

---

**GENERAL LICENSING COMMITTEE**

---

**Responsible Cabinet Member – Councillor Nick Wallis,  
Leisure and Local Environment Portfolio**

**Responsible Director – Ian Williams, Director of Economic Growth**

---

**SUMMARY REPORT**

**Purpose of the Report**

1. To invite Members to approve a delegation to enable the General Licensing Committee to have the power to set and vary fees and charges in respect of licensing.

**Summary**

2. The responsibility for setting fees and charges for the Council's licensing functions is a responsibility of Council, but can be delegated to a Council Committee or to an officer.
3. Members are asked to approve a delegation to the General Licensing Committee that will enable them to have the power to set fees and charges in respect of Licensing.
4. The proposed changes would allow greater flexibility for the setting of fees and charges in these areas and better enable in depth consideration to be given by members in a specialist committee when the need arises. This would be of particular benefit if there were objectors to any proposal or complex issues to be considered as it would enable a forum to both consider the objections and issues in detail and also to arrive at a determination of the fees and charges after doing so.
5. Council would still itself retain the right to exercise the power to set fees and charges in these areas. A delegation does not take away the power from the body that has given the delegated authority. Council will retain the power to set fees and charges as part of the Council's MTFP budget setting process (reports annex a schedule of charges for all fees and charges including licensing) or at any other time should it decide to do so.

## Recommendation

6. It is recommended that the constitution be amended as follows, with the following to be inserted into Schedule 2 (Council Committees) of Part 2 – Responsibility for Functions of the Councils Constitution, far as the General Licensing Committee to include:

*To set and vary the fees and charges for the Council's licensing and registration functions that are the responsibility of this committee.*

## Reasons

7. The reasons for the change are:
- (a) It would enable the General Licensing Committee to consider in detail the policy considerations and issues concerning any proposals, to take account of written and oral representations from persons who object to proposals, and then to be able to decide the fees and charges to be set.
  - (b) It enables members who have a developed understanding of licensing to have responsibility for setting fees and charges for this area.
  - (c) It would enable greater flexibility to set and vary fees and charges outside of annual fee setting (which is via the schedule of fees and charges that is annexed to the Council's Medium Financial Term report).

**Ian Williams, Director of Economic Growth**

## Background Papers

No background papers were used in the preparation of this report.

Luke Swinhoe: Extension 5490

S17 Crime and Disorder	This report does not have any implications for crime and disorder
Health and Wellbeing	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Carbon Impact	There are no issues which this report needs to address
Wards Affected	The proposals affect taxi drivers in all Wards
Groups Affected	The proposal affects the Taxi Trade
Budget and Policy Framework	This report does not recommend a change to the budget or policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
One Darlington: Perfectly Placed	There are no issues which this report needs to address
Efficiency	The proposal will enable Licensing Committee to have the ability to change fees and charges. This Committee is well placed to discharge this role and should lead to efficiencies in the decision making process.

## MAIN REPORT

### Information and Analysis

8. The responsibility for setting fees and charges for the Council's licensing functions is a responsibility of Council, but can be delegated to a Council Committee or to an officer. Officer delegations currently exist to vary the scale of fees and charges in year to reflect market conditions. An officer delegation also exists for setting charges for licensing scrap metal dealers and mobile collectors and site licences.
9. For general licensing, while the Council's General Licensing Committee are asked to consider any changes in respect of setting fees and charges, they do not currently have the power to set the fees and charges or to vary them. This report proposes that the power of setting fees and charges is delegated to the General Licensing Committee.
10. The delegation of this power to the General Licensing Committee would enable the Committee to consider in detail the policy considerations behind any proposals and to consider written and oral representations from persons who object to proposals. The delegation to this Committee would enable members who have a developed understanding of licensing to have responsibility for this area. This power is delegated to the General Licensing Committee in a number of other Councils
11. Members should note that, in respect of alcohol and gambling licensing fees, charges are statutory or bound by statutory guidelines. It is not therefore suggested that there should be any delegation in respect of fee setting for the 2003 Licensing Act Committee.
12. It is recommended that Schedule 2 (Council Committees) of Part 2 – Responsibility for Functions of the Councils Constitution be amended so far as the General Licensing Committee to include:  
  
*To set and vary the fees and charges for the Council's licensing and registration functions that are the responsibility of this committee.*
13. If this change was made Council would still retain the power to set fees and charges in these areas. A delegation does not take away the power from the body that has given the delegated authority. Council would therefore retain the power to set fees and charges as part of the Councils budget setting as set out in the MTFP (which annexes a schedule of charges for all fees and charges including licensing) or at any other time. Similarly Cabinet would retain the role of proposing the budget, including all fees and charges for Council to consider.
14. The proposed change would allow greater flexibility for the setting of fees and charges in these areas and better enable in depth consideration to be given by members in a specialist committee when the need arises. This would be of particular benefit if there were objections to any proposal or complex issues to be considered as it would enable a forum to both consider the objections and issues and then go on to arrive at a determination of the fees and charges after doing so.