

Regulatory Committee report



28 October 2020

REVIEW OF LOCALLY SET FEES FOR VARIOUS REGULATORY REGIMES

Report author: **Ed Fisher**
Senior Licensing Officer
01908 252409

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for publication

No

1. Purpose

- 1.1 This report applies to the discretionary fee setting ability of the Council for certain applications made under the Local Government Miscellaneous Provisions Act 1982, The Scrap Metal Act 2013, the Hypnotism Act 1952 and others
- 1.2 These principally cover scrap metal licensing, exhibitions of hypnotism, street trading, sexual entertainment venues and skin piercing of various descriptions.
- 1.3 The report sets out the proposed level of these fees with effect from April 2021.

2. Recommendations

- 2.1 That the proposed fees be endorsed and recommended that they are adopted by due process for implementation in the next financial year.
- 2.2 That a review of the fees take place in September 2022.

3. Actions and Options

- 3.1 The options are:
 - (a) to endorse the proposed fees and recommend that they are adopted by due process (RECOMMENDED); or

- (b) to not endorse the proposed fees and charges and instruct officers to carry out such work on revisions as may be considered necessary.

3.2 The fees concerned are outlined in the **Annex** to the report.

4. Issues and Choices

- 4.1 The Council administers several regulatory regimes for which there are no fees set by Parliament, but for which fees can be charged.
- 4.2 There is a need to periodically review whether the fees we are charging are still correct based on the work concerned and for them to either be reduced or increased where necessary. This review also enables us to work towards our service objective of cost neutrality and apportion costs correctly.
- 4.3 The Council is not permitted to generate profit from licence fees but can charge such fees as reasonable to cover the work undertaken in overseeing the regime concerned. These will often cover the processing, consideration, determination and granting of certain licences it administers. Additionally, the cost of compliance and enforcement can also be charged in respect of the compliance fees in some instances.
- 4.4 Based on the review some fees have been assessed to now be too high, some to be broadly correct, and some too low. The overall impact of the changes will be an overall slight increase over the next two-year period.

How Fees Are Calculated

- 4.4 For each type of application the time spent on processing applications received in 2018, and 2019 has been examined. The amount of time spent by administrative staff, officers, senior officers and management have been totalled and averaged out. Using an organisational cost we are then able to calculate on average how long particular applications take.
- 4.5 The revised fees and charges include on costs for staff plus Head of Service, Legal and Democratic Services (committees). They also include costs for the writing and review of policies, including this review project.
- 4.6 Costs of inspections and regulatory work have also been included as a factor in setting the grant fee levels where appropriate.
- 4.7 Guidance on fee setting has been taken into account

5. Implications

5.1 Policy

No change required. Existing policies recognises fee setting ability.

5.2 Resources and Risk

Any change in charges is open to challenge and needs to be seen to be reasonable and attributable to the associated costs through administration and enforcement. If charges are not found to be justifiable then the result can be that charges paid to the Council are returned to those who have paid for the licences.

5.3 Legal

The implications of not adopting the fees as proposed would make the fees charged at the present time more open to challenge.

List of Annexes

Annex: Spreadsheet of proposed fees for financial year 2021/2022