Report for:	Licensing Committee 26th November 2026
Item number:	7
Title:	Review of Fees and Charges 2027-28 - Licences
Report authorised by:	Eubert Malcolm – Director of Environment
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Ward(s) affected:	All
Report for Key/ Non-Key Decision:	Non-Key

1. Describe the issue under consideration

1.1 The Councils income policy requires an annual review of the level of the fees and charges levied upon service users. The aim of the review is to ensure that income generated ensures full cost recovery and that charges remain in line with increases being experienced in the cost of delivering services.

1.2 A small number of items relating to certain approvals, consents, permits and licences cannot be made by the Executive and are therefore reserved for consideration and decision by the Council's Licensing Committee. That committee is being asked to approve the fees and charges for 2027 - 28

This report proposes an increase of fees for those licensing regimes where the council has the power to set its own fees for 2027 – 28. The fee increases will enable the council to recover its costs in managing and administering these licensing regimes. There is one new charge “promotional activity/product sampling” proposed for administrative procedures for these matters.

2. Recommendations

2.1 That the licensing committee approve fees set out in appendix 1:

i) An increase of 3.5% on existing discretionary fees for 2027 - 28

2.2 Note Licensing Act and Gambling Act premises fees are already set at statutory maximums and make up a significant proportion of the fees collected.

3. Reasons for decision

3.1 It is a requirement of the Council's income policy to review fees and charges annually. The financial position of the council supports the view that levels of fees and charges should be maximised commensurate with full cost recovery of costs taking into account all relevant factors including the effect on service users and any consequent demand for services. A licensing scheme must be reasonable and proportionate to the cost of all the procedures and formalities under the scheme.

3.2 The Supreme Court case of Hemmings and others v Westminster City Council concluded that the amount of the fee is required to be determined every year and further to that a local

authority was precluded from making a profit from the licensing scheme. Furthermore, where a fee covers the costs both of application and of subsequent administration including enforcement, separate fees should be set for each activity.

3.3 Local Government Association Guidance on locally set licensing fees.

The Local Government Association ('LGA') has produced guidance regarding locally set fees for licensing functions. In setting the fees and charges the Council has considered national guidance from the LGA on locally set licence fees. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this, the legislation only allows Councils to set fees and charges to recover costs incurred.

3.4 To ensure that fees remain reasonable and proportionate it is necessary to establish a regular and robust review process. Annual reviews allow for the fine tuning of fees and allow the Council to take steps to avoid either a surplus or deficit in future years. Where fees charged result in a surplus, then this surplus will be used to reduce the fees charged in the following year. Deficits will similarly be recovered. When setting the fee for administering an application the following costs have been taken into consideration:

a) Basic office administration to process the licence application, such as resources, photocopying, IT data entry.
b) The average cost of officer time where a premises visit is required as part of the authorisation process.
c) Third party costs from experts, such as veterinary attendance during licensing inspections at animal related premises.
d) Liaison with interested parties such as the police and the fire brigade.
e) Management costs for reviewing and authorising the issue of a licence.
f) Expenditure in arranging hearings to consider applications.
g) On costs including IT development, travel expenses, legal and office re-charges, general office expenses such as postage and stationery.
h) Production of licensing policies.
j) Web materials. Advice and guidance.

3.5 When calculating the ongoing enforcement element of a fee the following has been included:

a) The cost of risk-based visits to premises in between licensing inspections and responding to complaints. The figures are based on average officer time, travel and on costs.
b) Expenditure associated with arranging committee meetings to respond to problems.
c) Registers and national reporting.
d) The cost of enforcing against unlicensed businesses excluding any court costs as may be recovered through the courts.

3.6 The fee level must be set to recover the actual costs incurred by the Council in running the regime but not to make a profit. Although the Council does not receive any applications or issue licences for some regimes it still must set a fee to recover the costs of carrying out that function. In this instance the costs are estimated based on similar types of application processes and licences.

3.7 The Council may set fees under the following licensing regimes:

- Auctions
- Animals • Boarding Cats, Boarding & Home Boarding Dogs • Dangerous Wild Animals • Breeding Dogs • Doggy Day Care Establishments • Kennels and Catteries • Animal Exhibitions • Selling Animals as Pets • Hiring out horses • Zoo Primate Licensing.
- Licensed Sex Shops/ Cinema/ Hostess Bar

• Sexual Entertainment Venues
• Entertainment (Other)- Exhibition License • Hypnotism • Sports Ground
• Special Treatment Premises
• Scrap Metal Dealers - Site Licence • Scrap Metal Dealers - Collector's Licence

3.8 Fees under the following licensing regimes are set by statute:

• Gambling - Casino
• Bingo Premises
• Gambling Betting (Other) • Betting Tracks
• Family Entertainment Centre
• Adult Gaming Centre
• Alcohol Licensed Premises Gaming Machine Permits
• Club Gaming Machine Permit
• Club Gaming Permit
• Family Entertainment Centre Gaming Machine Permit (Unlicensed FEC)
• Gaming Machine Permit
• Use Notices
• Occasional use notice
• Lottery

• Explosives and Poisons
• Manufacture and Storage of Explosives
• Poisons
• Fireworks

• Premises licences and club premises certificates issued under the Licensing Act 2003.
• Personal Licence
• Temporary Event Notice

• Pavement Licences

4. Alternative options considered

4.1 Do nothing - this has been discounted as our costs have not disproportionately reduced and if we were not to increase fees we would be subsidising the licensing process.

4.2 Reduction in discretionary fees - consideration has been given to reducing the discretionary fees such as street trading and special treatment but this has been discounted as our costs have not disproportionately reduced and if we were to reduce fees, we would therefore be subsidising this expenditure, which is not permitted.

4.3 A significant increase in fees has been considered but discounted due to this not being cost neutral and would be likely to result in a surplus which is not permitted and may impact negatively on businesses during the current financial climate.

5. Background information

5.1 There are general principles applied to the setting of licence fees:

- they cannot be used to generate a profit, in some cases costs are also permitted to cover other aspects of providing the regulatory scheme, such as enforcement, and fees should be reviewed regularly, any surplus should be identified and carried over to the following year
- it is acceptable to carry forward deficits from previous years

- income from licence fees may only be spent on the specific regime from which they were generated
- fees may not be discriminatory or to be used as an economic deterrent. When not prescribed by statute, licence fees are set on a cost-recovery basis.

5.2 Below are details of the statute and restrictions that apply:

- Pavement licensing - reasonable charges may be made for the cost of administering and enforcing the regime, up to a statutory maximum £500 for new applications and £350 for renewals.
- Licensing Act 2003 – centrally set out in regulations by Parliament.
- Gambling Act 2005 – decided by the Council subject to statutory maxima.
- Street trading fees – reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed traders. This includes promotional activity on the public highway.
- Massage and Special Treatment -reasonable charges may be made for the cost of administering and enforcing the regulations
- Sex establishment fees – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders.
- Leaflet distribution – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed distributors.
- Animal welfare and licensing – cost recovery fee calculation regime set out in government guidance.

5.3 The proposed schedule of fees and charges is set out in appendix 1.

5.4 Where fees are calculated on a cost recovery basis, the proposed fees have been increased by approximately 3.5% to account for rising service delivery costs. The Council overall is under increased pressure from rising inflation and other pressures such as nationally agreed wage increases, energy price increases etc that are having an impact on the price of consumables and the cost of delivering services. Some licensing fees are statutory, but as detailed in section 4.4 above, most other licensing functions are subject to operating under cost recovery in charging reasonable charges, and as such are not immune to the pressures of rising costs.

6.0 Contribution **to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes.**

6.1 **Place and economy.**

6.2 Haringey has a thriving and fair economy from which everyone benefits. The Borough of Culture year will involve a wide range of licensing processes such as localised pop-up market events and integrated market stalls and creative vendor spaces for local food and craft entrepreneurs. The fees set for street trading for example will help support these initiatives to take place lawfully in the public domain.

6.3 Haringey's economy has resilient high streets & town centres at its heart, and businesses are supported to start and grow. The income from fees and charges help to manage demand and cover costs for providing services.

7.0 Climate Change

7.1 The Council is committed to updating its standard street trading conditions, so the following matters are included:

- Ban on single use plastic and polystyrene in street trading.

- Ban on the sale of plastic and helium balloons.
- Requirement and guidance on the use of sustainable food packaging, utensils, drinks containers and bags
- Traders encouraged to make use of litter bin for recycling.
- Commits to encouraging and providing guidance to street traders:
- Encourage traders to use sustainable sourcing of food and drink.
- Encourage traders to use sustainable sources of energy for their trading activities.
- Traders to have adequate receptacles in place to deal with customers' rubbish responsibly.

8. Finance

8.1 This report seeks approval from the Licensing Committee to apply a 3.5% increase to all discretionary fees and charges for 2027/28. 3.5%in line with the wider Council's Fees & Charges policy. The annual review Licensing fees and charges ensure that income generated contributes towards the full cost of administering, managing and delivering the relevant licensing services.

8.2 In setting locally determined fees and charges, the Council has had regard to guidance issued by the Local Government Association (LGA) for licensing functions. The proposed fees have been reviewed to ensure they are reasonable, transparent, and reflective of the costs incurred in delivering the service.

8.3 Fees for premises licences under the Licensing Act 2003 and Gambling Act 2005 are prescribed nationally and are already charged at the statutory maximum levels. Consequently, no inflationary increase has been applied to these fees for 2027/28.

9. Head of Legal & Governance

9.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follow:

9.2 There are a variety of legislative powers that entitle the Council to charge fees for different licensing activities. In some instances, the Council has no discretion as to the level of the charge. In other cases, the specific legislative provisions allow authorities to decide whether to charge and how much.

9.3 Regulation 18(4) of the Provision of Services Regulations 2009 requires that any discretionary charges that the Council imposes must be reasonable and proportionate to the costs, the procedures and formalities under the licensing scheme and must not exceed the cost of those procedures and formalities.

9.4 Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that decisions on certain approvals, consents, permits and licenses (for example premises licences; licenses for street trading) cannot be made by the Executive. Likewise, fees and charges for such approvals, consents, permits and licenses may not be determined by the Council's Executive.

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9.5 In accordance with Part Three Section B of the Constitution, the Licensing Committee has responsibility for the determining fees and charges under the Licensing Act 2003 and the Gambling Act 2005. In addition, the Committee exercises the functions which are stated not to be the responsibility of The Executive/Cabinet in Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. This includes the fees and

charges that are the subject of this report.:

9.6 The fees and charges for 2027-28 are being increased by inflation reflecting the increased cost of service provision.

9.7 There is no legal reason why the Committee should not adopt the recommendations in this report.

10. Equality

10.1 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

10.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

10.3 Through this decision, an increase of 3.5% on existing fees is being proposed. This is to cover the costs of administering and providing the licensing services. This change will have a low impact overall although we understand that some individual licensees might be impacted by the 3.5% rise. We don't hold specific data on protected characteristics of licensees and we do not anticipate disproportionate impacts on any particular groups with protected characteristics. The London Local Authorities Act itself does not allow authorities to issue street trading licenses to anyone under the age of 17. The Council has no discretion in this regard.

11 Use of Appendices

11.1 Appendix 1 -List of fees and charges showing 3.5% increase on discretionary fees.

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Appendix 2 – EQIA Screening tool