

Item: 3

Licensing Committee: 5 March 2020.

Review of Licensing Fees.

Joint Report by Executive Director of Corporate Services and Executive Director of Development and Infrastructure.

1. Purpose of Report

To review application fees charged by the Council for types of licences where the Council has discretion to set fees.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 25 February 2020, when considering the revenue budget for 2020 to 2021, the Policy and Resources Committee recommended that Executive Directors should review and increase existing charges by a minimum of 3%, from 1 April 2020, if possible to do so, or as early as possible thereafter, with exceptions, where alternative arrangements were required.

2.2.

That the exceptions to increasing existing charges by a minimum of 3%, from 1 April 2020, includes licensing fees.

2.3.

That a comparison of fees charged by the Council with fees charged for similar types of licences or approvals by other local authorities in the north of Scotland has been undertaken, with the outcome detailed in Appendix 1 to this report.

2.4.

The proposal that, where the Council has discretion, licensing fees be increased by a minimum of 3% with effect from 1 April 2020, in accordance with the guidance outlined in section 4 of this report.

It is recommended:

2.5.

That, where the Council has discretion, with effect from 1 April 2020, licensing fees be increased by a minimum of 3%, resulting in the fee levels detailed in Appendix 2 to this report.

3. Background

3.1.

The Council issues licences, registrations and permits in terms of various statutory provisions. In some cases, the Council has discretion to set fees, generally on the basis that fees charged should cover its expenses in the processing of applications. In other cases, fees are prescribed by statutory instrument or regulations.

3.2.

Advertisement costs and third-party costs with related administration are met directly by applicants and licence holders. Newspaper advertisement of applications for licences for houses in multiple occupation was previously compulsory. Although such advertisement is now discretionary in terms of the legislation, current practice in Orkney is to advertise. This provides certainty regarding publicity for a category of application that can attract considerable local debate.

3.3.

A comparison of fees charged by the Council with fees charged for similar types of licences or approvals by other local authorities in the north of Scotland has been conducted, with the outcome detailed in Appendix 1 to this report.

3.4.

The comparison information relates to financial year 2019 to 2020. The local authorities concerned have not completed their review processes for the financial year 2020 to 2021.

3.5.

On 7 March 2019, the Licensing Committee determined that, where the Council had discretion, with effect from 1 April 2019, licensing fees be increased by a minimum of 3%.

4. Proposed Charges

4.1.

At its special meeting held on 25 February 2020, when considering the revenue budget for 2020 to 2021, the Policy and Resources Committee recommended inter alia that Executive Directors should review and increase existing charges by a minimum of 3%, from 1 April 2020, if possible to do so, or as early as possible thereafter, with exceptions, where alternative arrangements were required. One of the exceptions is licensing fees.

4.2.

When calculating increases for the Council charges register, the following guidance was issued in respect of rounding for ease of collection:

- less than £2.00 – no increase;
- £2.00 to £49.99 – 3% rounded to nearest 5p;
- £50.00 to £99.99 – 3% rounded to nearest 50p; and
- £100.00 and over – 3% rounded to nearest £1.

4.3.

Appendix 2 to this report lists those licences, registrations and permits issued by the Council, where it has discretion in the setting of fees. It sets out the present level of fees, together with the level of fees proposed to take effect from 1 April 2020, taking cognisance of the guidance referred to above.

5. Corporate Governance

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

6.1.

The approved Licensing budget for 2019 to 2020 of £27,500 is made up as follows:

| | |
|-----------------------|----------|
| Staff Costs. | £68,900 |
| Other Costs. | £35,800 |
| Gross budget. | £104,700 |
| Less Fees and Charges | -£77,200 |
| Net budget | £27,500 |

6.2.

The fees and charges collected are principally Liquor Licensing fees (70%) and the Licences, Approvals, Registrations and Permits fees (30%) which are the subject of this report. The current income generated is not sufficient to cover the costs of the service and therefore the proposal to increase fees by the proposed 3% budgetary uplift will help towards bridging this funding gap.

6.3.

Environmental Health and Trading Standards income in respect of licensing fees, subject to the categories determined by the Licensing Committee, for 2018 to 2019 was £3,600 with estimated income for 2019 to 2020 of £1,200.

7. Legal Aspects

The legal aspects are contained within the body of this report.

8. Contact Officers

Gillian Morrison, Executive Director of Corporate Services, extension 2103, email gillian.morrison@orkney.gov.uk.

Gavin Barr, Executive Director of Development and Infrastructure, extension 2301, email gavin.barr@orkney.gov.uk.

Gavin Mitchell, Head of Legal Services, extension 2233, email gavin.mitchell@orkney.gov.uk.

Roddy MacKay, Head of Planning, Development and Regulatory Services, extension 2530, email roddy.mackay@orkney.gov.uk.

Gary Foubister, Trading Standards Manager, extension 2831, email gary.foubister@orkney.gov.uk.

David Brown, Environmental Health Manager, extension 2817, email david.brown@orkney.gov.uk.

Elaine Sinclair, Legal Clerk, extension 2232, email elaine.sinclair-hill@orkney.gov.uk.

9. Appendices

Appendix 1: Council Licensing Fees (Various) 2019 to 2020, Comparison with North of Scotland Authorities, Duration of Licences and Fees Charged.

Appendix 2: Current fees, effective from 1 April 2019 and proposed fees from 1 April 2020.

Appendix 1.

Council Licensing Fees (Various) 2019 to 2020.

Comparison with North of Scotland Authorities.

Duration of Licences and Fees Charged.

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|--|-------------------|---------------|--------------------------|
| Animal boarding – mandatory. | Aberdeenshire. | 180.00. | 1. |
| | Highland. | 196.00. | 1. |
| | Moray. | 122.00. | 1. |
| | Orkney. | 132.00. | 1. |
| | Shetland. | 167.33. | 1. |
| | Western Isles. | 93.00. | 1. |
| | | | |
| Breeding of dogs – mandatory. | Aberdeenshire. | 180.00. | 1. |
| | Highland. | 160.00. | 1. |
| | Moray. | 108.00. | 1. |
| | Orkney. | 132.00. | 1. |
| | Shetland. | -. | 1. |
| | Western Isles. | 93.00. | 1. |
| | | | |
| Caravan sites – mandatory. | | | |
| | Aberdeenshire. | | |
| Single caravan. | | 221.00. | 5. |
| 2 – 10 caravans. | | 371.00. | 5. |
| Over 10 caravans. | | 577.00. | 5. |
| | Highland. | 0.00. | Life of site. |
| | Moray. | 0.00. | Life of site. |
| | Orkney. | 717.00. | 5. |
| | Shetland. | 0.00. | Life of site. |
| | Western Isles. | | |
| 1 – 5 units. | | 284.00. | 5. |
| 6 – 10 units. | | 340.00. | 5. |
| 11 + units initial fee £340 + £100 per 10 units of part thereof. | | 340.00 +. | 5. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|---|-------------------|---------------|--------------------------|
| Cinemas – mandatory. | | | |
| Capacity (seats) – | | | |
| All. | Aberdeenshire. | 30.00. | 1. |
| Up to 250. | Highland. | 260.00. | 1. |
| Over 250. | | 518.00. | 1. |
| All. | Moray. | 155.00. | 1. |
| Up to 100. | Orkney. | 138.00. | 1. |
| Over 100. | | 270.00. | 1. |
| All. | Shetland. | 173.50. | 1. |
| All. | Western Isles. | 196.00. | 1. |
| | | | |
| Dangerous wild animals – mandatory. | Aberdeenshire. | 171.00. | 1. |
| | Highland. | 296.00. | 1. |
| | Moray. | 266.00. | 1. |
| | Orkney. | 132.00. | 1. |
| | Shetland. | 557.44. | 1. |
| | Western Isles. | 93.00. | 1. |
| | | | |
| Houses in Multiple Occupation – mandatory. | | | |
| 5 categories based on numbers of occupants. | Aberdeenshire. | | |
| Min 3 – 4 people. | | 747.00. | 3. |
| Max over 25 people. | | 1340.00. | 3. |
| | Highland. | | |
| Up to 10 occupants. | | 801.00. | 3. |
| More than 10 occupants. | | 1066.00. | 3. |
| | Moray. | | |
| Up to 5 occupants. | | 1681.00. | 3. |
| 6 – 10 occupants. | | 2402.00. | 3. |
| More than 10 occupants. | | 3123.00. | 3. |
| | Orkney. | | |
| Up to 9 occupants. | | 427.00. | 3. |
| 10 or more occupants. | | 717.00. | 3. |
| | Shetland. | | |
| Up to 6 occupants. | | 222.92. | 3. |
| More than 6 occupants. | | 334.41. | 3. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|---|-------------------|---------------|--------------------------|
| Houses in Multiple Occupation – mandatory. | Western Isles. | 290.00. | 3. |
| | | | |
| Indoor sports entertainment – mandatory. | | | |
| Licensed as PEL. | Aberdeenshire. | -. | |
| | Highland. | 305.00. | 3. |
| | Moray. | -. | -. |
| | Orkney. | 127.00. | 1. |
| | | 337.00. | 3. |
| | Shetland. | -. | -. |
| | Western Isles. | 87.00. | 1. |
| | | 259.00. | 1 year outdoor. |
| | | | |
| Knife dealers – mandatory. | Aberdeenshire. | 212.50. | 3. |
| | Highland. | 400.00. | 3. |
| | Moray. | 675.00. | 3. |
| | Orkney. | 109.00. | 1. |
| | | 285.00. | 3. |
| | Shetland. | 173.14. | 3. |
| | Western Isles. | 202.00 | 3 |
| | | | |
| Late hours catering – if resolved by local authority. | Aberdeenshire. | 153.50. | 3. |
| | Highland. | 382.00. | 3. |
| | Moray. | 889.00. | 3. |
| | Orkney. | 161.00. | 1. |
| | | 427.00. | 3. |
| | Shetland. | 334.41. | 3. |
| | Western Isles. | 202.00. | 3. |
| | | | |
| Market operators – if resolved by local authority. | Aberdeenshire. | 200.00. | 3. |
| | Highland. | 382.00. | 3. |
| | Moray. | 417.00. | 1. |
| | Orkney. | 244.00. | 1. |
| | | 422.00. | 3. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|--|-------------------|----------------|--------------------------------------|
| Market operators – if resolved by local authority. | Shetland. | -. | -. |
| Less than 20 stalls. | Western Isles. | 202.00. | 3. |
| More than 20 stalls. | | 347.00. | 3. |
| | | | |
| Metal dealers – mandatory. | Aberdeenshire. | 128.00. | 3. |
| | Highland. | 305.00. | 3. |
| | Moray. | 638.00. | 3. |
| | Orkney. | 127.00. | 1. |
| | | 337.00. | 3. |
| | Shetland. | 1114.61. | 3. |
| | Western Isles. | 202.00. | 3. |
| | | | |
| Performing animals – mandatory. | Aberdeenshire. | 146.00. | Life of animal. |
| | Highland. | 160.00. | Life of animal. |
| | Moray. | 103.00. | Life of animal. |
| | Orkney. | 128.00. | Life of animal. |
| | Shetland. | -. | -. |
| | Western Isles. | 93.00. | Life of animal. |
| | | | |
| Pet shops – mandatory. | Aberdeenshire. | 165.00. | 1. |
| | Highland. | 160.00. | 1. |
| | Moray. | 210.00. | 1. |
| | Orkney. | 132.00. | 1. |
| | Shetland. | 167.33. | 1. |
| | Western Isles. | 93.00. | 1. |
| | | | |
| Public entertainment (PEL) – if resolved by local authority. | Aberdeenshire. | 96 – 797. | 6 weeks – 3 years. 9 categories. |
| | Highland. | 120 – 12403. | 6 weeks – 3 years. 12 categories. |
| | Moray. | 147 – 1296.00. | 6 weeks – 3 years. 15 categories. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|--|-------------------|-----------------|-------------------------------------|
| Public entertainment (PEL) – if resolved by local authority. | Orkney. | 138.00. | 6 weeks – 1 year. |
| | | 354.00. | 3 years. |
| | Shetland. | 81.30 – 6687.65 | 6 weeks – 3 years. 5 categories. |
| Indoor. | Western Isles. | 87.00. | 6 weeks – 1 year. |
| Outdoor. | | 259.00. | 1 year. |
| | | | |
| Raised structures – mandatory. | Aberdeenshire. | -. | -. |
| | Highland. | -. | -. |
| | Moray. | -. | -. |
| | Orkney. | 80.50. | 1 event. |
| | Shetland. | 70.00. | 1 event. |
| | Western Isles. | -. | -. |
| | | | |
| Riding establishments – mandatory. | Aberdeenshire. | 170.00. | 1. |
| | Highland. | 183.00. | 1. |
| | Moray. | 386.00. | 1. |
| | Orkney. | 132.00. | 1. |
| | Shetland. | 167.33. | 1. |
| | Western Isles. | 93.00. | 1. |
| | | | |
| Second hand dealers – if resolved by local authority. | Aberdeenshire. | 128.00. | 3. |
| | Highland. | 305.00. | 3. |
| | Moray. | 136.00. | 3. |
| | Orkney. | 127.00. | 1. |
| | | 337.00. | 3. |
| | Shetland. | 222.92. | 3. |
| | Western Isles. | 202.00. | 3. |
| | | | |
| Sex shops – if resolved by local authority. | Aberdeenshire. | 212.50. | 1. |
| | Highland. | 890.00. | 1. |
| | Moray. | 1192.00. | 1. |
| | Orkney. | 1888.00. | 1. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|---|-----------------------|---------------|--------------------------|
| Sex shops – if resolved by local authority. | Shetland. | -. | -. |
| | Western Isles. | -. | -. |
| | | | |
| Skin piercing and tattooing – mandatory. | | | |
| 2 categories. | Aberdeenshire. | 245 – 329. | 3. |
| | Highland. | 508.00. | 3. |
| | Moray. | 358.00. | 3. |
| | Orkney. | 211.00. | 1. |
| | | 558.00. | 3. |
| | Shetland. | 222.92. | 3. |
| 4 categories. | Western Isles. | 93 – 290. | 3. |
| | | | |
| Street traders including ID badge – if resolved by local authority. | Aberdeenshire. | 165.00. | 3. |
| | Highland – operators. | 305.00. | 3. |
| | Highland – employees. | 120.00. | 3. |
| | Moray. | 368.00. | 3. |
| | Orkney. | 127.00. | 1. |
| | | 337.00. | 3. |
| | Shetland. | 222.92. | 3. |
| | Western Isles. | 202.00. | 3. |
| | | | |
| Taxi and PHC booking offices – mandatory. | Aberdeenshire. | 112.50. | 3. |
| | Highland. | 337.00. | 3. |
| | Moray. | 481.00. | 3. |
| | Orkney. | 138.00. | 1. |
| | | 371.00. | 3. |
| | Shetland. | 115.00. | 3. |
| | Western Isles. | 50.00. | 3. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|---|-------------------|---------------|--------------------------|
| Taxis and PHCs including plates – if resolved by local authority. | Aberdeenshire. | 206.00. | 1. |
| | Highland. | 447.00. | 3. |
| | Moray. | 415.00. | 3. |
| | Orkney. | 229.00. | 1. |
| | | 604.00. | 3. |
| | Shetland. | 442.00. | 1. |
| | Western Isles. | 196.00. | 1. |
| | | | |
| Taxi and PHC drivers including ID badge – if resolved by local authority. | Aberdeenshire. | 94.00. | 3. |
| | Highland. | 292.00. | 3. |
| | Moray. | 227.00. | 3. |
| | Orkney. | 63.50. | 1. |
| | | 161.00. | 3. |
| | Shetland. | 90.00. | 3. |
| | Western Isles. | 80.00. | 3. |
| NB: if local authority resolves to license taxis and PHCs, they must license both vehicles and drivers. | | | |
| | | | |
| Theatres – mandatory. | | | |
| Capacity (seats). | | | |
| Licensed as PEL. | Aberdeenshire. | -. | -. |
| Up to 100. | Highland. | 111.00 | 1. |
| 101 – 250. | | 260.00. | 1. |
| Over 250. | | 518.00. | 1. |
| Licensed as PEL. | Moray. | -. | -. |
| All. | Orkney. | 74.00. | 1. |
| All. | Shetland. | 75.00. | 1. |
| All. | Western Isles. | 87.00. | 1. |

| Type of Licence. | Authority. | Fee £. | Duration (Years). |
|--|-------------------|---------------|--------------------------|
| Venison dealer registrations – mandatory. | Aberdeenshire. | 30.00. | 3. |
| | Highland. | 160.00. | 3. |
| | Moray. | 50.00. | 3. |
| | Orkney. | 95.00. | 3. |
| | Shetland. | -. | -. |
| | Western Isles. | 93.00. | 3. |
| | | | |
| Window cleaners including ID badge – if resolved by local authority. | Aberdeenshire. | 87.00. | 3. |
| | Highland. | 305.00. | 3. |
| | Moray. | 145.00. | 3. |
| | Orkney. | 63.50. | 1. |
| | | 167.00. | 3. |
| | Shetland. | -. | -. |
| | Western Isles. | -. | -. |
| | | | |
| Zoos – mandatory. | Aberdeenshire. | 300.00. | 4. |
| | Highland. | 160.00. | 4. |
| | Moray. | 309.00. | 4. |
| | Orkney. | 455.00. | 4. |
| | Shetland. | -. | -. |
| | Western Isles. | 579.00. | 4. |

Appendix 2.

Licences, Approvals, Registrations and Permits.

| Licensing Fees. | Existing £. | Proposed £. |
|--|-----------------------------|-----------------------------|
| | 2019 to 2020. | 2020 to 2021. |
| Animal boarding for 1 year. | 132.00. | 136.00. |
| Breeding of dogs for 1 year. | 132.00. | 136.00. |
| Caravan sites for 5 years (other than holiday sites). | 717.00. | 739.00. |
| Caravan sites renewal for 5 years (other than holiday sites). | 50% of fee current at time. | 50% of fee current at time. |
| Cinemas for 1 year (capacity up to 100 persons). | 138.00. | 142.00. |
| Cinemas for 1 year (capacity over 100 persons). | 270.00. | 278.00. |
| Dangerous wild animals for 1 year. | 132.00. | 136.00. |
| Houses in multiple occupation for 3 years (capacity up to 9 occupants). | 427.00. | 440.00. |
| Houses in multiple occupation for 3 years (capacity for 10 or more occupants). | 717.00. | 739.00. |
| *Indoor sports entertainment for 1 year. | 127.00. | 131.00. |
| Indoor sports entertainment for 3 years. | 337.00. | 347.00. |
| *Knife dealers for 1 year. | 109.00. | 112.00. |
| Knife dealers for 3 years. | 285.00. | 294.00. |
| *Late hours catering for 1 year. | 161.00. | 166.00. |
| Late hours catering for 3 years. | 427.00. | 440.00. |
| *Market operators for 1 year. | 244.00. | 251.00. |
| Market operators for 3 years. | 422.00. | 435.00. |
| *Metal dealers for 1 year. | 127.00. | 131.00. |
| Metal dealers for 3 years. | 337.00. | 347.00. |
| Performing animals for life of animal. | 128.00. | 132.00. |
| Performing animals – additional – for life of animal. | 50% of fee current at time. | 50% of fee current at time. |
| Pet shop for 1 year. | 132.00. | 136.00. |
| *Public entertainment for 1 year. | 138.00. | 142.00. |
| Public entertainment for 3 years. | 354.00. | 365.00. |
| Raised structures. | 80.50. | 83.00. |
| Riding establishments for 1 year. | 132.00. | 136.00. |
| *Second hand dealers for 1 year. | 127.00. | 131.00. |
| Second hand dealers for 3 years. | 337.00. | 347.00. |
| Sex shops for 1 year. | 1888.00. | 1945.00. |
| *Skin piercing and tattooing for 1 year. | 211.00. | 217.00. |
| Skin piercing and tattooing for 3 years. | 558.00. | 575.00. |

| Licensing Fees. | Existing £. | Proposed £. |
|---|----------------------|----------------------|
| | 2019 to 2020. | 2020 to 2021. |
| *Street traders for 1 year including ID badges. | 127.00. | 131.00. |
| Street traders for 3 years including ID badges. | 337.00. | 347.00. |
| *Taxi and private hire car booking offices for 1 year. | 138.00. | 142.00. |
| Taxi and private hire car booking offices for 3 years. | 371.00. | 382.00. |
| *Taxi or private hire car licences for 1 year including plates. | 229.00. | 236.00. |
| Taxi or private hire car licences for 3 years including plates. | 604.00. | 622.00. |
| Taxi or private hire car licence plate – external. | 34.15. | 35.20. |
| Taxi or private hire car licence plate – internal. | 17.10. | 17.60. |
| *Taxi or private hire car drivers for 1 year including ID badges. | 63.50. | 65.50. |
| Taxi or private hire car drivers for 3 years including ID badges. | 161.00. | 166.00. |
| Theatres for 1 year. | 74.00. | 76.00. |
| Venison dealers for 3 years. | 95.00. | 98.00. |
| *Window cleaners for 1 year including ID badges. | 63.50. | 65.50. |
| Window cleaners for 3 years including ID badges. | 167.00. | 172.00. |
| Zoos for 4 years. | 455.00. | 469.00. |
| General | | |
| Replacement / copy licence. | 28.50. | 29.40. |
| ID Badge including replacement. | 28.50. | 29.40. |

Information:

Licence fees are non-refundable.

Advertisement costs and third party costs with related administration are met directly by applicants or licence holders.

*The fee payable in respect of the substitution or variation to any type of licence so marked, together with the following matters, are the same as the fee for the appropriate licence type for one year:

- Temporary licences (which cannot exceed 6 weeks).
- Certified duplicate or true copy licences.
- Consideration of any material change of circumstances, including premises, vehicles or vessels.

5 March 2020.