

PERTH AND KINROSS COUNCIL

Licensing Committee

18 February 2016

REVIEW OF CIVIC LICENCE FEES

Report by Head of Legal Services

PURPOSE OF REPORT

This report recommends that the Committee approves an increase in fees as shown in Appendix 1 for licences issued under the Civic Government (Scotland) Act 1982.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Civic Government (Scotland) Act 1982 gives the Council power to set fees for individual civic licenses in order to recover the cost of providing the civic licensing service. In setting the fees, the Council must ensure that the income received by the Council meets the expenses incurred in exercising its functions under the Act.
- 1.2 This review has been undertaken in accordance with the recommendations of the Scrutiny Committee report Charging for Services dated 28th January 2015 and the revised Corporate Charging Policy for full cost recovery of providing a service.
- 1.3 A review of the civic licensing fees was last undertaken in 2012 which resulted in a general increase of 5% (Art. 12/173. Following this review the Committee approved a proposal by the Head of Legal and Governance Services to review public entertainment licences to ensure that for larger commercial events in particular, costs incurred by the Legal and Licensing Services are appropriately factored into the fees charged.
- 1.4 This current review has looked at costs incurred in the delivery of the civic government licensing function and has identified that an increase in fees is now required to ensure that fee income is sufficient to meet the expenses.

2. PROPOSED AMENDMENTS TO FEES

- 2.1 It is proposed that the revised fees detailed in Appendix 1 attached to the report will be adopted with effect from 1 April 2016. These fees are subject to an inflationary increase of approximately 5.2%, in keeping with the Bank of England composite inflation index from 2012 to 2014. Fees are rounded up to the nearest £5.

- 2.2 Indicative costs for the Civic licensing function have been calculated. These costs have been based upon an estimate of the time spent on processing licences by relevant officers. It is projected that for the financial year 2015/16, the cost to the Council in exercising its functions under the Act will be £140177 whilst income is forecast to be £129013.
- 2.3 There is no prescribed statutory consultation process required to increase the licence fees under the Civic Government (Scotland) Act 1982 as the legal requirement is to ensure that income is sufficient to cover expenditure and this is a question of fact. In setting fees however the Service has carried out some benchmarking activity to ensure that charging proposals are fair and reasonable. It is proposed that a review of the fees be carried out annually to determine any impact that the fee increase may have on the number of licences and to ensure that the fees recovered continue to meet the cost of delivering the civic licensing function.
- 2.4 For benchmarking purposes the civic licensing fees charged by City Edinburgh Council, South Ayrshire Council, Angus Council and Dundee Council (detailed in Appendices 3 to 6 of the report) were compared with the proposed fees and found not to differ significantly. In comparing the fees imposed by the comparator authorities, account was taken of the fact that there are legitimate variations in fees across Councils due to local policy choices and demographic profiles.
- 2.5 The greatest proposed variation in fees is for Public Entertainment Licences. To support community events where there are less than 200 people attending, no increase in fees is proposed. Where the capacity is up to 1500, it is proposed to increase the fee by approximately 5% in line with inflation and for all other categories; the fee proposed has been more than doubled. As South Ayrshire and Edinburgh City Councils were the only other Councils that imposed a sliding scale for events with greater capacities, their fees were compared with the proposed fees and found to be considerably higher for events with a capacity of less than 20000.
- 2.6 As Edinburgh City Council is the only other Council from the group of comparator authorities likely to host large events, the fee imposed by Edinburgh City Council for events with a capacity of over 15000 was compared with the proposed fee for events with a capacity over 20000 and was again found to be considerably higher.

Capacity	Perth and Kinross Council Fees - 1yr - £	Edinburgh City Council Fees - £	South Ayrshire Council Fees - £
Community Hall	240	950	895
<200	240	950	895
201 → 1500	290	1,425 (up to 1,000) 2,652 (1,001 →	1,790 (up to 2,000)

		7,500)	
1,501 → 5,000	700	2,852	1,790 (up to 2,000)
5,001 → 20,000	1500	5,704 (up to 10,000) 9,275 (up to 15,000)	3,725 (over 5,000)
> 20,000	3,000	12,000 (over 15,000)	3,725 (over 5,000)

- 2.7 An approximate increase of 5% is proposed for general taxi and private hire vehicles. However, to try to increase the proportion of taxi and private hire cars that are wheelchair accessible vehicles as defined in the new “Conditions for Taxi and Private Hire Car Operator’s Licence”, and encourage the use of ultra-low emission vehicles, it is proposed that cheaper licenses be introduced for any operator renewing a licence for these categories of vehicles. With regard to a wheelchair accessible vehicles, the proposed costs for a one and three year licence are £55 and £65, respectively and for fully electric / ultra-low hybrid emission vehicles the proposed costs are £110 for a one year licence and £130 for a three year licence. The Committee could then review the numbers of these categories of vehicles after two years and if an increase is not achieved further action could be considered.
- 2.8 These proposals will increase the forecast income to approximately £135463 and will allow a balanced budget.
- 2.9 These proposals would assist the Council in meeting the general duty imposed on it by the Equality Act 2010 to:-
- (i) Eliminate unlawful discrimination, harassment and victimisation
 - (ii) Advance equality of opportunity; and
 - (iii) Foster good relations

3. CONCLUSION AND RECOMMENDATION(S)

- 3.1 The report proposes an increase in fees under Civic Government (Scotland) Act 1982 as set out in this report, to take effect from 1st April 2016.
- 3.2 The Committee is asked to agree that an annual review of fees is conducted in accordance with the Corporate Charging Policy.
- 3.3 The Committee is asked to agree that the numbers of wheelchair accessible vehicles and fully electric / ultra-low hybrid emission vehicle be reviewed after 2 years to determine whether further action is required to increase the numbers of these types of vehicles.
- 3.4 The Committee is asked to note the contents of the report and approve all charges.

Author(s)

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Approved

Name	Designation	Date
Lisa Simpson	Head of Legal Services	18 th December 2015

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ANNEX 1

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

Corporate Plan

- 1.1 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:-

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

- 1.1.2 This report relates to all objectives.

2. Resource Implications

Financial

- 2.1 There are no direct financial implications arising from this report other than those reported within the body of the main report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

Assessed as **relevant** and the following positive outcomes expected following implementation:-

- (i) Eliminate unlawful discrimination, harassment and victimisation
- (ii) Advance equality of opportunity; and
- (iii) Foster good relations

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.4 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

4. Consultation

Internal

- 4.1 None

External

- 4.2 None

2. BACKGROUND PAPERS

None

3. APPENDICES

- 3.1 Perth and Kinross proposed List of Fees – appendix 1
- 3.2 Dundee Council List of Fees – appendix 2
- 3.3 Angus Council List of Fees – appendix 3
- 3.4 South Ayrshire Council List of Fees– appendix 4
- 3.5 City of Edinburgh Council List of Fees– appendix 5

Appendix 1

Perth and Kinross Council Civic Government (Scotland) Act 1980 Licence Fees Proposal from 1st January 2016		
Application Type	Current Fee 1yr / 3yr	Proposed Fee 1yr / 3yr
Indoor Sport entertainment	180 / 240	190 / 260
Itinerant Metal Dealer	115 / /175	120 / 185
Knife Dealers	180 / 240	250 / 300
Late Hours Catering	300 / 355	350 / 400
Market Operator	200 / 265	210 / 280
Metal Dealer	200 / 265	210 / 280
Metal Dealer exemption warrant	50	Removed by legislation 2016
Second Hand Dealer	180 / 240	200 / 300
Second Hand Car Dealer	180 / 240	200 / 300
Sex Shop	155	1200
Skin Piercing and Tattoo	240 / 295	250 / 310
Small Lotteries	40 (20 renewal)	40 (20 renewal)
Stamp Fairs	30	35
Stalls Antique Fairs	55	60
Street Traders	155 / 220	160 / 230
Window Cleaner	100 / 150	105 / 160
Public Entertainment Licences		
Community Hall	180 / 240	180 / 240
Capacity < 200	180 / 240	180 / 240
Capacity 201 - 1500	260 / 315	290 / 350
Capacity 1501 - 5000	365 / 420	700 / 800
Capacity 5001 - 20000	630 / 840	1500/2000
Capacity > 20000	1050 / 1575	3000/4000
Fun fair	180 / 240	300 / 480
Taxi / Private Hire Cars	Current Fee 1yr / 3yr	Proposed Fee 1yr / 3yr
Booking office	105 / 155	110 / 165
Taxi / Private Hire Drivers Licence	105 / 155	110 / 165
Private Hire Operators Licence	220	55 / 110 / 230 (WAV/ULH/Car)
Taxi Operators Licence	260	65 / 130 / 275 (WAV/ULH/Car)
Test Fee with meter	97.5	97.5
Test Fee without meter	57.5	57.5
Vehicle Substitution	As test fee	As test fee
Vehicle Registration Change	20	40
Taxi Plate and mounting		30 (15 without mounting)
Private Hire Plate mounting and door stickers		35 (20 without mounting)
Advertisement		20

Replacement Badge / Licence		10
Replacement Plate mounting		15
Replacement door stickers		10
HMO		
Occupancy up to 5	650	685
Occupancy up to 20	695	730
Occupancy over 21	785	825

Appendix 2

City of Edinburgh Council List of Fees

Licence Type		Licence duration		2015/2016	
1	Animal Boarding*		1 year		£297
2			Boat Hire		
2.1	New		1 year		£533
2.2	Temporary		Up to 28 days		£179
3	Dangerous Wild Animals*		1 year		£297
4	Dog Breeding*		1 year		£297
5			Houses in Multiple Occupation		
5.1	5 or 5+ persons (new)		1 year		£602
5.2	5 or 5+ persons (renewal)		1 year		£422
5.3	4 Persons (new)		1 year		£561
5.4	4 Persons (renewal)		1 year		£381
5.5	3 Persons (new)		1 year		£520
5.6	3 Persons (renewal)		1 year		£339
5.7	Identical footprint/mirror image (new/renewal)		1 year		£51
6			Indoor Sports		
6.1	New / Renewal		1 year		£889
6.2	Temporary		Up to 28 days		£620
6.3		Community or charitable events (non-commercial) - up to six weeks		£112	
Fireworks					
All year fireworks sales		1 year		£500	
7			Knife Dealer		
7.1	New		1 year		£200
7.2	Renewal		1 year		£150
8			Late Hours Catering		
8.1	New		1 year		£560
8.2	Renewal		1 year		£400
8.3	Exemption		2 Months		£100
9.4	Per stall		1 year		£12
9.5			For markets operating less than once per calendar month:		
9.6	Per stall		Up to 28 days		£5
9.7	Indoors - per stall (subject to a maximum fee of £1,000)		Up to 28 days		£50
9.8	Outdoors - per stall (subject to a maximum fee of £5,000)		Up to 28 days		£75
9.9	Indoors - per stall (subject to a maximum fee of £1,000)		1 year		£50
9.10	Outdoors - per stall (subject to a maximum fee of £5,000)		Up to 28 days		£75

9.11	20 Stalls maximum (n/b thereafter normal fees will apply)	City-wide, per week or part of a week	£112
10		Metal Dealers	
10.1	Exemption	3 years	£1,587
10.2	New/renewal (on change of Act)	3 years	£1,500
10.3	New/renewal	1 year	£570
11	Performing animals*	1 year	£531
12	Pet shops*	1 year	£349
13		Public Entertainment	
13.1	Capacity > 15,000 - New/temporary	1 year or temporary up to 28 days	£12,000
13.2	Capacity 10,000 to 15,000 - New / temporary	1 year or temporary up to 28 days	£9,275
13.3	Capacity 5,001 to 10,000 - New / temporary	1 year or temporary up to 28 days	£5,704
13.4	Capacity 1,001 to 5,000 - New / temporary	1 year or temporary up to 28 days	£2,852
13.5	Capacity 201 to 1,000 - New / temporary	1 year or temporary up to 28 days	£1,424
13.6	Capacity 1 to 200 - New / temporary	1 year or temporary up to 28 days	£950
13.7	Capacity > 15,000 - Renewal	1 year	£9,000
13.8	Capacity 10,001 - 15,000 - Renewal	1 year	£6,956

Appendix 3

South Ayrshire Council Civic Fees

CIVIC GOVERNMENT & GENERAL LICENSING FEES FROM 1st SEPTEMBER 2013	
Private Hire Car Drivers	£195
Taxi Drivers	£195
Private Hire Cars	£380
Taxis	£415
Vehicle Annual Inspection	£135
Vehicle - Substitute	£170
Set of door stickers	£10
Vehicle Re-Inspection (payable directly to Caledonia Trucks)	Nil
Meter Test (payable directly to Caledonia Trucks)	£10
Taxi Booking Office (Public Access)	£334
Taxi Booking Office (non Public Access)	£329
Temporary Licence (all except P.E I.S. and M.O)	£72
Street Trader - Principal	£240
Street Trader – Advertised (incs. advert cost)	£600
Street Trader - Employee	£160
Late Hours Catering (new property req advert)	£635
Late Hours Catering (existing premises changing hands or renewal)	£260
Market Operator	£1028
Market Operator - Temp	£240
Second Hand Car Dealer	£320
Second Hand Dealer	£222
Metal Dealer	£206
Metal Dealer (Exemp Warrant inc. Temp)	£160
Metal Dealer - Itinerant	£425
Boat Hirer	£244
Public Entertainment (Hypnotist)	£90
Public Entertainment (Temporary)	£222
Public Ent. (Re-Insp. Within working hours)	£120
Re-Insp. Outwith working hours)	£210
Public Ent – Full advert and Outdoor Concerts	£895
Persons att. Per day (500 – 2000)	£1790
(2000 and over)	£3725
Public Ent. – Full – Non Advertised	£360
Indoor Sports (except where in	£250

conjunction with a Public Ent. Licence then = £25	
Sex Shop	£2275
Material Change in Circumstances	£140
Piercing and Tattooing - Premises	£337
Personal	£240
Duplicate Licences/Permits/Permissions	£32
Knife Dealers	£337

Appendix 4

Angus Council Civic Fees 2015

LICENCE TYPE	DURATION	NEW GRANT NEW FEE (ROUNDED) £	RENEWAL-CURRENT FEE £	RENEWAL NEW FEE (ROUNDED) £
Window Cleaner	1 Year	89	71.00	73
Metal Dealer/Itinerant	1 Year	89	71.00	73
Street Trader	1 Year	154	124.00	128
Street Trader - Fixed	1 Year	201	124.00	128
Street Trader - Variation	Remainder of licence period	49	n/a	n/a
Public Entertainment	1 Year	154	124.00	128
Public Entertainment - Charity	1 Year	36	28.00	29
Indoor Sports	1 Year	154	124.00	128
Boat Hire	1 Year	154	124.00	128
Second Hand Dealer	1 Year	228	182.00	188
Late Hours Catering	1 Year	228	182.00	188
Market Operator	1 Year	228	182.00	188
Houses in Multiple Occupation (up to 5 beds)	3 Years	306	n/a	n/a
Add'l fee for Tayside Fire Brigade inspection	3 hour inspection	137	n/a	n/a
Houses in Multiple Occupation (6 - 20 beds)	3 years	404	n/a	n/a
Add'l fee for Tayside Fire Brigade inspection	4 hour inspection	181	n/a	n/a
Houses in Multiple Occupation (over 20 beds)	3 years	516	n/a	n/a
Add'l fee for Tayside Fire Brigade inspection	6 hour inspection (or up to 75 beds)	276	n/a	n/a
Add'l fee for Tayside Fire Brigade inspection	8 hour inspection (or over 75 beds)	367	n/a	n/a

Tattooing and Skin Piercing	3 Years	300	290.00	300
Knife Dealers	1 Year	228	182.00	188
Booking Offices	1 Year	228	182.00	188

Appendix 5

Dundee Council Civic Fees 2014

Application Type	New Application	Renewal	Renewal Date
Animal Boarding	75.00	75.00	31st December 2015
Boat Hire	120.00	120.00	31st May 2016
Breeding Dogs	150.00	150.00	31st December 2015
Cinema	120.00	120.00	31st December 2015
Dangerous Wild Animals	100.00	100.00	31st December 2015
Explosives - Storage of Fireworks	105.00	52.00	31st May 2016
Indoor Sports	255.00	255.00	31st May 2016
Knife Dealer's	120.00	120.00	31st May 2016
Late Hours Catering	120.00	120.00	31st May 2016
Market Operator (Annual)	255.00	255.00	31st May 2016
Market Operator (Occasional)	110.00	-	-
Metal Dealer/Itinerant Metal Dealer	120.00	120.00	31st May 2016
Metal Dealer - Exemption Warrant	120.00	120.00	31st May 2016
Mini Bus Permit	11.00	-	-
Performing Animals	40.00	-	-
Pet Animals	60.00	60.00	31st December 2015
Private Hire Driver's Licence	135.00	125.00	31st May 2017
Private Hire Operator's Licence	200.00	200.00	31st May 2016
Public Entertainment - Charitable	5.00	5.00	-
Public Entertainment - Carnival Stall	15.00	15.00	-
Public Entertainment - Full	255.00	255.00	31st May 2016
Riding Establishment	100.00	100.00	31st May 2016
Second Hand Dealer	120.00	120.00	31st May 2016
Sex Shop	245.00	245.00	31st May 2016
Skin Piercing	120.00	120.00	31st May 2016
Street Trader	100.00	100.00	31st May 2017
Taxi & Booking Office	120.00	120.00	31st May 2016
Taxi Driver's Licence	165.00	155.00	31st May 2017
Taxi Operator's Licence	210.00	210.00	31st May 2016
Theatre - Annual	120.00	120.00	31st December 2015
Theatre - Occasional	25.00	-	-
Theatre - Transfer	15.00	-	-
Theatrical Employers Registration	6.00	-	-
Venison	60.00	60.00	31st December 2015
Window Cleaner	100.00	100.00	31st May 2017

