

Report to Environment and Licensing Committee

Subject: Proposed General Licensing Fees for 2023/24

Date: 21 March 2023

Author: Head of Environment

Purpose

To approve the proposed general licensing fees for 2023/24 as shown at Appendix 1.

Recommendation(s)

THAT:

- 1. Members approve the general licensing fees attached at Appendix 1 for massage and special treatment, ear piercing, acupuncture, tattooing, electrolysis, animal licensing and mobile homes to come into force on 1st April 2023**

1 Background

- 1.1** The fixing of fees proposed in the attached fee schedule at Appendix 1 for 2023/24 is a function of the Environment and Licensing Committee as laid out in the Local

Authorities (Functions and Responsibilities) (England) Regulations 2000.

- 1.2 The power to charge the fee for each type of licence is provided by statute as detailed in paragraph 5.1 below. All fees with the exception of the application for animal licensing activities are solely to cover the reasonable costs of administering the application, whether the application is approved or not. For animal licensing applications, the fee is broken down into part A, paid by all for an application and part B, paid additionally by successful applicants to cover the extra costs of maintaining and enforcing the licensing scheme. This approach is in line with the Provision of Services Regulations 2009 and the Services Directive 2006/123
- 1.3 The Council cannot make a profit from licence fees and there must be a carry forward of any surplus/deficit. The deficit can be recovered through future year's fees. The reconciliation of any surplus and deficit to ensure the council is working towards full cost recovery in order to achieve a break even position.
- 1.4 An internal review of the general licensing fees has been carried out on each licence/registration process from point of application through to issuing the licence and any associated steps with the aim of working towards full cost recovery. The review took into account the costs incurred and the time taken for each step of the process of administering a licence application including inspection of any premise, the administration of recording the application and issuing the licence and advice given during the process to ensure that the legal requirements are met.
- 1.5 The proposed fees for 2023/24 are attached at Appendix 1. There are some increased costs included in the 2023/24 fees compared to 2022/23, for example, inflationary pressures and pay awards which have been consistently applied to all of the Council's services. Additionally the review of animal licensing fees following the experience of regulating these businesses since 2018 found that the council was under charging for the costs incurred administering these licences. The new animal licence fees have been split into 1 year, 2 year and 3 year licences. 1 year licences are generally 1 star businesses that require more resource to administer than 3 year (5 star) businesses who are fully compliant with their legal responsibilities – this is reflected in the new fee structure.

2 Proposal

- 2.1 It is proposed that the general licensing fees attached at Appendix 1 for massage and special treatment, ear piercing, acupuncture, tattooing, electrolysis, animal licensing, and mobile homes be approved to come into force from 1 April 2023.

3 Alternative Options

- 3.1 That the fee increase is not approved or the fees are not increased to the level requested. This is not recommended due to such options resulting in the Council not moving towards operating the service at full cost recovery requiring a higher subsidy from the Council Tax payer.

4 Financial Implications

- 4.1 The Council needs to aim for a break-even position using full cost recovery. The service is currently working towards full cost recovery and any surplus / deficit will be carried forward with the aim for a break-even position.

5 Legal Implications

- 5.1
- Section 11 (5) of the Nottinghamshire County Council Act 1985 allows the Council to charge a reasonable fee to cover the expense to the Council in dealing with an application for a licence to carry on an establishment for massage or special treatment.
 - Section 14(6) and 15(6) of the Local Government (Miscellaneous Provisions) Act 1982 allows the Council to charge such reasonable fees as they may determine for the registration of premises and persons carrying on the business of ear piercing, tattooing, electrolysis or acupuncture
 - The power to charge fees for the grant, transfer, alteration and annual licence fee for mobile home's applications comes from the Caravan Sites and Control of Development Act 1960 as amended. As in accordance with

the Act, the Council has prepared and published a Mobile Homes Fees policy which covers the fee setting regime. The council also adopted a Fit and Proper Person policy which includes a fee set for assessing applications from site operators to determine if they are fit and proper.

- Regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 allows the Council to charge such fees as it considers necessary and reasonable for:
 - The consideration of an application for the grant, renewal or variation of a licence including any inspection required
 - The reasonable anticipated costs of consideration of a licence holder's compliance with the regulations and any conditions to which the licence holder is subject
 - The reasonable anticipated costs of enforcement in relation to unlicensed operators
 - The reasonable anticipated costs of providing the Secretary of State with specified information
- Case law considering the Provision of Services Regulations 2009 and the Services Directive 2006/123 affect upon fees charged by licensing authorities has confirmed that the fee for the application must only cover the costs for granting the licence. If the application is successful, a further fee can be charged to cover the running and enforcement costs of the licensing scheme, subject to such fees being proportionate.

Officers are satisfied that the fees at Appendix 1 have been calculated in line with the legislative powers.

6 Equalities Implications

6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – Proposed general licensing fees for 2023/24

9 Background Papers

9.1 None

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Approved by the Monitoring Officer

Date: