

Meeting date: 15 February 2023

Report to: Licensing Committee

Report title: Proposed Licensing Fees and Charges 2023/24

Report from: Assistant Director Communities & Partnerships

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
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Public/private report: Public

Exempt by virtue of paragraph: N/A

1. Executive Summary

- 1.1 To approve a proposed increase to licensing fees chargeable for licensing functions, subject to the statutory advertising requirements being satisfied.
- 1.2 Fees and charges are set to ensure full cost recovery of delivering the service, in line with legislation, to avoid the need to subsidise from other council funding.
- 1.3 Income is ring-fenced within licensing, meaning that fees should be set at a level to avoid any unnecessary surplus or deficit, and reviewed regularly to ensure this remains the case.

2. Decision(s) Recommended

- 2.1 That Members approve the fees and charges as detailed in Appendix A with effect from 1 April 2023 for advertising in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Following the statutory advertising period, the fees and charges automatically come into force on the given date if no objections are made. If objections are received, these will be referred to members for consideration in accordance with the legislation.

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1. Matters for Consideration

- 1.1 The fixing and approval of fees as proposed at Appendix A is a function of the Licensing Committee as stipulated in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 1.2 The proposed fees and charges are set at a level to ensure that the licensing service operates on a full cost-recovery basis. With the exception of the statutory fees under the Licensing Act 2003 and Gambling Act 2005 (as well as some set within statutory parameters), all other fees have been proposed at an increased level to reflect additional costs of staffing, energy, materials and other 'on-costs'. The fees set within statutory parameters under the Gambling Act have not been increased as service costs were not accurately reflected during the restrictions imposed throughout the Covid-19 pandemic and the proceeding recovery period, but it is intended to review and re-cost these in the near future.
- 1.3 Members should note that the Local Government (Miscellaneous Provisions) Act 1976 (the Act) permits the Council to set vehicle and operator licence fees, but where this fee exceeds £25, a public notice of the proposed fees must be placed in a local newspaper circulating in the area. The notice must outline how to make an objection and the period for doing so (28 days from the date specified on the notice). If no objections are made, or if all objections are withdrawn, the fees come into effect at the end of the 28-day period specified on the notice. Where objections are made and not withdrawn, Members must consider the objections before determining the fees and setting a further date, no later than two months after the first specified date, for the fees to come into force.
- 1.4 Driver's licence fees are not subject to the same statutory provisions under the Act, however the Council intends to advertise proposed fees in the same way on the same notice, and allow for objections to be received during the same period.
- 1.5 There are no legislative requirements to advertise proposed fees for any of the other licensing regimes.

2. What options have been considered and what is the evidence telling us about them?

- 2.1 If the increase in fees is not approved, this may result in the Council not being able to recover its costs of delivering the licensing service.

3. Reasons for recommending preferred option

- 3.1 The proposed fees and charges are intended to ensure that the service operates on a full cost-recovery basis.

4. Implications and Considerations

4.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	N/A
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	Ensuring fees are set at an appropriate level to deliver the licensing service without the need for subsidy from other council funding.
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality and reduce net carbon emissions. 	N/A
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	N/A

4.2 Consultation and Scrutiny:

4.2.1 Consultation will take place during the statutory advertising period by way of a public notice in a local newspaper.

4.3 Financial implications:

4.3.1 The setting of fees at a cost-recovery basis ensures that the service does not have to be subsidised by other council funding. See 1.2 above.

4.4 Legal implications:

4.4.1 Statutory advertising requirements will be complied with, see 1.3 above.

- 4.5 Risk implications, including Risk Appetite:
 - 4.5.1 Any fees proposed are always subject to challenge, and the Council must be able to justify the setting of those fees.
- 4.6 Equality implications:
 - 4.6.1 None identified
- 4.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):
 - 4.7.1 None identified, this is a statutory requirement and there is an expectation that all WMCA Councils will undergo the same process.
- 5. List of appendices referred to**
 - 5.1 Appendix A – proposed licensing fees and charges for 2023/24.
- 6. Background papers used to compile this report**
 - 6.1 None
- 7. List of Other Relevant Documents**
 - 7.1 [Open for business: LGA guidance on locally set licence fees | Local Government Association](#)