

**REGULATORY COMMITTEE
8 DECEMBER 2017**

REGISTRATION FEES: ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS (I.E. 'BEAUTY' APPLICATIONS).

Cabinet Member(s): Colin Slade
Responsible Officer: Tom Keating, Lead Licensing Officer

Reason for Report: To recommend the adoption of registration fees set out in this report.

RECOMMENDATION: That the Regulatory Committee approves the fees set out in this report and they be introduced immediately.

Relationship to Corporate Plan: These fees link directly to the licensing function with the aim of ensuring the safety and wellbeing of our community.

Financial Implications: The potential cost of defending an appeal in the courts.

Legal Implications: Fees must be set lawfully. This means that they must be 'reasonable' and only seek to recover the cost to the specific licensing regime. Fees that are not lawful can be challenged.

Risk Assessment: In the event of a successful challenge, the Council could be liable for costs.

Equality Impact Assessment: This assessment has been carried out and is appended to this report. There are no equality issues.

1.0 BACKGROUND

- 1.1 Mid Devon District Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allow the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion of the costs) of the administration of those licence types. In some cases, costs can include other aspects of providing the regulatory scheme, such as monitoring compliance.
- 1.2 The general principle in setting these fees is to ensure full cost recovery, or as close to this as possible. A number of legal cases over the years have confirmed that licensing fees may not be used to generate a profit for Councils, and that fees should be reviewed regularly to ensure they remain accurate. Additionally, it has become increasingly clear that authorities must be able to demonstrate how fees have been calculated.

- 1.3 Although every effort can be made to predict future income and expenditure there are always variables that are difficult to foresee. Examples include complaints received that then need to be investigated, and also the work required to implement a new legislative requirement. Due to these potential 'unknowns' it is important that consideration is given to previous surpluses or deficits that have accrued. These can legitimately be carried forward and redistributed or recouped, as necessary.
- 1.4 Some application fees are set nationally (i.e. fees under the Licensing Act); therefore the local authority has no discretion on what it charges. Other fees are set by the Council themselves and this includes the fees for beauty related registrations.

2.0 THE LEGISLATION AND REGISTRATION PROCESS

- 2.1 Under the Local Government (Miscellaneous Provisions) Act 1982, people must be registered with the local authority in order to carry out the 'beauty' related activities. Additionally, these people can only then operate from premises which are registered with the local authority.
- 2.2 The current fees do not distinguish clearly between personal registrations and premises registrations, so the proposed new fees aim to clarify this. Essentially, we will have three separate fees, as follows:
- Premises registration - The registration of a premises and ONE personal registration for a practitioner.
 - Personal registration – The registration of ONE practitioner
 - Amendment – Change of personal details (i.e. name)
- 2.3 Once a registration has been granted, it does not expire at any set point nor does it require renewing. It is essentially a one-time registration and links each registered individual to a registered premises. The registration however is not 'transferable' so for example, it cannot change from one individual or premises to another individual or premises. New people or premises would require a completely new registration.
- 2.4 In Mid Devon, the Licensing team deal with the administration of registrations and colleagues in the Environmental Health team help by inspecting premises and discussing specific registration requirements with the applicants. This process works well because the Licensing team is set up to deal with applications on a daily basis and essentially then they consult with Environmental Health as it does on a number of other applications.

3.0 BEAUTY RELATED FEES – FEE SPREADSHEET

- 3.1 The current fee for these registrations is £100.00 and this has been the fee since 1st May 2011. The fee has not been reviewed since then largely because of the limited number of these types of registrations that are received.

3.2 A fee spreadsheet has been produced in a similar vein to that of the Hackney Carriage and Private Hire spreadsheet. It essentially provides a breakdown of all chargeable elements of a registration and allows for the fees to be easily updated in the future.

3.3 If Members of the Committee (or any interested party) wish to see or discuss the full spreadsheet in advance of the meeting, we ask that they contact the Licensing team. The spreadsheet will be available to view at the meeting but as an overview, it contains the following information:

- 'Fee' tab which provides an overview of the total final cost of each registration, adding together the cost of processing an application and the general administration cost that applies year on year.
- 'Administration' tab which outlines the general time and costs allocated year on year to the maintenance of the regime (not specific to the processing of an individual application). This includes things like general admin, updating web pages, staff training and policy and procedural amendments / developments.
- 'Personal registration' tab which goes through the registration process for an individual, from initial contact to issue of a certificate. This includes some time for an Environmental Health officer.
- 'Premises registration' tab which goes through the registration process for a premises, from initial contact to the issue of a certificate. This includes the time for an Environmental Health Officer to inspect the premises and complete a report. This fee also includes the registration of one person.
- 'Amendment' tab which covers simple changes to a registration, like if someone has changed their surname.

3.4 It is important to note that the 'amendment' fee does not cover a change in activity. For example, the addition of tattooing for an individual just registered for piercing, nor does it include the relocation of a premises. In both of these examples, a new registration would be required as there is more work involved than a simple amendment.

4.0 PROPOSED FEES

4.1 The proposed new fees are as follows:

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| • Personal registration: | £112.00 |
| • Premises registration (including 1 personal registration): | £217.00 |
| • Simple amendment to the certificate: | £7.00 |

4.2 Benchmarking the proposed fees with neighbouring authorities does provide some context but it must be noted that each authority is different and can legitimately charge different fees. Variables such as the number of registrations, number of staff, their costs and previous deficits / surpluses are all relevant and are not factored into straightforward comparisons. With this in mind, a comparison of the proposed fees with some of our neighbouring authorities is provided below.

| Name of authority | Cost of Personal registration | Cost of Premises registration |
|--------------------------|--------------------------------------|--------------------------------------|
| Mid Devon | £112.00 | £217.00 (incl. 1 person) |
| Plymouth | £111.00 | £180.00 (+£50.00 for 1 person) |
| Teignbridge | £40.00 | £80.00 (incl. 1 person) |
| Exeter | £45.00 | £90.00 (incl. 1 person) |
| Cornwall | £139.00 | £139.00 |
| Torridge | £49.50 | £124.00 |
| North Devon | £67.70 | £67.70 |
| South Hams | £112.00 | £112.00 |

5.0 PREVIOUS INCOME AND EXPENDITURE

5.1 This is the first time that the fee spreadsheet has been used to calculate the fees for ‘beauty’ related registrations. By reviewing the fee setting process this has shown that the existing fees are not covering the costs of the registration process. It is not intended to go back and seek to recover any previous potential deficits because we cannot be certain of previous year’s costs. Additionally, we do not receive many of these registrations (8 per year on average) so any potential deficit would be relatively minor.

5.2 The fees have been set at a level in order to try and achieve cost recovery (i.e. neutrality). The fees can then be reviewed in the future using the same method to provide a clearer picture of income / expenditure.

6.0 RECOMMENDATIONS AND TIMESCALE

6.1 It is recommended that the Regulatory Committee approves the fees as set out in this report, and that they be introduced immediately.