

	<h2>Licensing Committee</h2> <h3>19th March 2015</h3>
<p style="text-align: right;">Title</p>	<p>Fees and Charges: Licensing</p>
<p style="text-align: right;">Report of</p>	<p>Alan Bowley – Commissioning Director - Environment</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A</p>
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<h2>Summary</h2>
<p>This report recommends, in accordance with the Constitution, the fees and charges under this Committee’s remit to be considered by the Committee prior to being presented to the Policy and Resources Committee for approval.</p>

<h2>Recommendations</h2>
<p>1. That the Licensing Committee consider and recommend the fees and charges set out in Appendix A to this report to be presented to Policy and Resources Committee for approval.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Fees and charges are considered annually to comply with legislative changes, to take into account inflation (where applicable), the cost of service provision and any new opportunities to improve the service offered to the residents and service users. This report presents the proposed fees and charges for the coming financial year for those that fall within the remit of this committee. Any

fees and charges which are not being increased by more than the rate of inflation are not included within this report as their approval method is different.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The review of fees and charges is good practice and is undertaken annually, for reasons such as ensuring that the cost of providing services are being recouped as appropriate. For those fees and charges that will be levied on the services provided by Re, the Council and Re have undertaken an audit of the fees and charges proposed and have updated, deleted or added fees as appropriate.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative is to not review the fees and charges and adjust them (or add new ones if appropriate) but this is not good practice and could result in a failure to recover or to over recover costs of provision of the service.

4. POST DECISION IMPLEMENTATION

- 4.1 If the fees and charges recommended are agreed then these will be submitted with a report to the Policy and Resources Committee for approval, in accordance with Constitutional requirements.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The proposed fees and charges will help towards the financial strategy and to ensure costs are being recovered where appropriate.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The proposed fees and charges schedule will aid Regional Enterprise to meet the financial challenges that the Council is facing, which will in turn benefit the residents of the Borough.

- 5.2.2 The proposed changes have been reviewed by the Re finance team for both the proposed level to be charged and it has also been checked by finance for VAT implications. This is in line with good practice of reviewing fees and charges on a regular basis.

- 5.2.3 An exercise has been completed to model the actual costs of issuing special treatments licences which has resulted in some fees having to be increased to ensure costs are recovered, where this was not previously the case.

5.3 Legal and Constitutional References

- 5.3.1 Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to trade and a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.
- 5.3.2 Additionally the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.
- 5.3.3 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 5.3.4 There is a variety of legislation permitting charging for different services, some which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.3.5 The Council's Constitution at Annex A, Responsibility for Functions sets out the responsibilities of the various committees including Licensing Committee. The Financial Regulations in the Constitution at paragraphs 4.1.1 and at 4.3.8 note that fees and charges must be approved by the Policy & Resources Committee, and that Policy and Resources Committee must approve changes to fees and charges that are significantly different from inflation, the introduction of new fees and charges, and changes to fees and charges outside the normal annual cycle. It is also noted at 4.3.9 that Chief Officers are able to approve changes to fees and charges annually where the change is broadly in line with inflation.

5.4 Risk Management

- 5.4.1 The increases in fees and charges are necessary to offset rising costs, and to help towards the financial challenges faced by the council.
- 5.4.2 Increasing fees and charges always poses an element of risk around the proportionate level of increase, when compared to the resident's ability to pay. Every effort has been made to manage the charge increase to an appropriate level based on costs; however some element of reputational risk will remain.

5.5 Equalities and Diversity

5.5.1 The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities and organisations acting on their behalf to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- 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.

5.5.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

5.5.3 There is no equalities data on the persons who would be in receipt of the services contained in Appendix A to this report. The fees have been calculated to reflect actual costs and are therefore above inflation, however the increase is not considered to be excessive and it is considered that any impact would be minimal and is not likely to affect one group any more than any other or anyone else. An initial equalities impact assessment (EqIA) did not find that a full EqIA would be required as no adverse impact issues on any protected groups were indicated.

5.5.4 The increases in fees and charges will enable resourcing to be made available to ensure that these services and information on how to receive assistance, is easily accessible and is also promoted through a variety of different communication channels.

5.5.5 The outcomes and impact of these changes and equality data will be monitored going forward to ensure that different groups are not adversely affected.

5.6 Consultation and Engagement

5.6.1 As in previous years, all fees and charges have been published on Engage Barnet, Barnet's Citizen Space for public consultation, between the 26th January 2015 and 20th February 2015, and the results will be presented to the Policy and Resources Committee on 23rd March 2015.

6. BACKGROUND PAPERS

6.1 Policy and Resources Committee, 10th June 2014, decision item 6.

[http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7856
&Ver=4](http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7856&Ver=4)

Appendix A

Area	Service	Description of Charge	UNIT	Subject to VAT	(a) Current charge excluding VAT	(b) Proposed charge excluding VAT
Food, Health & Safety						
<u>Food Safety Courses</u>	-	-				
Re	Environmental health	Level 1 Award in Food Safety	Per person	VAT not applicable	n/a	£45.00
Re	Environmental health	Level 1 Award in Food Safety - block bookings (greater than 10 candidates)	per course	VAT not applicable	n/a	Price on Application
Licence for Massage and Special Treatments (including cosmetic skin piercing)						
Band A - Low risk and non-invasive treatments, including manicure, pedicure, ear and nose piercing using a single use piercing gun designed for the purpose, and sun beds						
Re	Environmental health	New licence	Each	VAT not applicable	£219.50	£233.00
Re	Environmental health	Renewal licence	Each	VAT not applicable	£181.50	£187.00
Band B - medium risk non-invasive treatments including some beauty treatments and therapeutic treatments, head, neck and below the knee massage.						
Re	Environmental health	New licence	Each	VAT not applicable	£296.00	£315.00
Transfer and Variation Fee (where a variation takes the licence into a higher band then the full fee pro-rata will be payable)						
Re	Environmental health	Band A	Each	VAT not applicable	£48.50	£59.00
Re	Environmental health	Additional licensing fee for Laser Removal of hair and intense pulsed light treatments	Each	VAT not applicable	£65.00	£69.00
Scrap Metal						
Re	Trading Standards and Licensing	Site Licence - Change of details	Per application	VAT not applicable	New	£30.00
Re	Trading Standards and Licensing	Collectors Licence - Change of details	Per application	VAT not applicable	New	£30.00
Film classification						
Re	Trading Standards and Licensing	Fee for classification of a film	per film	VAT not applicable	Varies depending on length of film	£80.00