

## LICENSING – PRE-APPLICATION ADVICE CHARGES REVIEW AND INTRODUCTION OF OTHER ADMIN FEES

Cabinet - 16 March 2023

**Report of:** Deputy Chief Executive and Chief Officer – Planning & Regulatory Services

**Status:** For Decision

**Also considered by:**

- Cleaner & Greener Advisory Committee - 14 March 2023

**Key Decision:** No

**Executive Summary:**

- (a) To replace the existing pre-application advice fees (Appendix A) with the proposed fees set out in Appendix B
- (b) To introduce some new admin fees included in Appendix B

**This report supports the Key Aim of:** Supporting and developing the local economy and providing value for money.

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Sharon Bamborough , Ext. 7325

**Recommendation to Cleaner & Greener Advisory Committee & Cabinet:**

- (a) Members are asked to approve the restructured fees for Licensing pre-application advice
- (b) Members are asked to approve the introduction of some new smaller admin fees to cover the resourcing cost of providing the service requested

**Reason for recommendation:**

- (a) Having had 3 years in use, the existing fee structure for pre-application advice is considered too complex by officers and applicants alike, leading to a low take up of the service. By simplifying the fee structure it is hoped it will become more attractive to potential applicants and will encourage the officers to promote it
- (b) We need to introduce some small admin charges for services being increasingly requested in order to cover the resourcing cost.

## **Introduction and Background**

- 1 The pre-application advice service exists to offer applicants a value-for-money option of coming to experienced officers and being provided very clear advice on how to complete an application, what to apply for etc. but the service has been underused by applicants. Feedback indicates that this is due to the fee structure being perceived as too complex, leading to the service not being promoted by officers across the partnership as well as potential applicants not understanding what level of advice they need. As a result, there has been minimal take up of the service.
- 2 By re-structuring the fees for pre-application advice it is hoped that this will lead to a better take up of the service.
- 3 In addition to the re-structure of the officer led pre-app advice, the 'check and send' fees are to be increased as they have not been reviewed since introduction in 2019. This element of the service has worked well and applicants have used it regularly. We are also introducing a new fee for similar work on temporary event notices.
- 4 In regard to the introduction of some new small admin charges, this has been driven by increasing demands on our processing team to:
  - Update / amend records with new contact details on lottery registrations ,
  - to raise replacement invoices in circumstances where the licence holder hasn't advised on change of details but insists on having an invoice to pay the annual fee due

## **Available Options**

- 5 To approve the amended & new charges as set out in Appendix B.
- 6 To reject the proposed fees and continue to provide discretionary services at the existing rates. However, due to resourcing pressures, this option is not considered viable.

## **Preferred option**

- 7 That the restructured and new fees set out in Appendix B be approved to come into effect 1<sup>st</sup> April 2023.

## **Key Implications**

### Financial

There are no specific financial implications resulting from the matters considered in this report, as the intent is to cover costs of this discretionary service

### Legal Implications and Risk Assessment Statement.

Section 93 of the Local Government Act 2003 introduced a general power for Best Value authorities to charge for discretionary services subject to having regard to the statutory guidance issued by the Secretary of State. The power came into force on 18 November 2003 and at the same time the ODPM (Office of the Deputy Prime Minister) issued guidance for local authorities on how to use this power: 'General power for Best Value Authorities to Charge for Discretionary Services – Guidance on the Power in the Local Government Act 2003'.

The Guidance on the Power in Section 93 of the Local Government Act 2003 sets out the underlying principles for the introduction of charges for Page 73 Agenda Item 8 discretionary services. It stipulates that such charges must not provide a new source of income and should only cover the cost of provision, i.e. not make a profit. Charges must be based on principles set out in the Chartered Institute of Public Finance and Accountancy's (CIPFA) Best Value Accounting Code of Practice. A charge can only be made if the recipient agrees to the service.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.]

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment

## **Conclusions**

It is envisioned that if the new pre-application advice fees set out in Appendix B are approved, this will lead to an increase in the number of customers using the pre-application advice service, which is considered to be a good value option for those applicants who cannot afford solicitors & agents.

In respect of the increase of fees for check and send, and the introduction of some other small admin charges, it is considered that resourcing costs will be better covered, because as a principle, Licensing should be self-financing.

### **Appendices**

Appendix A – existing pre-application advice charges

Appendix B – proposed new charges for pre-application advice and other admin

### **Background Papers**

Original report to Cabinet in November 2019 to introduction pre-application advice charges ([Public Pack](#))[Agenda Document for Cabinet, 07/11/2019 19:15 \(sevenoaks.gov.uk\)](#)

**Richard Morris**

**Deputy Chief Executive and Chief Officer – Planning & Regulatory Services**