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THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

Dydd Iau, 5 Rhagfyr 2019 Dydd Iau, 5 Rhagfyr 2019

Dear Sir/Madam

PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE
(GENERAL LICENSING MATTERS)

A meeting of the Planning, Regulatory & General Licensing Committee (General Licensing Matters) will be held in Siambr y Cyngor, Y Ganolfan Ddinesig, Glynebwy on Dydd Mawrth, 10fed Rhagfyr, 2019 at 9.30 am.

Yours faithfully

Michelle Morris
Managing Director

AGENDA

Pages

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o rybudd os dymunwch wneud hynny. Bydd gwasanaeth cyfieithu ar y pryd ar gael os gofynnir am hynny.

2. YMDDIHEURIADAU

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

Derbyn ymddiheuriadau.

3. **DATGANIADAU BUDDIANT A GODDEFEBAU**

Ystyried unrhyw ddatganiadau buddiant a goddefebau a wnaed.

4. **GWASANAETH DIOGELU'R CYHOEDD - DOD Â CHYDWEITHREDU GYDA CBS TORFAEN I BEN** 3 - 14

Ystyried adroddiad Cyfarwyddwr Corfforaethol Adfywio a Gwasanaethau Cymunedol.

5. **TACSIS; FFIOEDD TRWYDDED ERAILL NAS RHAGNODWYD 2020/2021** 15 - 30

Ystyried adroddiad Rheolwr Tîm - Masnachol a Thrwyddedu.

To: B. Summers (Chair)
M. Moore (Vice-Chair)
D. Bevan
G. L. Davies
D. Hancock
W. Hodgins
J. P. Morgan
K. Pritchard
K. Rowson
T. Smith
B. Thomas
G. Thomas
D. Wilkshire
B. Willis
L. Winnett

All other Members (for information)
Manager Director
Chief Officers

Agenda Item 4

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: Planning, Regulatory & General Licensing Committee

Date of meeting: **10th December 2019**

Report Subject: **PUBLIC PROTECTION SERVICES – DISCONTINUATION OF THE COLLABORATION WITH TORFAEN CBC**

Portfolio Holder: **CLLR GARTH COLLIER- ENVIRONMENT**

Report Submitted by: **RICHARD CROOK – CORPORATE DIRECTOR, REGENERATION & COMMUNITY SERVICES**

Report Written by: **DAVID THOMPSON – SERVICE MANAGER, PUBLIC PROTECTION**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state) PRGLC
virtual								10/12/19

1. Purpose of the Report

- 1.1 To provide members of the Committee with information relating to the end of the Public Protection Collaboration, as requested, and the implications for the Licensing Team.

2. Scope and Background

- 2.1 In 2015, the Authority approved a report recommending the creation of joint Trading Standards & Licensing Services with Torfaen whilst giving permission for wider opportunities for Public Protection to be explored. It was set-up as an informal arrangement against the backdrop (at the time) of likely local government reorganisation and a strong local, regional and national drive for collaborative working.
- 2.2 In 2016, the Authorities approved the extension of the collaboration to include Environmental Health Services – using the informal mechanisms that had been successful throughout the previous year (focussing on shared management and minimum disruption to front line services) with a view to making the collaboration more formal in the future. During this period, managers worked very hard to successfully deliver programmes of work (including new initiatives), deal with legacy issues and maintain timely and statutory responses to service requests/demand. Managers also worked across two political and performance/service planning regimes, including 2 Licensing Committees

- 2.3 In 2018/19, it became clear that since the local government elections in 2017 (which led to a change in leadership in Torfaen, and, coincided with the appointment of a new Torfaen Chief Officer/Director for the service area that includes Public Protection) there had been a significant shift in thinking and approach to front-line service delivery – from collaboration to in-sourcing (in-house delivery).
- 2.4 At the same time, concerns over capacity/increased demands on service managers, which led to heightened stress levels and resulted in some staff sickness, led senior officers from both Authorities to agree that the collaboration could not continue in its current form with the only options available being to move away from the current arrangement or to a single host arrangement. However, the change in policy direction in Torfaen meant that the only option was the former - to disengage.
- 2.5 This matter and the implications for the Authority were reported to Executive Committee in July 2019. The full report is attached at Appendix 1 along with an extract from the relevant minutes attached at Appendix 2.
- 2.6 The Collaboration ended on 30th November 2019.
- 2.7 **Budgetary Implications – in year.** The Executive Committee (Appendix 1, Section 5) outlined the implications for the 19/20 budget as a result of the end of the Collaboration. The in-year budget pressure is £35,000 and this has been met by reducing the hours of a post in Trading Standards, that worked across both local authorities under the collaboration, and income received by the service as part of an energy efficiency scheme (managed by the Environmental Protection team).
- 2.8 **Budgetary Implications – 20/21** and beyond. The end of the collaboration has created a pressure of £106,000 for Public Protection. Carrying forward the reduction in hours for the Trading Standards post (as indicated above) will enable £18,000 of this pressure to be met. Achieving the remainder is currently under review. Public Protection managers are currently leading on a review of Front Line Enforcement Services that, once concluded, will inform any necessary service change and staffing restructure. Should there be any necessary staffing reductions, these will be dealt with in full consultation with affected staff, trades union and OD support.
- 2.9 **Licensing Team.** Interim changes were made in July with Alison Hughes returning to manage Torfaen services and Lisa Griffin taking over Licensing along with her other duties as Commercial Team Manager. These arrangements will continue until the above review has been completed. This may lead to another change in manager – but this is as yet undecided.
- 2.10 Excluding management, there are 4 No. (3.7 full time equivalent) staff in the Licensing team. Managers do not foresee any other changes/reduction in staff in the Licensing Service as a result of the end of the Public Protection Collaboration.

3. **Options for Recommendation**

3.1 Option 1 – That Members note the content of this report

3.2 Option 2 – Not applicable.

4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 As Appendix 1

5. **Implications Against Each Option**

5.1 See Appendix 1

6. **Supporting Evidence**

6.1 *Performance Information and Data*

As Appendix 1.

6.10 *Involvement (consultation, engagement, participation)*

As Appendix 1

6.11 *Thinking for the Long term (forward planning)*

As Appendix 1

6.12 *Preventative focus*

As Appendix 1.

6.13 *Collaboration / partnership working*

As Appendix 1.

6.14 *Integration (across service areas)*

As Appendix 1

6.15 *EqlA (screening and identifying if full impact assessment is needed)*

As Appendix 1

7. **Monitoring Arrangements**

As Appendix 1

8. **Background Documents / Electronic Links**

Appendix 1 – Executive Committee report – July 19

Appendix 2 – Executive Committee Minute Extract – July 19

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Committee: Executive Committee

Date of meeting: **17th July 2019**

Report Subject: **PUBLIC PROTECTION SERVICES – DISCONTINUATION OF THE COLLABORATION WITH TORFAEN CBC**

Portfolio Holder: **CLLR GARTH COLLIER- ENVIRONMENT**

Report Submitted by: **RICHARD CROOK – CORPORATE DIRECTOR, REGENERATION & COMMUNITY SERVICES**

Report Written by: **RICHARD CROOK – CORPORATE DIRECTOR, REGENERATION & COMMUNITY SERVICES**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
2/7/19	2/7/19					17/7/19		

1. Purpose of the Report

1.1 To seek approval to withdraw from the collaboration with Torfaen for Public Protection Services on 30th November 2019.

2. Scope and Background

2.1 In 2015, the Authority approved a report recommending the creation of joint Trading Standards & Licensing Services with Torfaen whilst giving permission for wider opportunities for Public Protection to be explored.

2.2 This collaboration emerged in 2014/15 as regional discussions on a joint Gwent Trading Standards service were unable to be taken forward. For both local authorities, it made strategic sense to collaborate on these services given Welsh Government local authority restructure proposals at the time and a strong drive to collaborate in the interim. It also made operational sense, given the backdrop of annual budget setting challenges for statutory non-protected service areas. Collaboration at this time also made operational sense due to the sudden passing of the Torfaen Team Manager in early 2015.

2.3 In 2016, the Authorities approved the extension of the collaboration to include Environmental Health Services – using the informal mechanisms that had been successful throughout the previous year (focussing on shared management and minimum disruption to front line services). For Torfaen, this enabled the voluntary redundancy of the then Head of Public Protection and the Team Leader Licensing and resulted in a new management structure.

- 2.4 As such, since October 2016, the collaboration has operated with the Head of Public Protection (Blaenau Gwent employed) and four Team Managers (3 Blaenau Gwent, 1 Torfaen employed) working across both areas with the teams underneath remaining employed by, and primarily working for, their host organisations. This informal approach (i.e. minimizing disruption to front-line services) also enabled considerable cross working and support and led to changes in operational practices to harmonise systems and regularise best practice between the two authorities.
- 2.5 The collaboration has now been in operation for almost 4 years. It was set-up as an informal arrangement against the backdrop of likely local government reorganisation and a strong local, regional and national drive for collaborative working. However, in Torfaen, it is clear that since the local government elections in 2017 (which led to a change in leadership, and, coincided with the appointment of a new Chief Officer/Director for the service area that includes Public Protection) there has been a significant change in approach to front-line service delivery – from collaboration to in-sourcing (in-house delivery).
- 2.6 At the same time, it has become clear that the collaboration is not now sustainable as currently set-up. Whilst managers have worked very hard to successfully deliver programmes of work (including new initiatives), deal with legacy issues and maintain timely and statutory responses to service requests/demand, they are still having to work across two systems, within two cultures and two political and performance/service planning regimes. This is leading to increased demands, heightened stress levels and discontent and has resulted in some staff sickness.
- 2.7 Further harmonization of services on the existing informal basis is complicated by the organisations now appearing to take different stances on key policy areas (such as in-house delivery of environmental and civil parking enforcement) and there is not the capacity within the collaboration's management structure to deliver areas of significant service growth/direct delivery whilst continuing to manage services across the two organisations in the current way. Also, the fact that terms and conditions for officers within the teams are different only allows the collaboration to be only taken so far before these become an issue.
- 2.8 Concerns over capacity and ability to respond to local service growth priorities has led to high level discussions between the two authorities in relation to the future of the collaboration. Senior managers from both authorities agree that the collaboration cannot continue in its current form for much longer with the only options available being to move away from the current arrangement or move to a single host.
- 2.9 The option of formal hosted service model has been given high level consideration i.e. moving to a lead authority model to help resolve the issues that have been raised rather than withdraw. From this Authority's perspective, Blaenau Gwent would have been keen to move towards a single service model. However, as stated, above, Torfaen has recently changed its approach to service delivery and is keen to in-source and increase capacity to enable

service growth in line with its own operational and strategic priorities. As such, it is apparent that the policy direction of travel in Torfaen does not now lend itself to successfully delivering a fully integrated collaborative service in relation to Public Protection.

- 2.10 Torfaen therefore wishes to move back to a Public Protection service that is fully managed in-house. This has been accepted and, to this end, it has been agreed that the collaboration would continue until 30th November 2019, with Blaenau Gwent managers providing appropriate support to Torfaen as it goes through this process of change.

3. **Options for Recommendation**

- 3.1 Option 1 – That this Authority withdraws from the collaboration with Torfaen CBC for Public Protection Services on 30th November 2019.
- 3.2 Option 2 – Not applicable.

4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

- 4.1 Whilst Public Protection is not directly a corporate priority its impact of protecting health, well-being and the vulnerable within our communities is recognized by members. The vast majority of services are statutory duties for the Authority.

5. **Implications Against Each Option**

5.1 *Impact on Budget*

For the remainder of 2019/20, given the extrication date of 30th November, the in-year budget pressure is estimated at £35,000. At present it is estimated that this pressure can be managed by way of vacancy and other in-year savings.

- 5.1.1 Going forward, the end of the collaboration creates an annual equivalent budget pressure of £106k for Public Protection. As such, a review will be undertaken to assess the effect of this pressure on service and staffing levels for 2020/21.

5.2 *Risk*

There is a national political context behind collaboration and, as such, a risk of reputational damage, not only to Blaenau Gwent and Torfaen from withdrawing from the collaboration, but local government in general. As a small local authority, Blaenau Gwent Public Protection has enjoyed an excellent record of collaborating with other Councils and private service providers throughout the years of austerity, to enable continued and resilient service delivery. The changes outlined in this report do not affect arrangements with other partners that have been in place for some time, i.e. Animal Health, Welfare & Licensing Services (with Powys, since 2012), Homelessness stand-by services (with Monmouthshire and Torfaen since 2016), Kingdom Environmental Enforcement (since 2011) and Mitie Pest Control (since 2017).

The service will also continue to participate regionally in relation to other services – e.g. Animal Feed inspections).

5.3 *Legal*

To date, the collaboration has operated on an informal basis. In consideration of the changes outlined in this report relevant senior officers from both Authorities have met and agreed the process of ending the collaboration on an amicable and professional basis. Where necessary, legal advice will be sought.

5.4 *Human Resources*

Blaenau Gwent is a fair, effective and supportive employer and will support all staff affected by the proposed changes. From 1st December 2019, all Blaenau Gwent employees affected directly by this change (Service Manager and 3 x Team Managers) will return to their substantive/agreed similar roles with this Authority. The 1 x Torfaen Team Manager will remain with that Authority. In the interim, a review of the impact of the proposed change will be undertaken to assess the effect on service and staffing levels in light of the ensuing budget pressures going forward. This process will be supported by Organisational Development colleagues.

5.4.1 It should be noted that the changes outlined in this report are not taking place as a result of service failure but recognition of the pressures of the nature of the collaboration and that the alternative of a full lead authority model of collaboration is not the preferred option by both Authorities. Thanks must be afforded to the Officers who have made a success of this collaboration. Significant hard work has gone in to maintaining and improving services across the two Councils often against the backdrop of competing priorities, staffing challenges and legacy issues. Blaenau Gwent managers will continue to represent this Authority with the utmost professionalism during this time of change.

6. **Supporting Evidence**

6.1 *Performance Information and Data*

As outlined above and in Appendix 1.

6.10 *Involvement (consultation, engagement, participation)*

To date, high level discussions have taken place relating to the future of the collaboration that has led to the matters outlined in this report. The Leader & Deputy Leader have been consulted and kept informed. All relevant staff will be consulted as the process of change is implemented.

6.11 *Thinking for the Long term (forward planning)*

A review of the impact of the proposed change will be undertaken to assess the effect on service and staffing levels in light of the ensuing budget pressures going forward. This process will be supported by Organisational Development colleagues.

6.12 *Preventative focus*

From engagement with staff it is evidenced that there are pressures within the current model and the Authority has a duty to act and this proposal seeks to address and resolve the issues caused by the current collaborative model.

6.13 *Collaboration / partnership working*

Whilst this proposal sets out to undo a collaboration, the changes outlined in this report does not affect arrangements with other partners that have been in place for some time.

6.14 *Integration (across service areas)*

The changes outlined in this report will not prevent Public Protection services from continuing to aspire to deliver integrated well-being benefits going forward.

6.15 *EqIA (screening and identifying if full impact assessment is needed)*

This proposal fundamentally changes the nature of a collaboration. Individuals who are in the current management model will be affected and will be managed properly through the change process. The actions proposed do not therefore have an impact on protected characteristics

7. **Monitoring Arrangements**

Following review, the impact of the proposed changes resulting from the end of the collaboration will be reported to Members for their consideration..

8. **Background Documents / Electronic Links**

TS Collab – item 11 22/7/15 - http://democracy.blaenau-gwent.gov.uk/aksblaenau_gwent/users/public/admin/kab12.pl?cmte=CAB&meet=49&arc=71

EH Collab – Item 13 27/4/16 - http://democracy.blaenau-gwent.gov.uk/aksblaenau_gwent/users/public/admin/kab12.pl?cmte=CAB&meet=65&arc=71

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COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE LEADER AND MEMBERS OF THE EXECUTIVE

SUBJECT: EXECUTIVE COMMITTEE – 17TH JULY, 2019

REPORT OF: DEMOCRATIC SERVICES OFFICER

**PRESENT: Leader of the Council/Executive Member Corporate Services
Councillor N.J. Daniels (Chair)**

**Executive Member – Environment
Councillor G. Collier**

**Executive Member – Education
Councillor J. Collins**

**Executive Member –
Regeneration & Economic Development
Councillor D. Davies**

WITH:
Managing Director
Chief Officer Resources
Corporate Director of Social Services
Corporate Director Regeneration and Community Services
Head of Education Transformation
Solicitor
Press and Publicity Officer

No. 9

PUBLIC PROTECTION SERVICES – DISCONTINUATION OF THE COLLABORATION WITH TORFAEN CBC

Consideration was given to the report of the Corporate Director Regeneration and Community Services.

The Deputy Leader/Executive Member for Environment advised that the report sought approval to withdraw from collaboration with Torfaen for Public Protection Services. The Deputy Leader noted the report and highlighted the financial implications of an in-year cost pressure which was estimated at £35,000 and going forward a cost pressure for Public Protection of £106,000. He further referred to the options for recommendation and proposed that Option 1 be approved with agreement that a full review of the service would be undertaken.

RESOLVED accordingly.

The Corporate Director Regeneration and Community Services advised that both Blaenau Gwent and Torfaen had benefitted from the collaboration work and advised that collaboration would still be explored for this area and other service areas.

The Leader added that it had been unfortunate that this collaboration had ended, however he was mindful of the budget implications and noted the Authority's commitment to its financial resilience. Therefore the financial implications could not be side tracked it was important that the service was reviewed in order to mitigate the cost pressure created as it would not be transferred from other service areas.

FURTHER RESOLVED, subject to the foregoing, that the report be accepted and Option 1, namely that this Authority withdraw from the collaboration with Torfaen CBC for Public Protection Services on 30th November, 2019. Following the withdrawal a full review of the service would be undertaken.

Agenda Item 5

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: Planning, Regulatory and General Licensing Committee

Date of meeting: 10th December 2019

Report Subject: Taxi & Other Non-Prescribed License Fees 2020/21

Portfolio Holder: Planning, Regulatory and General Licensing Committee

Report Submitted by: Lisa Griffin, Team Manager Commercial & Licensing

Report Written by: Lisa Griffin, Team Manager Commercial & Licensing

Reporting Pathway (Dates to be Entered)								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Statutory Licensing Committee
By 26/11/19								10/12/19

1. Purpose of the Report

1.1 To inform members of the proposed licence fees for the period of the 1st April 2020 to the 31st March 2021 for the following licensable activities:

- a) Scrap Metal Dealers
- b) Sex Establishments
- c) Street Trading
- d) Taxis

The above fall to the Planning, Regulatory and General Licensing Committee for scrutiny.

2. Scope and Background

Fee Review & Calculation

2.1 Certain licence fees are deemed to be non-statutory, in that local authorities can determine what, or whether, to charge. This report refers to the non-statutory licences falling to the Planning, Regulatory and General Licensing Committee for scrutiny, namely:

- a) Scrap Metal Dealers
- b) Sex Establishments
- c) Street Trading
- d) Taxis

Further general information relating to Licensing and the licenses outlined above can be found here:

<https://www.blaenau-gwent.gov.uk/business/licences-permits/>

<https://www.gov.uk/browse/business/licences>

- 2.2 Certain licence fees are deemed to be non-statutory, in that local authorities can determine what, or whether, to charge. This applies to the above licensable activities outlined in 2.1. When setting and approving non-statutory licence fees, there are 2 main considerations to be taken into account, namely
1. The actual costs of producing that licence, and;
 2. The adopted policies of the Authority in respect of fee income.
- 2.3 When calculating new or reviewing existing licence fee costs, there is a range of legislation and guidance around fee setting for local authorities that must be taken into account. These may include, for example, the following:
- 1 The Provision of Services Regulations 2009, which states that any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities;
 - 2 The guidance contained in Open for business: Local Government Association (LGA) guidance on locally set fees, and the Department for Business, Innovation and Skills (BIS) Guidance for Business on the Provision of Services Regulations;
 - 3 Appropriate case law – and in particular to *Hemmings v Westminster*.
- 2.4 Local Authorities incur various direct and indirect costs in the administration and enforcement of licences, including for example the following:
- 1 Implementation costs, including the costs of developing policies and setting fees, authorisation of officers, management of the licensing function etc.;
 - 2 Direct staff costs, including on-costs, travel, staff training etc. and including the costs of any senior managers, licensing committees etc. directly involved in the licensing process;
 - 3 Indirect costs that support the licensing function, such as general management functions, Legal, Organisational Development, Finance, customer call centres etc.;

- 4 Specialist equipment costs, particularly the use of specialist IT databases to record and report this work;
- 5 Any third party costs used for inspection and enforcement etc.

Information to support the determination of the above costs was obtained from the Resources Team, and hourly rates have been calculated taking account of issues such as annual leave etc. Many of these costs are shared with other activities across the team and the department, and are therefore may be charged on a pro-rata basis.

- 2.5 A full assessment of licensing costs was under taken in early 2018, when the licence steps and average time taken for each step, including the development of policies etc., were calculated.

In order to update these costs, the following steps have been taken as part of the preparation for this report:

- 1 The licence steps and average time taken for each step, including the development of policies etc. have been reviewed for accuracy;
- 2 Other costs such as IT costs have been reviewed to ensure they remain relevant, and;
- 3 The officer hourly rate and on-costs etc. have been reviewed by the Resources Team.

These calculated figures are based on costs calculated for 2019/20, as any pay award will not be finalised and other costs for 2020/21 cannot be fully calculated in time to be applied to the fee calculations for 2020/21.

- 2.6 Where the relevant Regulations stipulate a maximum figure a local authority is permitted to charge for the licensing of premises this maximum permissible figure has been provided in Appendix 1 for Scrap Metal Dealers, Sex Establishments and Street Trading Fees and in Appendix 2 to this report for Taxi Fees. Local authorities are permitted to charge a fee based on reasonable cost recovery up to this maximum, but not above. Where the costs of the authority exceed the amount they are able to charge, this cost must be borne by the Authority.

The maximum licence fees that we are permitted to charge are shown in column 1 of Appendix 1 and 2. The current fees that are being charged are provided in column 2.

- 2.7 The calculated fees for 2020/21 for Scrap Metal Dealers, Sex Establishments and Street Trading are presented in column 3 of Appendix 1 and the proposed fees are then presented in column 4. The calculated fees for 2020/21 for Taxis are presented in column 4 of Appendix 2. Additional information has been provided for the calculation of Taxi Fees in column 3 of Appendix 2. Column 2 provides information in respect of the funding gap between the proposed fee that was put forward for 2019/20 and the fee which was finally approved. The impact of the funding gap is considered later in this report under the section specifically related to Taxis.
- 2.8 Where possible proposed fees are presented to take account of a full cost recovery position for the Authority wherever possible and where this doesn't result in an exceedance of the statutory maximum. All calculated fees have been reviewed and determined in accordance with the approach outlined earlier in this report. Column 5 of Appendix 1 provides the variance in terms of any increase or decrease seen between the previous year's fees and the proposed future fees.

Scrap Metal Dealers

- 2.9 Scrap metal licences fall within the remit of the Provision of Services Regulations 2009, and the administration and enforcement elements of the fee are therefore payable separately.
- 2.10 Dealer and Collector licences are both relatively straight-forward, in that they involve similar amounts of work regardless of the size of business. No differentiation has therefore been made for either type of licence in respect of the licence fees charged.
- 2.11 The proposed Scrap Metal Licence fees are provided in Appendix 1.
- 2.12 The authority currently has 4 Scrap Metal Sites and 9 Scrap Metal Collectors. 1 Scrap Metal Site and 2 Scrap Metal Collectors are expected to renew their three yearly licences during 2020/21 which will equate to a projected income of £1032.78 if the proposed fees are accepted. The proposed individual activity fees have decreased in a number of areas this year as a result of an increase in the total number of licences issued which means that the pro rata costs per licence decrease. Increases and decreases in individual fees can be affected by the overall number of licences and also as a result of changes to processing activities (i.e. efficiencies in process should reduce time taken to action and thus impact on overall costs chargeable per licence).

Sex Establishments

- 2.13 Sex Establishment licences fall within the remit of the Provision of Services Regulations 2009, and the administration and enforcement elements of the fee are therefore payable separately.
- 2.14 The Authority currently has no Sex Establishment premises, although applications in respect of sex shops have occasionally been received in the past. The proposed fees are therefore based on estimated timings, but would need to be reviewed on the basis of experience should any application be received.
- 2.15 Sex Shop applications have proven relatively un-controversial in the past. However, more of a consultation response would be anticipated in respect of a sex cinema, and considerable controversy could arise with an application for a sex entertainment premises such as a lap-dancing club. Although Local Authorities are not required to do so, separate fees have been calculated to take these differing expectations into account and to be fairer to those applications likely to take less resources in terms of officer administration and enforcement activities.
- 2.16 The proposed Sex Establishment Licence Fees are provided in Appendix 1.
- 2.17 No Sex Establishment licence applications are expected, and these proposals will therefore have no budgetary impact unless a new application is received.

Street Trading

- 2.18 Street trading licences fall within the remit of the Provision of Services Regulations 2009, and the administration and enforcement elements of the fee are therefore payable separately.
- 2.19 There are two different types of street trading, as follows
- a) Permanent pitches and rounds
 - b) Short term/seasonal trading
- 2.20 Although Local Authorities are not required to do so, separate fees have been calculated to take these differing types of trading into account. This is intended to
- a) Be fairer to those businesses wishing to trade for just short periods of time in this Local Authority area, and;

- b) Encourage applications, thereby increasing income and reducing the need for enforcement.

- 2.21 The proposed Street Trading Licence fees are provided in Appendix 1.
- 2.22 There are 6 permanent street traders paying renewal fees, and the anticipated income for these will increase by around £500 per annum. Other fees such as for new applications and variation fees have also increased. In respect of other licence applications, for example, variations and transfers, these fees will see a minimal increase, and the overall budgetary picture will therefore be little more than an overall inflationary increase for these fees.

Taxis

- 2.23 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 provides the legal framework for the licensing and regulation of vehicles, drivers and operators offering relevant taxi or private hire services.
- 2.24 The underpinning aim of the Taxi Licensing regime is to ensure the protection of public safety and as a result there is a need to ensure that there is an appropriate balance reached between adequate funding of the services that deliver this function whilst ensuring that fees are fair and proportionate.
- 2.25 The fees that were historically put forward for 2019/20 which were also developed using the method outlined earlier in this report were not approved in full. Therefore the fee income from this area of work for the current financial year is not operating on a cost recovery basis and has contributed to a significant budget pressure for this area. The current forecasted overspend against income (for all licensable activities), as at Month 6 of 2019/20, is £12,794, this is based on the forecasted income and the actual income to date. This information has been provided by the Resources Team whom has indicated that this is mainly due to income related issues.
- 2.26 The factors which affect the realised income targets will not only relate to the reduced fees, but will also include issues such as numbers of actual licensing applications being less than those which were predicted. Estimates of applications are difficult to determine as they are based on previous year's figures for new applications which may then not be realised. Estimates are also based on those existing licences which are due for renewal within the financial year in question but which may not go on to renew for a variety of reasons outside of the Council's control.

2.27 The approach to the calculation of the proposed fees for 2020/21 has been carried out in accordance with the method outlined earlier in this report. The proposed fees are provided on a cost recovery basis including both the costs associated with projected work for 2020/21 and a recovery element for the reduced charge in 2019/20. It is estimated that this will realise a returned income for the year of £59,006.88, of which, £4044 is the recovery element. An overview of this information is provided below:

Proposed Fees 2020/21	£59,006.88
Estimated Income	
Calculated Income (without recovery)	£54,762.88
Variance	£4044

2.28 The above figures are based on estimated new applications (having regard to previous year's figures) and potential renewals correct to the time of writing this report.

General

2.29 Local Authorities are not required in law to offer refunds, although case law makes clear that refunds may nevertheless be expected in some cases. In order to be fair to licence applicants, the following steps are proposed

- a) Where an application is withdrawn by the applicant prior to inspection or activities other than application and fee receipt, an administration fee of will be charged (covering any advice, application receipt and refund costs) as outlined in Appendix 1 and 2;
- b) Where the enforcement element of the fee is payable on application, but a licence is refused, the enforcement element of the fee will be refunded (thereby placing applicants in a similar position whether or not the Provision of Services Regulations 2009 apply).

2.30 Unless otherwise specified in Appendix 1 and 2, the following general charges will be made

- a) Copy of licence - £25
- b) Administrative changes to a licence and licence records - £50

These costs will include the costs of giving advice, recording the request and processing the payment as well as the work directly required.

2.31 Local authorities are not obliged to charge the maximum they have calculated as a reasonable cost recovery level. A lower fee can be charged, but the

difference between this lower fee and the cost recovery level must be borne by the authority and cannot be re-charged to other businesses. Local Authorities may choose to charge a lower fee for a number of reasons, for example where

- (i) The new fee is significantly higher than the previous fee level, and a graduated increase is considered fairer to businesses,
- (ii) The fee is high and would adversely affect small businesses, or
- (iii) The fee could deter businesses from becoming licensed, and it is more cost effective to reduce fee levels than meet the considerable costs of investigating and enforcing in respect of unlicensed businesses.

Members may wish to consider whether there is a case for the reduction of any licence fee charged by the authority for the forthcoming year.

3. **Options for Recommendation** *To include Recommendation(s) / Endorsement by other groups, e.g. CMT/Committees/Other groups)*

- 3.1
 - 1. They approve for the consultation exercise the proposed fees as stated for 2020/21, OR,
 - 2. They recommend for the consultation exercise an alternative fee structure for 2020/21.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

- 4.1 This report relates to the statutory duties and responsibilities of the Authority. Links to the Corporate Plan and the Well-being plan are covered in any reports implementing or varying any area of work delivered by the Licensing Team, and there are therefore no direct links to this report.

5. **Implications Against Each Option**

5.1 **Impact on Budget** *(short and long term impact)*

This report reflects work carried out by the Licensing team within existing resources, and the new fee structure is expected to bring income for the financial year 2020/21 as outlined above in this report.

5.2 **Risk including Mitigating Actions**

The main risk to the Authority is reputational should efficient and effective licensing enforcement not be sufficiently funded and delivered.

5.3 **Legal**

This report relates to the statutory powers and responsibilities of the authority, and there are therefore no significant legal impacts.

5.4 **Human Resources**

This report reflects work carried out by the Licensing team within existing resources, and there are therefore no additional staffing/workforce implications.

6. **Supporting Evidence:**

6.1 **Performance Information and Data**

The evidence upon which these proposed fees are based will be retained for 7 years in case of queries or judicial review.

6.2 **Expected outcome for the public**

The proposed full cost recovery position would allow for the continued provision of the licensing function.

6.3 **Involvement** (*consultation, engagement, participation*)

There is a legal requirement to consult with trade and other relevant parties in respect of the proposed fee review for certain licensable activities such as taxi licence fees. Following the approval by members of the proposed fee structure outlined in this report a consultation exercise will be undertaken in respect of all fees identified in this report the results of which will be fed back to the relevant Licensing Committee for approval prior to the final determination of the fee structure for 2020/2021.

Relevant internal parties such as Resources and the Licensing Officers responsible for undertaking the work relevant to this report have been engaged at various points throughout the review process.

6.4 **Thinking for the Long term** (*forward planning*)

The proposed full cost recovery position would allow for the continued provision of the licensing function.

6.5 **Preventative focus**

The proposed full cost recovery position would allow for the continued provision of the licensing function.

6.6 **Collaboration / partnership working**

Relevant internal parties such as Resources and the Licensing Officers responsible for undertaking the work relevant to this report have been engaged at various points throughout the review process. There were no other collaborative or partnership working opportunities identified during the fee review.

6.7 **Integration** (*across service areas*)

The approval of the proposed licensing fees will allow the Licensing Team to continue to deliver its statutory duties and responsibilities.

6.8 **EqIA** (*screening and identifying if full impact assessment is needed*)

No adverse impact identified.

7. **Monitoring Arrangements** *State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements*

7.1 The Licensing team will continue to monitor fees and report to future committees.

8. **Background Documents / Electronic Links**

None

APPENDIX 1 – Scrap Metal, Sex Establishment & Street Trading Fees 2020-21

Scrap Metal Fees

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	MAXIMUM PERMITTED FEES ALLOWED	EXISTING FEES 2019/20	CALCULATED FEE 2020/2021	PROPOSED FEE 2020/2021	COMPARATIVE INCREASE / DECREASE
SCRAP METAL COLLECTOR					
New Licence Application	N/A	£368.26	£333.89	£333.89	-£34.37
Renewal Application	N/A	£349.36	£314.29	£314.29	-£35.07
SCRAP METAL SITE					
New Licence Application	N/A	£482.56	£456.59	£456.59	-£25.97
Renewal Application	N/A	£334.06	£297.59	£297.59	-£36.47
OTHER					
Change of Site Manager	N/A	£35.60	£36.95	£36.95	+£1.35
Replacement Licence	N/A	£27.00	£28.00	£28.00	+£1.00

Sex Establishment Fees

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	MAXIMUM PERMITTED FEES ALLOWED	EXISTING FEES 2019/20	CALCULATED FEE 2020/2021	PROPOSED FEE 2020/2021	COMPARATIVE INCREASE / DECREASE
Application Activity					
New Licence Application	N/A	£612.42	£616.91	£616.91	+£4.49
Renewal Application	N/A	£410.82	£420.41	£420.41	+£9.59
Transfer of Licence	N/A	£601.62	£607.11	£607.11	+£5.49

Street Trading Fees

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	MAXIMUM PERMITTED FEES ALLOWED	EXISTING FEES 2019/20	CALCULATED FEE 2020/2021	PROPOSED FEE 2020/2021	COMPARATIVE INCREASE / DECREASE
Annual Licence					
New Licence Application	N/A	£649.98	£742.02	£742.02	+£92.04
Renewal Application	N/A	£600.78	£684.02	£684.02	+£83.24
Transfer Application	N/A	£60.90	£61.45	£61.45	+£0.55
Minor Variation	N/A	£43.70	£44.65	£44.65	+£0.95
Full Variation	N/A	£59.90	£61.45	£61.45	+£1.55
Temporary Licence (Up to 28 Days)					
New Licence Application	N/A	£69	£69.85	£69.85	+£0.85

Taxi Fees

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	MAXIMUM PERMITTED FEES ALLOWED	EXISTING FEES 2019/20	FUNDING GAP FROM REDUCED FEE INCREASE IN 2019/20*	CALCULATED FEE 2020/2021	PROPOSED FEE 2020/2021*	COMPARATIVE INCREASE / DECREASE
VEHICLES						
New Hackney Carriage (HC) or Private Hire (PH) vehicle	N/A	£295	£10	£314.65	£324.65	+£29.65
Renewal HC or PH vehicle	N/A	£239	£22	£259.25	£281.25	+£42.25
Transfer of licence to another person	N/A	£41	£0	£41.85	£41.85	+£0.85
Replacement HC or PH vehicle	N/A	£132	£0	£137.65	£137.65	+£5.65
Replacement licence	N/A	£16.50	£4.50	£25.05	£29.55	+£13.05
Replacement door stickers (2)	N/A	£14.50	£14.50	£28	£42.50	+£28.00
Replacement internal plate	N/A	£13	£13	£30.80	£43.80	+£30.80
Replacement external plate	N/A	£13	£13	£30.80	£43.80	+£30.80
Replacement full set of plates and stickers	N/A	£21.50	£21.50	£42	£63.50	+£42.00
Change licence type	N/A	£33.50	£33.50	£71.45	£104.95	+£71.45
Change seating capacity	N/A	£29.50	£29.50	£60.25	£89.75	+£60.25
Change registration number	N/A	£23	£23	£50.25	£73.25	+£50.25
DRIVERS						

3 year HCD or PHVD licence	N/A	£251	16	£290.21	£306.21	+£55.21
1 year HCD or PHVD licence (discretionary)	N/A	£180	£30	£237.19	£267.19	+£87.19
Replacement licence	N/A	£16.50	£4.50	£25.05	£29.55	+£13.05
Replacement badge	N/A	£19.50	£4.50	£33.15	£37.65	+£18.15
Replacement licence and badge	N/A	£13.75	£13.25	£30.65	£43.90	+£30.15
Non-refundable deposit	N/A	£50	£0	£50	£50.00	£0.00
Refund for year 2 and year 3 of unused licence	N/A	28	£0	£26.51	£26.51	+£1.49#
OPERATORS						
5 year licence - new	N/A	£324	£0	£347.59	£347.59	+£23.59
5 year licence - renew	N/A	£297	£0	£316.79	£316.79	+£19.79
1 year licence (discretionary)	N/A	£156.50	£6.50	£206.39	£212.89	+£56.39
Replacement licence	N/A	£13.75	£13.25	£25.05	£38.30	+£24.55
ALL LICENCES						
Change name and/or address	N/A	£13.75	£13.25	£30.65	£43.90	+£30.15

**The figure in column 3 indicates the gap between the calculated (cost recovery figure) figure that was proposed for 19/20 and the reduced fee that was approved for 19/20. Authorities are able to recover the deficit from previous year's income where the fee charged did not meet total cost recovery. The figure proposed in Column 5 therefore gives the total of the calculated fee for 20/21 plus the deficit from 19/20.*

#Any unused full years licence fees paid in respect of a driver's licence can be requested to be refunded. As a lower figure has now been calculated for the refund for each year, this will place a result in a profit

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