

## GAME DEALER LICENCES

### 1. INTRODUCTION

- 1.1 The Council, through Licensing Services, has for a number of years successfully carried out the regulatory function of issuing game dealer licences. The authority for this being the Game Act 1831, Game Licences Act 1860, and Deer Act 1991.
- 1.2 On 1 August a Regulatory Reform Order took effect which removed the requirement for these licences. This report considers the actions which the Council may take in the light of this information.

### 2. BACKGROUND

- 2.1 The licensing year for Council issued permits is fixed by statute and runs from 1 July through to the following 30 June. The Council last issued thirty-two licences and renewal reminder letters are sent to permit holders during May each year.
- 2.2 Shortly after the renewal exercise had been started, correspondence was received notifying that a draft Regulatory Reform Order was being considered and that this may become operational sometime during August. The proposals under consideration would:
  - Remove the requirement to hold a game licence to take or kill game;
  - Remove the requirement for a local authority licence and an excise licence in order to deal in game; and
  - Remove the restriction on dealing in game birds and venison during the close season, permitting the sale all the year round provided the game was lawfully killed
- 2.3 Following scrutiny by both Parliamentary and Lord's Committees the Order was eventually made with the effective date of 1 August 2007.

### 3. THE CURRENT SITUATION

- 3.1 Of the 32 licence holders who were sent renewal notification 18 have already renewed their licences. The cost of a game dealer licence is £43 and therefore income to date from this exercise currently stands at £774.
- 3.2 There are 14 renewals which remain outstanding and which would recover the remaining £602 of the original expected income of £1376.
- 3.3 Eighteen licensees have renewed their licence, however, those licences were only strictly necessary for the month of July, always providing that the premises actually sold game during the period in question. Otherwise the licences would not have been necessary. The remaining 14 licensees who have yet to renew do not now need a licence to continue to operate.

- 3.4 Two of the eighteen licensees who responded promptly to the renewal notification have since made further contact asking if they will receive a refund of the renewal fee in view of the Regulatory Reform Order coming into force.
- 3.5 In view of the situation which now exists whereby a game dealer licence is no longer required, reminders of the sum owing by those dealers who have yet to renew their licence have been put on hold until the Committee agree a way forward.

#### **4. OPTIONS AVAILABLE**

##### **4.1 Option A**

Decide to ask for payment of the outstanding 14 renewals whilst retaining the fees already paid by licensees renewing their licences. This could prove problematic because the licence was only necessary to trade for the month of July between expiry of the previous licence and the Regulatory Reform Order coming into force on 1 August. Licensees could well claim that they did not trade in game during this period and, therefore, a licence was not necessary and the fee is not payable.

Furthermore, it is highly likely that the licensees who paid to renew their licence thinking that the licence would last them for a full year will feel that they have been penalised because they acted promptly. Under these circumstances, and bearing in mind that a licence is no longer necessary, it would be impossible to insist on the licences being renewed and payments made.

##### **4.2 Option B**

Decide not to ask for payment of the outstanding renewals from the licensees concerned whilst retaining the fees already paid by licensees renewing their licences.

The Council may incur costs because the licensees who acted promptly by renewing their licences may well feel that they are being treated unfairly.

##### **4.3 Option C**

Decide not to ask for payment of the outstanding renewals from the licensees concerned and refund the payments already made to licensees who acted promptly and renewed their licences.

This option would be seen by all as being fair and equitable to all parties and not result in any substantial extra costs being incurred by the Council.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The expected total income from the issue of game dealer licences is £1376. Income currently stands at £774 with a further £602 outstanding.

5.2 Should the decision be made to adopt Option A, not to refund the sums already paid and to invoice those licensees for the outstanding £602 then, providing the full £602 was recovered, the expected level of income will be maintained. However, whether this is a wholly realistic situation remains to be seen. Undoubtedly there would be licensees who will only pay with great reluctance

whilst others will claim that they never intended to renew their licence. This may well lead to a situation whereby the Council will incur collection charges for which no budget has been set.

- 5.3 By deciding on Option B the licence fees already paid and to be retained would amount to £774. The fees appertaining to those licences where licensees did not renew their licences would amount to £602. However, this may result disgruntled licensees and the Council incurring costs defending their actions.
- 5.4 If the Committee decided on Option C, returning the renewal sums already paid and waiving payment of the outstanding £602, the effect would be an income shortfall of £1376 in respect of these particular licences.

## **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no environmental implications as a result of this report.

## **7. CRIME AND DISORDER IMPLICATIONS**

- 7.1 There are no crime and disorder implications as a result of this report.

## **8. EQUALITY AND DIVERSITY IMPLICATIONS**

- 8.1 There are no equality and diversity implications as a result of this report

## **9. RECOMMENDATION**

- 9.1 That the Committee considers this report and agrees to adopt one of the suggested options.

### **Further Information:**

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### **Background Papers:**

Published Documents