

South Lakeland District Council
Licensing Committee
Licensing Regulatory Committee
8 November 2016
Fees and Charges Policy

PORTFOLIO:	Councillor Sue Sanderson - Council Organisation and People Portfolio Holder
REPORT FROM:	Simon Rowley – Assistant Director Neighbourhood Services
REPORT AUTHOR:	Hardeep Burnley – Principal Food, Licensing and Safety Officer
WARDS:	N/A
KEY DECISION:	N/A

1.0 EXPECTED OUTCOME

1.1 To have a policy in place that establishes the principles for the charging of services provided by the Public Protection Group.

2.0 RECOMMENDATION

2.1 It is recommended that Committees:-

- (1) Note this report; and**
- (2) The attached Fees and Charges policy (which can be found in Appendix 1) be considered and adopted.**

3.0 BACKGROUND AND PROPOSALS

3.1 The policy establishes the principles for the charging of services provided by the Public Protection Group which includes Environmental Protection, Licensing and Food and Safety. It aims to recognise the competing priorities the Council faces when charging residents, businesses and other users for its services. It should be noted that the policy does not replace the corporate fees and charges policy, and should be read in conjunction with the corporate fees and charges policy.

3.2 The policy covers all services within Public Protection that can attract charges to external customers including residents, businesses and partner agencies.

- 3.3 Regard will be held to the policy when fees and charges are being reviewed, however the policy will not override specific legislation or statutory guidance where it exists.
- 3.4 The policy states four principles for setting fees and charges. These being:
- Achieve full cost recovery
 - Ensure legal compliance
 - Meet the ambitions of the Council Plan
 - Ensure fairness, be simple to understand and operate

Which are to be followed when setting or reviewing fees and charges.

4.0 CONSULTATION

- 4.1 Although there has been no public consultation as there has been no community need identified, internal partners such as Legal and Finance have been consulted on the development of this policy. The departments in questions were asked to consider the policy and make comments they seemed appropriate.

5.0 ALTERNATIVE OPTIONS

- 5.1 The alternative option is not to approve the attached Fees and Charges Policy. This is not recommended as the authority does not have a policy specific to services delivered by the Public Protection Group and its development is considered best practice on setting and reviewing of fees and charges.

6.0 LINKS TO COUNCIL PRIORITIES

- 6.1 The policy links to the Council Priority of Economy as the Policy will allow the group to set fees in a fair and consistent manner which will allow sustainable economic growth.

7.0 IMPLICATIONS

7.1 Financial and Resources

- 7.1.1 Legislation allows for each council to set the fees on a cost recovery basis, excluding enforcement. The implementation of the policy will be absorbed within existing resources within the Group.

7.2 Human Resources

- 7.2.1 Administration of the policy will be undertaken within existing resources.

7.3 Legal

- 7.3.1 The Provision of Services Regulations 2009 state that fees should not be used as an economic deterrent to certain activities or to raise funds. Enforcement costs should not be assimilated with the fee.

- 7.3.2 In order to aid clarity, enforcement costs against unauthorised activities will not form part of the fee costs, that is to say formal action such as the service of notices, prosecution etc, will not form part of the fee cost. Compliance action against authorised activities will form part of the fee.
- 7.3.3 Fees and charges will be reviewed annually to achieve full cost recovery. However, it must be noted, fees set by legislation, such as charges relating to licence issues under the Licensing Act 2003, Gambling Act 2005 (which set an upper limit councils cannot exceed), charges for Environmental Permits will not be reviewed unless they are reviewed nationally.

7.4 Health, Social, Economic and Environmental

7.4.1

Have you completed and Health, Social, Economic and Environmental Impact Assessment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please confirm that it is attached to the report in the appendices.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have not completed an Impact Assessment, please explain your reasons.	The overall impact of the policy are neutral as appropriate fees will be set on a cost recovery basis which will allow fair fees to be set and sustain economic growth.	

7.5 Equality and Diversity

7.5.1

Have you completed an Equality Impact Analysis?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please confirm that it is attached to the report in the appendices.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have not completed an Impact Assessment, please explain your reasons.	The overall impact of the policy are neutral as appropriate fees will be set on a cost recovery basis which will allow fair fees to be set and sustain economic growth.	

7.6 Risk

Risk	Consequence	Controls required
No policy in place for the setting and reviewing of fees and charges for services delivered by Public	Unrealistic fees and charges being set which are unaffordable and weaken the Council's financial position. The Council will also be	A policy required which sets out clear criteria for the setting and reviewing of fees and charges.

Risk	Consequence	Controls required
Protection	liable to challenges.	

CONTACT OFFICERS

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APPENDICES ATTACHED TO THIS REPORT

Appendix No.	
1	Fees and Charges Policy

BACKGROUND DOCUMENTS AVAILABLE

Name of Background document	Where it is available
R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) (Respondents) v Westminster City Council (Appellant).	https://www.supremecourt.uk/cases/uksc-2013-0146.html
The Provision of Services Regulations 2009	http://www.legislation.gov.uk/ukxi/2009/2999/pdfs/ukxi_20092999_en.pdf

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
13/09/2016	n/a	13/09/2016	n/a	n/a
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer
n/a	08/11/2016	n/a	13/09/2016	13/09/2016
Human Resource Services Manager	Leader	Ward Councillor(s)	Public Protection Manager	
13/09/2016	n/a	n/a	17/06/2016	