

ANGUS COUNCIL

CIVIC LICENCING COMMITTEE – 28 MARCH 2024

REVIEW OF FEES

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

- 1.1 The purpose of this Report is to recommend charging for the processing of items of work that do not currently attract a fee and a percentage increase in fees charged (with the exception of Short-term Let and Taxi and Private Hire driver and operator applications) in respect of licences issued under the Civic Government (Scotland) Act and other miscellaneous statutes.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

- 2.1 Not Applicable.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Committee: -
- (i) approve the new charge of £75.00 in relation to the processing of a Late Hours Catering licence exemption and consideration of an application regarding a material change in circumstances/variation of any licence;
 - (ii) approve the new charge of a third of the full fee cost (rounded up to the nearest whole number) in relation to the processing of temporary licences;
 - (iii) approve the revised fee structure contained in **APPENDIX 1**; and
 - (iv) agree an implementation date of 8 April 2024.

4. BACKGROUND

- 4.1 Sections 12 and paragraph 15 of Schedule 1 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) obliges the Council to ensure that the total amount of fees charged by it is sufficient to meet the expenditure incurred in carrying out the functions of the licensing authority under that Act.
- 4.2 In terms of section 12, Taxi and Private Hire driver and operator fees are reviewed in September each year. Short-term Let fees are to be addressed by way of a separate report to this Committee before 1 July 2024. For the avoidance of doubt, this report does not consider the fees associated with these licences.
- 4.3 The fees for applications associated with The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 were set in 2022. The last review of the remaining fees was carried out in 2019 to take effect from 1 April 2019.

5. CURRENT POSITION

- 5.1 Currently no fee is charged for processing a temporary licence, Late Hours Catering Exemption application or an application for consideration of a material change in circumstances (Paragraph 9 of Schedule 1 of the 1982 Act) or variation of a licence (Paragraph 10 of Schedule 1 of the 1982 Act).

- 5.2 A new fee structure is proposed and is attached at **APPENDIX 1** which, for comparison purposes, also shows the current structure. Whilst the increase in the proposed new structure for fees is approximately 10% for both new and renewal applications, the variance between figures can be explained in the rounding process as a number of fees have been rounded to provide more manageable figures. It is proposed that the increased fees, if accepted, will be implemented from 8 April 2024.

6. PROPOSALS

- 6.1 With regard to recommendations (i) and (ii), Members are asked to approve the inclusion of new charges in relation to the processing of a temporary licence, Late Hours Catering licence exemption and consideration of an application regarding a material change in circumstances/variation of any licence. Charges are suggested at that rate from 8 April 2024. A variation fee was approved by Members in relation to processing of Short-term Let applications in 2022. The fee levied is £75.00. It is proposed that the new charges are set at that rate which accords generally with the amount of time officers would take to process the applications.
- 6.2 With regard to recommendations (iii) and (iv), given the length of time since the fees were last reviewed and following the percentage increase of 10% recommended and applied by Members of Angus Council at the Council Tax Setting Budget Meeting on 29 February 2024 by virtue of Report 55/24 "Proposed Budgets for the Legal Governance and Change Directorate", a general percentage rise of approximately 10% is proposed as being required for the forthcoming financial year.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no negative implications to the Council arising from the terms of this Report. If approved the review of fees should result in increased income to the Council which will offset the increased inflationary costs of administering the licensing functions.

8. RISK MANAGEMENT

- 8.1 There are no risks to the Council arising from the terms of this Report.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 There are no direct environmental implications arising from the recommendations of this report.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

- 10.1 An Equality Impact Assessment is not required as the report is technical.

11. CONSULTATION (IF APPLICABLE)

- 11.1 The Director of Finance has been consulted on the terms of this Report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are: (list them below):

Civic Government (Scotland) Act 1982

Report 55/24 "Proposed Budgets for the Legal Governance and Change Directorate

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List of Appendices:

APPENDIX 1