

Decision Maker: Public Protection and Safety Portfolio Holder

**For pre decision scrutiny by the Public Protection and Safety
PDS Committee on**

Date: Wednesday 29 March 2017

Decision Type: Non-Urgent Executive Non-Key

Title: PRE-APPLICATION ADVICE SERVICE FOR LICENSING

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To propose the introduction of fees to recover the costs associated with the provision of a licensing pre application advice service.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to agree to the introduction of fees for pre application advice for licence applications as set out in 3.5.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Excellent Council Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley:
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Financial

1. Cost of proposal: Potential income of up to £3k per annum
 2. Ongoing costs: Potential income of up to £3k per annum, depending on the take up of the new service
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £1.3m
 5. Source of funding: Existing Revenue Budget 2017/18
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Personnel

1. Number of staff (current and additional): 2 fte licensing officers and 3.5 fte admin
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: The Council can make a charge for services under the Localism Act 2011
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Up to 60 applicants for licences per year.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 As part of the Councils economic strategy officers have been asked to ensure that where legally possible services are charged so as to ensure full cost recovery and to look for new services that might be provided to increase income.
- 3.2 The Council's licensing team deal with a large range of licences and permits ranging from premises licences for the sale of alcohol/entertainment and late night refreshment, gambling, special treatments and animal welfare.
- 3.3 Applicants for licences often ask for advice on the law, for comments about their proposals, to get applications forms checked before submitting them or simply to have documents endorsed or copied.
- 3.4 The team currently seek to provide these types of services to applicants as part of our everyday work but they take up valuable time and resource which is not currently being recovered so represents a loss to the Council. In the current economic climate we cannot continue to provide these services free of charge. In line with a number of other Councils we are now considering whether we should now make a charge for these types of service
- 3.5 We are proposing a three tier service offering
1. **A check & send service.** This would allow us to check that an application has been completed correctly to ensure there are no errors or omission that would result in an application being rejected. Were appropriate we would also pass on the application to other relevant people. **The prosed fee is £40.**
 2. **Pre- application advice.** This level of service includes a full check and validation of the application plus we will submit it to agreed statutory consultees for comment before an application is formally submitted. This allows an applicant to gain an understanding of potential concerns from partner statutory bodies and consider their proposals in the light of such comments. **The proposed fee is £71.**
 3. **Full application Service.** This would offer applicants the option of a site visit to discuss their proposal, provide technical advice and assistance with completing the application form, plans and drawings, and any statutory notices and adverts. **The prosed fee is £168.**
- 3.6 The decision to use these services is completely at the discretion of the applicant.
- 3.7 We recognise that there could be a conflict of interest in proving these services. To avoid this, it will be necessary for the officer who provides a paid for service at levels 2 and 3 above would not deal with that application when it is made formally. We would also provide a disclaimer that by using the service no guarantee is offered or implied that an application will be granted.
- 3.8. It is difficult to forecast the uptake of these types of services but income of up to £3,000 could be received.

4. POLICY IMPLICATIONS

- 4.1 The introduction of a fee for a pre-application licensing advice is in line with the Councils general policy to recover the cost of providing services where this is legally possible.

5. FINANCIAL IMPLICATIONS

- 5.1 An income of up to £3k per annum could be generated depending on the number of applications for pre-application advice. The fees have been set at a rate that fully recovers all of the council's costs in providing the service.

6. LEGAL IMPLICATIONS

- 6.1 Section 1 of the Localism Act 2011 gave Local Authorities a general power of competence. This includes a power to charge for services offered in reliance on that power. The service proposed is one which can be offered in reliance on the power of competence.

Section 3 of the 2011 Act confers a power to charge as long as the service is not one which must be delivered by statute, the person paying has agreed to the service being provided, that there is no other power to charge and taking one financial year with another the income from charges does not exceed the costs of provision. As is outlined in the report these conditions will be met.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Personnel and Procurement Implications
Background Documents: (Access via Contact Officer)	[Title of document and date]