



## Licensing Committee

20 February 2023

<b>Title</b>	<b>Licensing Fees and Charges</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix 1 – Fees & Charges List Appendix 2 – Statutory Fees & Charges List
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### Summary

This report aims to inform the Licensing Committee of the fees and charges specific to the Licensing Team, that have been approved by the Policy and Resources Committee for 2023 – 2024.

### Officers Recommendations

1. This report is for information purposes only.

#### 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.
- 1.2 This report presents the fees and charges for the current year for those that fall within the remit of this committee. The fees and charges which are not governed by statute have been increased inline this the rate of inflation.
- 1.3 It is noted that a comprehensive 'cost of service provision' assessment for licensing fees (excluding the Licensing Act 2003 which are set by statute) has not been undertaken by the Licensing Department for a number of years.
- 1.4 A full 'cost of service provision' assessment will be undertaken by the Licensing Team so that we can ensure that all future fees are being set in line with up-to-date legislative requirements and using current data sources.

## **2. Reasons for recommendations**

- 2.1 This report has been provided in order to update the Licensing Committee of the fees being charged for licensed by the Licensing Team

## **3. Alternative options considered and not recommended**

- 3.1 None

## **4. Post decision implementation**

- 4.1 This report is for information and noting only.

## **5. Implications of decision**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The fees being charged fully support the objectives contained within the corporate plan.

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

- 5.2.1 There are very limited resources implications of this report.

### **5.3 Legal and Constitutional References**

- 5.3.1 Article 7 – Committees, Forums, Working Groups and Partnerships states that the Licensing Committee is; for all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.
- 5.3.2 A number of fees and charges are prescribed by statute (eg. Licensing Act 2003 (Fees) Regulations 2005), as a set amount, in which case they are statutory prescribed charges (See Appendix 2). For other fees and charges the relevant legislation may provide that a

charge can be made for providing the service but the amount of the charge is discretionary, within the remit of the legislation, often limited to cost recovery only, or a reasonable amount, or within a range/maximum amount. The authority therefore sets the amount of the charge accordingly.

5.3.3 Some of the charges shown in the Appendix 1 may be covered by the European Services Directive and the Provision of Services Regulations 2009, which implements the Directive. This requires that fees charged in relation to authorisations must be reasonable and proportionate to the cost of the process, and the European Court of Justice ruling in the *Hemming v Westminster City Council* case confirmed that a fee covering the administration costs of processing an application should be charged separately from the charge (to successful applicants) for enforcing the regime. It is not possible to charge one fee at the outset and then refund unsuccessful applicants the enforcement part of the fee. The two must be charged separately.

#### 5.4 **Insight**

5.4.1 Not relevant to this report

#### 5.5 **Social Value**

5.5.1 None

#### 5.6 **Risk Management**

5.6.1 None

#### 5.7 **Equalities and Diversity**

5.7.1 Pursuant to the Equality Act 2010 the Council, in the exercise of its functions, has to have 'due regard' to:

- (i) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (ii) (ii) advancing equality of opportunity between those with a relevant protected characteristic and those without; and
- (iii) (iii) fostering good relations between those with a relevant protected characteristic and those without.

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

#### 5.8 **Corporate Parenting**

5.8.1 Not applicable in the context of this report

#### 5.9 **Consultation and Engagement**

5.9.1 Not Applicable in the context of the report

#### 5.10 **Environmental Impact**

5.10.1 There are no direct environmental implications from noting the recommendations.

Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

## **6. Background papers**

### 6.1 [Policy & Resource committee decisions of Thursday 29<sup>th</sup> September 2022](#)