

COMMITTEE: REGULATION COMMITTEE

DATE: 3RD NOVEMBER 2010

SUBJECT: SCALES OF CHARGES TO APPLY FROM 4TH JANUARY 2011

REPORT BY: HEAD OF CORPORATE FINANCE

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IMPLICATIONS:

LEGAL

COMMUNITY SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

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CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED: NONE

PURPOSE

1. To approve the revised Scale of Charges applying to Regulation Committee.

RECOMMENDATION(S)

2. **Regulation Committee is recommended to approve the proposed Scales of Charges to apply from 4th January 2011, subject to any amendments it deems necessary.**

BACKGROUND

3. As part of the annual estimates process, managers undertake a review of the Scales of Charges to apply in the following year, in line with the cost requirements and income potential for services, taking account of any regulatory guidance that applies to charges. The Councils' Fees and Charges framework has been used as a basis for setting the charges. The guiding principles for charging are viability, fairness and helping the

disadvantaged. Where inflationary increases are appropriate the June inflation rate of 5% has been used. In addition, VATable charges reflect the VAT increase from 17.5% to 20% due from 4 January.

REPORT

4. Appendix A details proposed charges to be approved by this Committee. A diverse range of increases is proposed across the charges shown on the appendix. Brief comments on the 2011/12 proposed charges from each service division are shown below:

Legal Services

Approval of Premises for Civil Marriages & Partnerships

- 4.1 Luton Registration Service are members of the East Anglia Registration Board, who benchmark all fees within the registration district. The fee increases referred to are based on the market rate for the provision of the service, together with the registration services staff cost to attend such venues.

Public Health Services

Street Trading

- 4.2 Street Trading in the Town Centre is controlled under the Local Government (Miscellaneous Provisions) Act 1982. Persons wishing to trade from one of the 13 designated pitches must first obtain a trading 'Consent'. The fees proposed for 2011/12 show an increase of between 4-5% for Consents of 6-12 month duration. The increase for Consents of 3 months or less is 2.6%. This short term Consent is infrequently requested by traders as the cost per month is significantly higher than that for longer term Consents.
- 4.3 The Street Trading Consent scheme currently generates an annual income of £21,500.

Factual Statements

- 4.4 Regulatory Services are sometimes asked to provide statements of fact about investigations by "no win no fee" legal services, for example relating to accidents in the workplace. The charge reflects the cost of an officer providing such a statement.

Environmental Protection

Air Pollution Control and Subsistence Fees

- 4.5 These charges are set by the Secretary of State and are used by local authorities to help them administer and enforce the LAPPC regime, aimed at improving air quality.

Requests for information on potentially contaminated land

- 4.6 This charge is applied when requests are received to search for and provide historical land-use information about a site or property, details of which are held by the Environmental Health Service.

Smoke Free Enforcement

- 4.7 These charges set out the statutory charges for fixed penalty notices, issued where individuals or businesses flout smoke-free legislation.

Licensing

Hackney Carriage and Private Hire Licences

- 4.8 The fees proposed for 2011/2012 aim to achieve full cost recovery for the Service. The licensed drivers fees increase includes the freeze implemented by the Regulation Committee from the proposed 2010/2011 fees.

Gambling Act 2005

- 4.9 All charges are statutory and subject to regulatory advice. No increases are proposed.

Alcohol Licensing Act 2003

- 4.10 All charges are statutory and subject to regulatory advice.

Zoo Licence/Performing Animal Registration/Public Hypnotism

- 4.11 Charges introduced so that the Council can meet its obligations under the Provisions of Services Regulations 2009.

Trading Standards

Explosives: Explosives Act 1875 and Fireworks Regulations 2004

- 4.12 All charges are statutory and subject to regulatory advice. The fees for 2011/12 will be set by the Health and Safety Fees Regulation 2011. The Regulations are expected to be published in April 2011.

Petroleum (Consolidation) Act 1928 and Petroleum (Transfer of Licences) Act 1936

- 4.13 All charges are statutory and subject to regulatory advice. The fees for 2011/12 will be set by the Health and Safety Fees Regulation 2011. The Regulations are expected to be published in April 2011.

Poisons Act 1972

- 4.14 The Poisons Act 1972 prohibits the supply of a range of poisonous substances other than by those persons that are registered with the Local Authority. The Trading Standards Service is responsible for maintaining the register of such premises and charges a fee for initial registration and subsequent annual renewals. To ensure

consistency between Local Authorities, poison registration fees are set annually by Local Government Regulation, formerly LACORS- Local Authorities Coordinators of Regulatory Services. The registration currently generates an annual income of approximately £310.

Highways Licenses

- 4.15 Those Highway charges that are linked to the nationally agreed New Road and Street Works Act (NRSWA) Inspection fee have not been changed this year as the NRSWA fee has not been reviewed. All other charges have been reviewed in comparison to fees charged by authorities in the area in light of the costs incurred in delivering the service.

5. The following symbols are used in the Scale of Charges at Appendix A:

- * Statutory charge
- + VAT inclusive charge
- ++ VAT to be added where appropriate.

LEGAL IMPLICATIONS

6. There are the following legal implications to this report as agreed with Richard Stevens, Head of Legal Services on 20th October 2010: -
7. As indicated elsewhere in this report, many of the charges levied by the Council are imposed by law. This means that the Council has no discretion and must amend its scale of charges in accordance with the fee set by law. Where a fee is not set by law the Council may only make such charge as is reasonable based on all relevant factors. Any increase may only be such as is reasonable given the purpose of the charge concerned and, where there is guidance on the level of a particular charge or increase in that charge, the Council should not depart from that guidance without showing clear reasons for doing so, supported by appropriate evidence.

PROPOSAL/OPTION

8. Committee could increase charges by a different amount from that determined by the service managers review or not increase the current levels of charge; although it should be noted that many of these charges are either statutory or subject to regulatory guidance.

FINANCIAL IMPLICATIONS

9. Detailed in the main body of the report.

APPENDIX

Appendix A – Proposed Scales of Charges for approval by Regulation Committee

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Information held on Accountancy drive: O:/Scales of Charges 2011-12.