456	4,456	4,456	0.00%	
Variation (in combination with renewal)	1,113	1,113	1,113	1,113	0.00%	
Variation (mid term)	5,107	5,107	5,107	5,107	0.00%	
Transfer	1,126	1,126	1,126	1,126	0.00%	
<b>83. Sex Shops</b>						
Local Government Miscellaneous Provisions Act 1982 (as amended)						
Initial application	6,240	6,240	6,240	6,240	0.00%	
Renewal	5,720	5,720	5,720	5,720	0.00%	
<b>84. Breeding Establishments for Dogs</b>						
Breeding of Dogs Act 1973						
(Breeding of Dogs Act 1973)						
(a) Initial Registration	260	260	260	260	0.00%	
(b) Renewal	160	160	160	160	0.00%	
Note: Plus fee for approved veterinary or other specialist inspection						
<b>85. Poisons (outside scope of VAT)</b>						
(Poisons Act 1972)						
(a) Inclusion of person on list of those entitled to sell poison	80	80	80	80	0.00%	
(b) Alteration of list	30	30	30	30	0.00%	
(c) Retention of name on list in any year subsequent to post entry	80	80	80	80	0.00%	
d) Entry of name in respect of more than one set of premises for each additional set.	80	80	80	80	0.00%	
(e) Retention of name in respect of each additional set.	80	80	80	80	0.00%	



<b>86. Immigration Inspections (outside scope of VAT)</b>						
Linked to inspection under the Housing Act 2004						
** Note: The Council responding to requests, provides a letter to the British High Commission in respect of accommodation being fit for purpose.						
Inspection of property and provision of report for immigration purposes.	130		130	135		135 4.00%
<b>87. Scrap Metal and Salvage (outside scope of VAT)</b>						
The Scrap Metal Dealers Act 2013						
** 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.						
Motor Salvage Operators Regulations 2002	234		234	234		234 0.00%
Scrap Metal dealers site licence/renewal	458		458	458		458 0.00%
Scrap Metal dealers collectors licence/renewal	255		255	255		255 0.00%
Variation of site licence	395		395	395		395 0.00%
Variation of site licence (minor variation)	79		79	79		79 0.00%
Variation of collectors licence	205		205	205		205 0.00%
Variation of collectors licence (minor variation)	79		79	79		79 0.00%
<b>88. Highways Enforcement (outside scope of VAT)</b>						
Highways Act 1980						
** 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. The fee for a 'retrospective' renewal application is twice the renewal fee. Officers will exercise discretion to make the standard charge where there is evidence that the company genuinely endeavoured to apply for the permit in advance.						
Skip (per month)	42		42	45		45 4.00%
Skip Renewal (per month)	36.5		36.5	40		40 4.00%
** Note: The deposit required from builders, developers, etc for the positioning of materials on the highway is £200. This deposit is fully or partially refunded, depending on any necessary repairs or reinstatement works. The change reflects increases in costs of works by contractors and protects the council if costs exceed the current amount of the deposit.						
<b>89. Building Materials on the Highway (outside scope of VAT)</b>						
Highways Act 1980						
Deposit (subject to highway damage)	210		210	218		218 4.00%
First month	80		80	83		83 4.00%
Renewal (per month)	73		73	76		76 4.00%

<b>90. Housing of Multiple Occupation</b>						
Housing Act 2004						
HMO Application	1200		1200	1200	1200	0.00%
HMO Renewal	850		850	850	850	0.00%
HMO Renewal with material change	1200		1200	1200	1200	0.00%
New Application (self contained) (per unit)	240		240	240	240	0.00%
Renewal Application (self contained)	170		170	170	170	0.00%
Renewal Application (self contained) with material change (per unit)	240		240	240	240	0.00%
<b>91. Hypnotism events</b>						
Hypnotism Act 1952						
Capacity (maximum permitted) number of persons						
up to 100	810.00		810.00	810.00	810.00	0.00%
101 - 200	1,620.00		1,620.00	1,620.00	1,620.00	0.00%
201 – 300	2,430.00		2,430.00	2,430.00	2,430.00	0.00%
301 – 400	3,240.00		3,240.00	3,240.00	3,240.00	0.00%
401 – 500	4,050.00		4,050.00	4,050.00	4,050.00	0.00%
501 – 600	4,860.00		4,860.00	4,860.00	4,860.00	0.00%
601 – 700	5,670.00		5,670.00	5,670.00	5,670.00	0.00%
701 – 800	6,480.00		6,480.00	6,480.00	6,480.00	0.00%
801 – 900	7,290.00		7,290.00	7,290.00	7,290.00	0.00%
901 – 1,000	8,100.00		8,100.00	8,100.00	8,100.00	0.00%
1,001 – 1,500	12,152.00		12,152.00	12,152.00	12,152.00	0.00%
1,501 – 2,000	16,202.00		16,202.00	16,202.00	16,202.00	0.00%
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						
<b>92. Animal Boarding Establishment</b>						
Animal Boarding Establishments Act 1963						
(Animal Boarding Establishments Act 1963)						
Initial registration	210		210	210	210	0.00%
Renewal	130		130	130	130	0.00%
Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance						

<b>93. Dangerous wild animals</b>						
Dangerous Wild Animals Act 1976 (Dangerous Wild Animals Act 1976)						
Initial registration	260		260	260		0.00%
Renewal	210		210	210		0.00%
Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance						
<b>94. Performing Animals</b>						
(Performing Animals (Regulations) Act 1925)						
Initial registration	104		104	104		0.00%
Renewal	50		50	50		0.00%
Certificate	21		21	21		0.00%
Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance						
<b>95. Riding Establishments</b>						
(Riding Establishments Act 1964)						
Application	80		80	80		0.00%
Note: Plus fee for approved veterinary or other specialist inspection, fee structure aligned to Department of Business Innovation & Skills Guidance						
<b>96. Scaffolding Licence</b>						
Highways Act 1980						
Deposit (subject to highway damage)	104		104	104		0.00%
Initial 3 Months	104		104	104		0.00%
Renewal (per 3 months)	104		104	104		0.00%
<b>97. Hoarding Licence</b>						
Highways Act 1980						
Deposit (subject to highway damage)	104		104	104		0.00%
Initial 3 Months	104		104	104		0.00%
Renewal (per 3 months)	104		104	104		0.00%
Inspection of Hoarding (One time charge only)	52		52	52		0.00%