



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 21st March 2013

Subject: Licensing Fees Review (Determination of Fees).

Author of Report: Stephen Lonnia - 2053798

Summary: A report to members to determine a schedule of fees for the Licensing Service.

Recommendations: That members consider all the information provided in the report and that included in any attachments before determining the licence fee(s) as set out in the report and detailed in the attachments.

Background Papers: Attached

Category of Report: OPEN

Licensing Fees Review (Determination of Fees)

1.0 PURPOSE AND OUTCOMES

1.1 The purpose of this report is for members to determine the fees for the following systems where we propose no increase at this moment in time:

- Private Hire & Hackney Carriage Drivers, Vehicles and Operators etc;
- Animal Health (pets shops, animal boarding establishments, dangerous wild animals, riding establishments and breeders of dogs);
- Street Trading (football, static, mobile, schools, and short term consents);
- Motor Salvage Operators;
- Sex Establishment Licensing (sex shops and sexual entertainment venues);
- Gambling Act 2005 (casino, bingo, betting and track premises etc.);
- Approved Marriage Premises (secular and religious)
- Poisons Registration;
- Pavement Café Licences; and
- Second Hand Dealers Registration.

1.2 To note the following fee(s) that are statutory and are prescribed by the Secretary of State and can not be changed by the Local Authority. These include;

- Licensing Act 2003
- Gambling Act 2005 (certain fees)

1.4 To inform members of the systems that are administered by the Licensing Service, where the legislation states we are unable to charge a fee;

- Safety at Sports Grounds
- Street Collections
- House to House Collections
- Hypnotism
- Commons Registration
- Scrap Metal Dealers

1.5 The intended outcomes of this report are to ensure that:-

- The Licensing Service recovers the reasonable costs for administering and enforcing the terms and conditions of certain licensing systems;
- The Council fees and charges are set in accordance with the Councils Fair Charging principles set out in the Future Shape Policy Handbook and the Provision of Service Regulations 2009; and
- All fees are determined on an annual basis whether they remain the same, increase or decrease.

2.0 FAIR CHARGING POLICY

- 2.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.
- 2.2 Licence fees must also be set in accordance with the relevant legislation and the Provision of Services Regulations 2009 and any other associated legislation.
- 2.3 We have set the proposed fees so that they do not prevent us from delivering on our priorities and also on the principle of the polluter pays where it is appropriate.
- 2.4 The Council intends to recover its reasonable costs of the Licensing Service with regards to the administration and enforcement of the terms and conditions of each of the above licensing systems. Each licensing system has its fee calculated separately to ensure we are only recovering the costs in relation to that individual system.

3.0 THE LAW

- 3.1 It is clear from *R v Manchester City Council. Ex p. King*, *The Times*, April 3, 1991 that the power to set fees does not permit the Council to raise revenue generally.
- 3.2 It has also been established in many cases such as *R-v-The Greater London Council Ex Parte The Rank Organisation Limited* where it was stated “the level of fees was a matter of policy and as long as the total fee income did not exceed the cost of the licensing system the court should not and could not see to interfere”.
- 3.3 The Provision of Services Regulations 2009 which came into force on 28 December 2009, Para 18(4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of these procedures and formalities.
- 3.4 The case of *R (Hemmings and Others) v Westminster City Council* has changed the way we must consider setting fees and what legitimate costs we can recover.

Keith J upheld that the procedures the costs of which could be recharged to licensees are;

“... the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed, and when you talk about the cost of those procedures, you are talking about the administrative costs of vetting the application and the costs of investigating their compliance with the terms of the licence. There is simply no room for the costs of authorisation procedures to include costs which are significantly in excess of those costs...”

- 3.5 With regards to private hire and hackney carriage licensing. A district council may charge fees in order to recover the reasonable costs incurred in operating the licensing function.
- 3.6 Any proposed variation to the fees for vehicles and operators must be advertised

and objections received within 28 days of the advertisement considered. There is no requirement for drivers or other fees to be advertised or for objections to be considered.

- 3.7 Following the advertisement where no objections are received the new scale of fees comes in to effect on a specified date no less than 28 days after the advertisement appeared.
- 3.8 Should objections be received (that are not withdrawn) then those objections must be considered. After consideration of any objections by the Council the new scale of fees, whether modified or not, will come in to effect on a new date that is within two months of the original date.
- 3.9 Members should note that we can not recover enforcement costs from drivers licence applications. Any enforcement must be recovered through vehicle licence fees.
- 3.10 Members should note that it can only recover the actual costs of delivering each individual system from the fees it charges applicants / licensees. It can not make a surplus from fees and must not use fees to subsidise any other licensing system; to offset other budgets or raise income generally.

4.0 THE LICENSING SERVICE

- 4.1 Licensing operates as a single service. However, it works in four teams with regards to specific areas (Alcohol & Entertainment, Taxis, Safety at Sports Grounds and Gambling / Street Trading etc.). Each team delivers that particular area/specialism of licensing, with staff moving across the four teams and undertaking work throughout the service to give increased flexibility, in line with fluctuations in demand.
- 4.2 The Licensing Service is permitted to recover the cost of certain enforcement activities (terms and conditions) via licence fees. This is only relevant to those systems that fall within the scope of the European Services Directive such as Sex Establishments and Street Trading etc.

5.0 NON STATUTORY FEES

- 5.1 The Licensing Service has undertaken an extensive review of fees with Finance. There are many fees charged across the service and we are proposing no increase as we are satisfied that in all these areas the fees already in place recover the reasonable costs of administering that system for 2013/14.
- 5.2 Members will note that fees are reviewed / determined every year. Members will be aware that the fees were last determined in July 2012.
- 5.3 The Licensing Service has taken on several new systems over the last twelve months and those new systems where fees are charges are included in this report.
- 5.4 The fees set by the Licensing Authority which are proposed to remain the same are attached at **Appendix "A" to "H"**.

6.0 STATUTORY FEES

- 6.1 The Licensing Service also administers several systems where the fee is determined by the Secretary of State through regulation. This includes all the fees under the Licensing Act 2003 and also several fees under the Gambling Act 2005.
- 6.2 The Licensing Authority has no powers to change these fees. See **Appendix “J” and “K”**.

7.0 NON FEE PAYING

- 7.1 The last few systems the service administers are ones which in accordance with the legislation the Licensing Authority are unable to charge a fee. These systems include duties that are placed upon us by statute and must be undertaken.
- 7.2 These systems include Safety at Sports Grounds, Street Collections, House to House Collections, Hypnotism, Commons Registration and Scrap Metal Dealers.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications for the Council arising from this report as fees are proposed to remain the same. Should Members agree to determine the licence fees as detailed in the report above and attachments, the Council will continue to recover its reasonable costs of the Licensing Service in relation to administering and enforcing the above licensing systems.

9.0 RECOMMENDATIONS

- 9.1 That members consider all the information provided in the report and that included in any attachments before determining the licence fee(s) as set out in the report and detailed in the attachments.

10.0 OPTIONS OPEN TO THE BOARD

- 10.1 To determine the fees and authorise the Chief Licensing Officer and Head of Service to maintain the fees at the current level as detailed above and in the attachments.
- 10.2 To determine the fees and instruct the Chief Licensing Officer and Head of Service to increase the fees or reduce them as per Members considerations.
- 10.3 To defer the decision to determine the fees for further consideration.

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Business Strategy & Regulation, Place

March 2013

APPENDIX "A"

HACKNEY CARRIAGE VEHICLES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£215	£0	£215
Renewal	£160	£0	£160
Transfer	£21	£0	£21

PRIVATE HIRE VEHICLES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£215	£0	£215
Renewal	£160	£0	£160
Transfer	£21	£0	£21

HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£215	£0	£215
Renewal with DBS	£140	£0	£140
Renewal without DBS	£96	£0	£96

PRIVATE HIRE OPERATORS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£1200	£0	£1200
Renewal 1-2	£200	£0	£200
3-10	£600	£0	£600
11-50	£800	£0	£800
51-100	£1000	£0	£1000
101+	£1200	£0	£1200

REPLACEMENT PLATES / BADGES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Replacement Plate	£23	£0	£23
Replacement Badges	£15	£0	£15

APPENDIX "B"

PET SHOPS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£156	£0	£156
Renewal	£134	£0	£134

ANIMAL BOARDING ESTABLISHMENTS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£205	£0	£205
Renewal	£183	£0	£183

DOG BREEDERS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£150	£0	£150
Renewal	£150	£0	£150

RIDING ESTABLISHMENTS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£210	£0	£210
Renewal	£179	£0	£179

DANGEROUS WILD ANIMALS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£182	£0	£182
Renewal	£159	£0	£159

APPENDIX “C”

STREET TRADING

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Mobile (Ice Cream)	£236	£0	£236
Mobile (Fruit & Veg.)	£315	£0	£315
Football (hot & cold food)	£505	£0	£505
Football (memorabilia)	£100	£0	£100
Schools	£37	£0	£37
1 Month Consent	£118	£0	£118
1 Week Consent	£75	£0	£75
1 Day Consent	£48	£0	£48
Variation	£100	£0	£100
Assistant Registration / Badge	£15	£0	£15
Replacement Badge	£7:50	£0	£7:50
Replacement Certificate	£7:50	£0	£7:50
Change of Details (Minor)	£15	£0	£15

APPENDIX “D”

STREET TRADING – STATIC FEES

STATIC SITE	CURRENT FEE	INCREASE	PROPOSED FEE
Bottom of Fargate	£6,000.00	£0	£6,000.00
Peace Gardens	£6,000.00	£0	£6,000.00
Barkers Pool	£3,257.00	£0	£3,257.00
Norton Avenue	£2,620.00	£0	£2,620.00
Fargate	£1,994.00	£0	£1,994.00
Fargate	£1,994.00	£0	£1,994.00
Howard Street	£1,994.00	£0	£1,994.00
Barkers Pool	£1,994.00	£0	£1,994.00
Portebello	£0	£0	£0
Leadmill Road	£1,575.00	£0	£1,575.00
Hallam FM Arena	£1,375.00	£0	£1,375.00
Brightside Lane	£1,000.00	£0	£1,000.00
B & Q Penistone Road	£930.00	£0	£930.00
B&Q Queens Road	£928.00	£0	£928.00
Churchill Way, Chapeltown	£920.00	£0	£920.00
Top of Hounsfield Road	£912.00	£0	£912.00
Weedon street	£912.00	£0	£912.00
Kilner Way Wadsley Bridge	£912.00	£0	£912.00
Bookers Car Park	£912.00	£0	£912.00
Job Lot Car Park - Barnsley Road	£880.00	£0	£880.00
Botanical Gardens	£829.00	£0	£829.00
Botanical Gardens - Clarkehouse Road Entrance	£829.00	£0	£829.00
New Street, Holbrook Industrial Estate	£818.00	£0	£818.00
Rivelin Valley Road	£818.00	£0	£818.00
Carbrook Hall Road	£797.00	£0	£797.00
LAYBY Ecclesfield Road	£795.00	£0	£795.00
Wooley Wood Bottom	£795.00	£0	£795.00
President Way	£727.00	£0	£727.00
Lowedges Bus Terminus	£712.00	£0	£712.00
Drakehouse Retail Park	£612.00	£0	£612.00
Woodfall Lane, Low Bradfield	£588.00	£0	£588.00
Endcliffe Park	£588.00	£0	£588.00
Wickes Car Park	£542.00	£0	£542.00
Wicks Car Park Young	£542.00	£0	£542.00

street			
Wickes Car Park Penistone Road	£542.00	£0	£542.00
B And Q Greenland Road Darnall	£454.00	£0	£454.00
Sheffield University Student Concourse (Weston Bank)	£343.00	£0	£343.00
Ribston Road Darnall	£300.00	£0	£300.00
Orchard Square	£300.00	£0	£300.00
Osgathorpe Road	£268.00	£0	£268.00
Wincobank Lane (Madni jamia Masjid & Islamic Centre)	£268.00	£0	£268.00
Idsworth Road (firth park working men's club-car park)	£268.00	£0	£268.00
Cowley Hill, Chapeltown	£224.00	£0	£224.00
In the Sports Grounds of Red Rose JFC	£165.00	£0	£165.00
Drake House Retail Park	£125.00	£0	£125.00
Weston Park - Outside South West Gates	£119.00	£0	£119.00
Millhouses Park	£100.00	£0	£100.00
Hillsborough Park	£100.00	£0	£100.00
Shiregreen Cemetery	£82.00	£0	£82.00
Milton Street	£0.00	£0	£0.00
Livesey Street	£0.00	£0	£0.00
Roman Ridge Road, Sheffield S9 1G	£0.00	£0	£0.00

APPENDIX “E”

MOTOR SALVAGE OPERATORS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£77	£0	£77
Renewal	£77	£0	£77

APPENDIX “F”

CIVIL MARRIAGE & PARTNERSHIPS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£970	£0	£970
Renewal	£970	£0	£970

Note: This includes £100 Registry Office Fee and £300 Advertising Costs.

APPENDIX “G”

SEX ESTABLISHMENTS (Sex Shops)

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£5200	£0	£5200
Renewal	£4400	£0	£4400
Quarterly Payments Renewal	£1100	£0	£1100
Transfer	£2000	£0	£2000
Variation	£1000	£0	£1000

SEXUAL ENTERTAINMENT VENUES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£1335	£0	£1335
Renewal	£1000	£0	£1000
Transfer	£500	£0	£500
Variation	£1000	£0	£1000

SEX SHOP ASSISTANTS REGISTRATION

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Assistants Registration	£37	£0	£37

APPENDIX “H”

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
CASINOS			
Grant	N/A	N/A	N/A
First Annual Fee	£1097	£0	£1097
Annual Fee	£1567	£0	£1567
Variation	£958	£0	£958
Transfer	£874	£0	£874
Re-instatement	£874	£0	£874
Change of Details	£25	£0	£25
Copy of Licence	£15	£0	£15

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
TRACKS			
Grant	£1366	£0	£1366
First Annual Fee	£556	£0	£556
Annual Fee	£795	£0	£795
Variation	£866	£0	£866
Transfer	£782	£0	£782
Re-instatement	£782	£0	£782
Provisional Statement	£1366	£0	£1366
Change of Details	£25	£0	£25
Copy of Licence	£15	£0	£15

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
BINGO			
Grant	£1274	£0	£1274

First Annual Fee	£496	£0	£496
Annual Fee	£709	£0	£709
Variation	£774	£0	£774
Transfer	£690	£0	£690
Re-instatement	£690	£0	£690
Provisional Statement	£1274	£0	£1274
Change of Details	£25	£0	£25
Copy of Licence	£15	£0	£15

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
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BETTING			
Grant	£1182	£0	£1182
First Annual Fee	£198	£0	£198
Annual Fee	£283	£0	£283
Variation	£682	£0	£682
Transfer	£598	£0	£598
Re-instatement	£598	£0	£598
Provisional Statement	£1182	£0	£1182
Change of Details	£25	£0	£25
Copy of Licence	£15	£0	£15

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
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FAMILY ENTERTAINMENT CENTRE			
Grant	£906	£0	£906
First Annual Fee	£299	£0	£299
Annual Fee	£428	£0	£428
Variation	£590	£0	£590
Transfer	£506	£0	£506
Re-instatement	£506	£0	£506
Provisional Statement	£906	£0	£906
Change of Details	£25	£0	£25
Copy of Licence	£15	£0	£15

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
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ADULT GAMING CENTRE			
Grant	£1182	£0	£1182
First Annual Fee	£343	£0	£343
Annual Fee	£491	£0	£491
Variation	£710	£0	£710
Transfer	£626	£0	£626
Re-instatement	£626	£0	£626
Provisional Statement	£1182	£0	£1182
Change of Details	£25	£0	£25
Copy of Licence	£15	£0	£15

APPENDIX “J”

LICENSING ACT

STATIC SITE	CURRENT FEE	INCREASE	PROPOSED FEE
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Premises New Band A	£100.00	£0	£100.00
Premises New Band B	£190.00	£0	£190.00
Premises New Band C	£315.00	£0	£315.00
Premises New Band D	£450.00	£0	£450.00
Premises New Band E	£635.00	£0	£635.00
Premises New Band D x 2	£900.00	£0	£900.00
Premises New Band E x 3	£1,905.00	£0	£1,905.00
Premises Annual Fee Band A	£70.00	£0	£70.00
Premises Annual Fee Band B	£180.00	£0	£180.00
Premises Annual Fee Band C	£295.00	£0	£295.00
Premises Annual Fee Band D	£320.00	£0	£320.00
Premises Annual Fee Band E	£350.00	£0	£350.00
Premises Annual Fee Band D x 2	£640.00	£0	£640.00
Premises Annual Fee Band E x 3	£1,050.00	£0	£1,050.00
Premises Provisional Statement	£315.00	£0	£315.00

Premises Variation Band A	£100.00	£0	£100.00
Premises Variation Band B	£190.00	£0	£190.00
Premises Variation Fee Band C	£315.00	£0	£315.00
Premises Variation Band D	£450.00	£0	£450.00
Premises Variation Band E	£635.00	£0	£635.00
Premises Variation Band D x 2	£900.00	£0	£900.00
Premises Variation Band E x 3	£1,905.00	£0	£1,905.00
Minor Variation	£89.00	£0	£89.00
Variation of DPS	£23.00	£0	£23.00
Premises Transfer	£23.00	£0	£23.00
TEN's	£21.00	£0	£21.00
Notification of Freeholder Interest	£21.00	£0	£21.00
Theft or Loss of Licence	£10.50	£0	£10.50
Change of Address	£10.50	£0	£10.50
CPC New Band A	£100.00	£0	£100.00
CPC New Band B	£190.00	£0	£190.00
CPC New Band C	£315.00	£0	£315.00
CPC New Band D	£450.00	£0	£450.00
CPC New Band E	£635.00	£0	£635.00
CPC New Band D x 2	£900.00	£0	£900.00
CPC New Band E x 3	£1,905.00	£0	£1,905.00
CPC Variation Band A	£100.00	£0	£100.00
CPC Variation Band B	£190.00	£0	£190.00
CPC Variation Band C	£315.00	£0	£315.00
CPC Variation Band D	£450.00	£0	£450.00
CPC Variation Band E	£635.00	£0	£635.00
CPC Variation Band D x 2	£900.00	£0	£900.00
CPC Variation Band E x 3	£1,905.00	£0	£1,905.00
CPC Annual Fee Band A	£70.00	£0	£70.00
CPC Annual Fee Band B	£180.00	£0	£180.00
CPC Annual Fee Band C	£295.00	£0	£295.00
CPC Annual Fee Band D	£320.00	£0	£320.00
CPC Annual Fee Band E	£350.00	£0	£350.00
CPC Annual Fee Band D x 2	£640.00	£0	£640.00
CPC Annual Fee Band E x 3	£1,050.00	£0	£1,050.00
Theft or Loss of CPC	£10.50	£0	£10.50
Change of Details CPC	£10.50	£0	£10.50
Personal Licence Grant	£37.00	£0	£37.00
Personal Licence Renewal	£37.00	£0	£37.00
Personal Licence Change of Address	£10.50	£0	£10.50
Personal Licence Duplicate / Copy	£10.50	£0	£10.50

APPENDIX “K”

GAMBLING ACT

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Lotteries New	£40.00	£0	£40.00
Lotteries Renewal	£20.00	£0	£20.00
Notification of Two Machines	£50.00	£0	£50.00
LPGMP	£150.00	£0	£150.00
Club Machine Permit	£200.00	£0	£200.00
Club Gaming Permit	£200.00	£0	£200.00
Unlicensed FEC Permit	£300.00	£0	£300.00
Prize Gaming Permits	£300.00	£0	£300.00