

Agenda Item 22.

TITLE	Fees and Charges for Licensable Activities 2022/2023
FOR CONSIDERATION BY	Licensing and Appeals Committee on 26 January 2022
WARD	None Specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

Fees and charges relating to licences, permits and registrations are part of income for the service, and therefore contribute either in whole or part towards mitigating the cost of the council's licensing and regulatory functions.

RECOMMENDATION

The Committee AGREES

- 1) that the fees set out at Appendix A and B go forward for consideration as part of the Council's fee and budget setting process;
- 2) that those fees which are within the Council's discretion to set remain unchanged for 2022/23; and
- 3) that the fees for Taxi and Private Hire Vehicles and Private Hire Operators for the financial year 2023/24 are reviewed during 2022/23 with a view to carrying out statutory consultation regarding any proposed increase to the fees prior to process for budget setting for 2023/24

SUMMARY OF REPORT

This report sets out the Fees and Charges which are proposed for licensable activities in this area of the council for 2022/23. The report also explains the limitations on the powers of the Committee to set a fee which is less than the actual costs incurred by the Council for licensing and registration (ie a "subsidised fee")

Background

Licensing authorities are required to review their fees and charges on an annual basis. A significant number of fees within the licensing field are set by Government Statute or Regulation and cannot therefore be changed by the Council ("Statutory fees"). These are set out in Appendix A.

Those fees which are within the Council's discretion to set ("Discretionary fees") are usually required to be based on an assessment of the costs of the administration and processing of the application and sometimes for the general management and enforcement of the regulatory function. These are set out in Appendix B.

Analysis of Issues

Whilst discretionary fees and the standard hourly rate would normally be expected to rise annually to reflect increases in costs due to inflation, the recommendation is that fees remain unchanged for 2022/23. This is due to the return of licensing functions to the Council as an in-house service from the Public Protection Partnership on 1 April 2022, and the subsequent requirement to review the costs associated with the licensable activities in relation to which fees apply. The hourly rate is currently £59 per hour, as per 2021/22, having been held at £57 in 2019/2020 and 2020/2021.

Fees for Taxi and Private Hire Vehicles and Private Hire Operators will be reviewed during 2022/23. If the review proposes an increase in the maximum fee chargeable then the Council will carry out statutory consultation. If the council intends to increase the maximum charge then it must publish a notice setting out the increase and specifying not less than twenty-eight days within which objections to the increase can be made. If objection is made, the council shall consider the objections and in not later than two months the increase shall come into force with or without modification as decided by the council.

If any decision is made by the Committee to reduce a fee so the total income is less than the cost of administration and processing of the scheme, then any shortfall must be funded from other sources. The licensing activity would in effect be subsidised from general council tax funds. This will require an appropriate budget to be available and the agreement of the relevant body in the Council that administers the budget (usually an officer or Executive). If no budget exists, then a reduction can only be funded by Supplementary Estimate request to the Council. As such in practice, changes to the licensing fee should only be considered as part of the Council's budget setting process because if there is to be a subsidy, then the budget needs to be available and identified.

Changes to the fees mid year by the Committee means that a budget may not be available and any decision could not be acted upon.

If the Committee resolves to set fees at a level that does not recover costs of the services, then the decision will need to be deferred to allow officers to determine whether any shortfall can be funded.

Accordingly, part of the recommendation is that fees in respect to financial year 2023/24 should be considered by the Committee as early as possible next year first to enable the necessary consultation but also to ensure that any likely decision can be acted upon and appropriately funded.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0 – the cost should be the same as the income but actual shortfalls or over recovery can be recovered in subsequent years		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision

Proposed fees are set out in detail in the Appendices

Cross-Council Implications

There are no implications arising from the recommendation in this report.

Public Sector Equality Duty

Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.

An equalities impact assessment is not required at this stage, as no change is being proposed to the current fee structure.

Climate Emergency – ***This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

Please state clearly what the impact of the decision being made would be on the Council's carbon neutral objective.

No impact is anticipated to the Council's carbon neutral objective.

List of Background Papers

None

Contact Ed Shaylor	Service Place
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Statutory Fees

Category	Type	Fee	Regulatory framework
Licensing Act 2003			Set by The Licensing Act 2003 (Fees) Regulations 2005
Premises Licence (fees set by statute based upon rateable value (RV) of premises)	Band A – RV up to 4,300	£100	
	Band B – RV 4,300 to 33,000	£190	
	Band C – RV 33,001 to 87,000	£315	
	Band D – RV 87,001 to 125,000	£450	
	Band E – RV 125,001 and above	£635	
Premises Licence – Annual Fee	Band A	£70	
	Band B	£180	
	Band C	£295	
	Band D	£320	
	Band E	£350	
Personal Licence		£37	
Temporary Event Notices (TENs)		£21	
Application for copy licence		£11	
Application to vary DPS/transfer licence/interim notice		£23	
Application for making a provisional statement		£315	
Minor variation		£89	
Application to disapply mandatory DPS condition		£23	

Category	Type	Fee	Regulatory framework
Gambling Act 2005			Statutory maxima set by The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007
Casinos (regional)	New Application	£15,000	
	Provisional Statement	£15,000	
	Application with Provisional Statement	£8,000	
	Variation	£7,500	
	Transfer/Reinstatement	£6,500	
	Annual Fee	£15,000	
Casinos (large)	New Application	£10,000	
	Provisional Statement	£10,000	
	Application with Provisional Statement	£5,000	
	Variation	£5,000	
	Transfer/Reinstatement	£2,150	
	Annual Fee	£10,000	
Casinos (small)	New Application	£8,000	
	Provisional Statement	£8,000	
	Application with Provisional Statement	£3,000	
	Variation	£4,000	
	Transfer/Reinstatement	£1,800	
	Annual Fee	£5,000	
Bingo Clubs	New Application	£3,500	
	Provisional Statement	£3,500	
	Application with Provisional Statement	£1,200	
	Variation	£1,750	
	Transfer/Reinstatement	£1,200	
	Annual Fee	£1,000	

Category	Type	Fee	Regulatory framework
Betting Premises	New Application	£3,000	Statutory maxima set by The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007
	Provisional Statement	£3,000	
	Application with Provisional Statement	£1,200	
	Variation	£1,500	
	Transfer/Reinstatement	£1,200	
	Annual Fee	£600	
Tracks	New Application	£2,500	
	Provisional Statement	£2,500	
	Application with Provisional Statement	£950	
	Variation	£1,250	
	Transfer/Reinstatement	£950	
	Annual Fee	£1,000	
Family Entertainment Centres	New Application	£2,000	
	Provisional Statement	£2,000	
	Application with Provisional Statement	£950	
	Variation	£1,000	
	Transfer/Reinstatement	£950	
	Annual Fee	£750	
Adult Gaming Centres	New Application	£2,000	
	Provisional Statement	£2,000	
	Application with Provisional Statement	£1,200	
	Variation	£1,000	
	Transfer/Reinstatement	£1,200	
	Annual Fee	£1,000	
Lotteries & Amusements	New Application	£40	
	Annual Fee	£20	
	Notification of change	£50	
	Copy of licence	£25	

Category	Type	Fee	Regulatory framework
Club gaming or machine permit	New Application	£200	Statutory maxima set by The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007
	Existing holder	£100	
	Renewal	£200	
	Annual Fee	£50	
	Variation	£100	
	Copy of licence	£15	
Club Gaming or Machine Permit (holds a club Premises Certificate under Licensing Act 2003)	New Application	£100	
	Renewal	£100	
	Notification of intention to make available up to 2 gaming machines on premises which hold on-premises alcohol licence	£50	
Application for Gaming Machine Permit (more than 2 machines) on premises which hold a premises alcohol licence (existing holder)	Application (existing holder)	£100	
	New Application	£150	
	Annual Fee	£50	
	First Annual Fee (payable within 30 days of date permit takes effect)	£50	
	Variation	£100	
	Transfer	£25	
	Change of name	£25	
	Copy of permit	£15	

Category	Type	Fee	Regulatory framework
Environmental Permitting Regulations 2016			Set by The Environment Agency (Environmental Permitting) (England) Charging Scheme
Scheduled Processes	Standard Process	£1,650	
	Service Stations (PVI & PVII)	£257	
	Dry Cleaners	£155	
	Vehicle Refinishers	£362	
	Mobile Screening & Crushing Plant	£1,650	
	Mobile Screening & Crushing Plant for the 3rd to 7th applications	£985	
	Mobile Screening & Crushing Plant for the 8th and subsequent applications	£498	
Substantial changes	Standard Process	£1,050	
	Reduced Activities	£102	

Category	Type	Fee	Regulatory framework
Annual Subsistence Charge			Set by The Environment Agency (Environmental Permitting) (England) Charging Scheme
Standard Process	Low	£772	
	Medium	£1,161	
	High	£1,747	
Service stations PVR2	Low	£113	
	Medium	£226	
	High	£341	
VR and other reduced fees	Low	£228	
	Medium	£365	
	High	£548	
Dry cleaners/PVR1	Low	£79	
	Medium	£158	
	High	£237	
Mobile Screening & Crushing Plant	Low	£646	
	Medium	£1,034	
	High	£1,506	
Mobile Screening & Crushing Plant for 2nd permit	Low	£646	
	Medium	£1,034	
	High	£1,506	
Mobile Screening & Crushing Plant for 3rd to 7th permit	Low	£385	
	Medium	£617	
	High	£924	
Mobile Screening & Crushing Plant for the 8th and subsequent permits	Low	£198	
	Medium	£316	
	High	£473	
	Late payment charge	£52	
	Transfer	£169	
	Partial Transfer	£497	
	Surrender	£0	
	Transfer Reduced fees	£0	
	Partial Transfer Reduced Fees	£47	

Category	Type	Fee	Regulatory framework
Private Water Supplies			Maxima set in Schedule 5 Private Water Supplies Regulations 2016
Risk assessment: Charged per hour, simple risk assessment and report typically 5 hours	Every 5 years.	£59/hour	Stat maximum £500
	Min. charge 1 hour, simple risk assessment and report typically 5 hours		
Private water and pool samples	Includes cost of testing	£60	Stat maximum £500
Investigation - Includes cost of testing: Carried out in the event of a test failure - this does not include any required analysis costs.	Carried out in the event of a test failure, can be substituted by the	£100	Stat maximum £100
Granting an authorisation	risk assessment - this does not include any required analysis costs.	£100	Stat maximum £100
Analysis – Regulation 10 (1) a. to e. Where a supply provides <10m3/day or serves <50 people and is used for domestic purposes	Where a supply provides <10m3/day or serves <50 people and is used for domestic purposes	£25	Stat maximum £25
Analysis,- Regulation 8 and 9 Taking a sample and delivery to the laboratory.	Charge for a visit, taking a sample and delivery to the laboratory. Typically 2.5 hours	£100	Stat maximum £100
Petroleum Licences			Petroleum (Consolidation) Regulations 2014 / The Health and Safety and Nuclear (Fees) Regulations 2021
Not exceeding 2,500 litres		£44	
Not exceeding 50,000 litres		£60	
Exceeding 50,000 litres		£125	

Category	Type	Fee	Regulatory framework
Explosives Licences			Explosives Regulations 2014 / The Health and Safety and Nuclear (Fees) Regulations 2021
New licence for explosives below 250kg Net Explosive Content	1 year	£109	
	2 years	£141	
	3 years	£173	
	4 years	£206	
	5 years	£238	
Renewal of licence for explosives below 250kg Net Explosive Content	1 year	£54	
	2 years	£86	
	3 years	£120	
	4 years	£152	
	5 years	£185	
New licence for explosives above 250kg Net Explosive Content	1 year	£185	
	2 years	£243	
	3 years	£304	
	4 years	£374	
	5 years	£423	
Renewal of licence for explosives above 250kg Net Explosive Content	1 year	£86	
	2 years	£147	
	3 years	£206	
	4 years	£266	
	5 years	£326	
Varying the name of licensee or address of site		£36	
Any other kind of variation		£40	
Transfer of licence		£36	
Replacement Licence		£36	
Full year registration for fireworks		£515	

Discretionary Fees

Category	Type	Fee	Regulatory Framework
Animal Licences + vet fee where applicable		The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits, aborted visits will be charged at an additional fee	The Provision of Services Regulations 2009 (a) The costs of consideration of an application, including any inspection relating to that consideration; (b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance; (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and (d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.
Animal Boarding Establishment - combined (dogs and cats)	New Application	£590	
	Renewal Fee	£531	
Animal Boarding Establishment - single species (dogs or cats))	New Application	£472	
	Renewal Fee	£413	

Home boarder	New Application	£272	The Provision of Services Regulations 2009
	Renewal Fee	£242	
Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	New Application	£207	
	Renewal Fee	£177	
Home Boarder - Assessment of hobby host as part of a franchisee licence	New Application	£118	
	Renewal Fee	£118	
Dog Day Care	New Application	£590	
	Renewal Fee	£531	
Dog Breeding Establishment (excluding vet fee)	New Application	£590	
	Renewal Fee	£531	
Dog Breeding Establishment (in domestic dwelling)	New Application	£472	
	Renewal Fee	£413	
Pet Vending / Sale of pets	New Application	£472	
	Renewal Fee	£413	
Animal for Exhibition	New Application	£590	
	Renewal Fee	£531	

Category	Type	Fee	Regulatory framework
Riding Establishment (excludes vet's fees)			The Provision of Services Regulations 2009
Main inspection fee, plus fee per horse	New Application	£472	
	Renewal Fee	£413	
Fee per horse, for the first 10 horses		£15	
Fee per horse, for next 11-50 horses		£10	
Fee per horse, for every horse 51 & over		£8	
Other Fees			
Variation to the licence fee (inclusive of one visit)		£224	
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£56	
Re-evaluation of star rating (inclusive of one visit)		£112	
Transfer due to death of licensee		£56	
Dangerous Wild Animal Consent	2 years	£460	
Zoo Licences (new & renewals)	Up to 6 years	£2,066	

Category	Type	Fee	Regulatory framework
Hackney Carriage and Private Hire Licences			Local Government (Miscellaneous Provisions) Act 1976 Part 2 s70
			Change would require re-assessment of the cost recovery basis and 28 day consultation
Vehicle Licences			
Hackney Carriage Vehicle – New & renewal		£290	
Private Hire Vehicle – New and renewal		£290	
Private Hire Vehicle with Dispensation		£290	
Temporary Vehicle Licence	Up to 3 months	£232	
Driver licence - New & Renewal	3 years	£271	
Conversion of driver licence to another type		£80	
Private Hire Operators (PHO)			
NEW Private Hire Operator Per vehicle calculation of 4 hours (at £57.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	Number of Vehicles		
	1	£472	
	2	£546	
	3	£620	
	4	£693	
	5	£767	
	6	£841	
	7	£915	
	8	£988	
	9	£1,062	
	10	£1,136	
	11	£1,210	
	12	£1,283	

	13	£1,357	
	14	£1,431	
	15	£1,505	
	16	£1,578	
	17	£1,652	
	18	£1,726	
	19	£1,800	
	20	£1,873	
	20+	£1,873	
RENEWAL Private Hire Operator Per vehicle calculation of 2 hours (at £57.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	Number of Vehicles		
	1	£354	
	2	£428	
	3	£502	
	4	£575	
	5	£649	
	6	£723	
	7	£797	
	8	£870	
	9	£944	
	10	£1,018	
	11	£1,092	
	12	£1,165	
	13	£1,239	
	14	£1,313	
	15	£1,387	
	16	£1,460	
	17	£1,534	
	18	£1,608	
	19	£1,682	
	20	£1,755	
	20+	£1,755	

Category	Type	Fee	Regulatory framework
Other Private Hire & Hackney Carriage Charges			Local Government (Miscellaneous Provisions) Act 1976 Part 2 s70
Variation to PHO licence		£59	
Transfer of vehicle to new owner		£118	
Change of vehicle		£74	
Replacement Licence		£41	
Replacement Badge		£41	
Replacement Vehicle Licence Plate		£59	
Knowledge Test		£74	
Missed Appointment		£37	
Advertising on a Hackney carriage - New		£47	
Change of address (PH & HC)		£14	
Backing Plate		£26	
Medical Exemption from carrying an assistance dog		£22	
Refund Processing Fee		£59	
Change of vehicle registration		£57	
Age of vehicle Inspection – initial & renewal		£59	

Category	Type	Fee	Regulatory framework
Scrap Metal Dealer Act 2013			Cost recovery for assessment and administration of the application
Scrap Metal site -New and renewal - 3 years	3 Years	£501	
Scrap Metal mobile collector -new and renewal - 3 years	3 years	£267	
Scrap Metal - Variation of Licence		£368	
Scrap Metal - change of site manager		£68	
Scrap Metal - copy of licence		£11	
Scrap Metal - Change of Name		£36	
Skin Piercing & Dermal Treatments (one off registration)			Tattoo, piercing and electrolysis licence (England and Wales) Local Government (Miscellaneous Provisions) Act 1982 Part 8 ss 14 15
Individual	Individual	£180	
Premises	Premises	£282	
Joint application	Joint application	£451	
Pre-application work, hourly rate	Min. 1 hour	£59	

Category	Type	Fee	Regulatory framework
Street Trading Consents			Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 paragraph 9
	Annual Fee	£1,378	
	6 months	£805	
	Monthly Rate	£228	
	Variation fee	£91	
	Refund for Street Traders if application withdrawn	£116	
Dog Warden Services			Cost recovery
Stray Dog recovered		£73	
Stray Dog – recovered and taken to kennel	Fees based on charges and cost recovery. Vets fees separate.	£73 + £15 per day max £75	
Dog fouling fixed penalty charge		£75	Fixed penalty
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping		£59	

Category	Type	Fee	Regulatory framework
Private Sector Housing			Housing Act 2004
Inspection of Housing Premises for Immigration purposes		£116	Set on a cost recovery basis
Enforcement Notices served under Housing Act 2004		£402	Set on a cost recovery basis
HMO Licence NEW - assisted application		£1,204	Set on a cost recovery basis for the costs of (a) the administration and processing of the application and (b) for the general management and enforcement of the scheme
HMO Licence RENEWAL		£805	
Caravan Site Licences			Caravan Sites and Control of Development Act 1960 Cost recovery for administering and monitoring site licences
Site licence new		£440	
New licence per pitch		£16	
Transfer of licence		£186	
Alteration of conditions		£341	
Annual fee per pitch		£14	
Enforcement Notices served under Mobile Homes Act 2013		£402	
Deposit, vary or deleting site rules		£117	
Variation of licence		£116	
Mobile Homes Regulations 2020			The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") permit the Council to charge a fee
Application Fee – Fit and Proper Test	Any application taking more than two hours to process will be charged at an additional hourly rate of £59/ph	£118	
Annual Fee – Fit and Proper Test		£59.00/hour	

Category	Type	Fee	Regulatory framework
Other fees	Hourly rate applies minimum of 2 hours		
Environmental Information Request - Individual, Non-Commercial		£118	
Environmental Information Request - Commercial and Government		£118	
Civil Actions (Class A – Fee Discretionary)		£118	
Safety Certification and administration	Hourly rate applies minimum of 2 hours	£118	
Pre-Application Advice, hourly charge		£59	
Food Hygiene Rating Scheme rescore	2 hours	£118	
General Business Advice (NonPrimary Authority)	Hourly rate (first 30 minutes free)	£59	
Resident Request for Advice	Hourly rate	£59	
Hourly charge		£59	

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