

GLA 17/6.1

Licence Fee Levels:
Addendum

22 January 2008

BOARD PAPER REFERENCE – GLA 17/6.1 – Licence Fee Levels - Addendum

1. Paragraph 18 of Board Paper 17/6.1 on the Licence Fees levels for 2008 – 09 recommends further work is necessary to determine how best to deal with new applicants who have traded illegally.
2. The GLA has had very helpful and productive discussions with the ALP. As a consequence, an option has been identified which could be introduced by April.

Proposed option

3. If the GLA identifies a new applicant as trading illegally in the previous 12 months, the start date of the licence could be back dated to the point of time the illegal trading commenced. The applicant would be given a choice: accept the retrospective start date or face prosecution.
4. This is in line with the GLA's proportionate approach to enforcement and would address any advantage the business may have gained through illegal trading. The GLA would still, if it was considered appropriate, reserve the right to pursue a prosecution.
5. It is estimated that this approach will have a minimal impact on fee income for 2008-09 and for ease of implementation, the GLA will time limit retrospective licensing to just the previous 12 month period.
6. Given the specific issues relating to forestry and the late take up of licensing, we would consider not imposing this requirement on the sector at this time.

Issues to consider

7. The GLA is awaiting final legal confirmation that there is the power to introduce this approach as well as clarification on any possible grounds of appeal.
8. The GLA also needs to consider what changes to the application process need to be introduced (including any IT changes) – however, these are unlikely to be insurmountable.

Recommendation

9. Subject to resolving the issues identified above, the Board is invited to agree that the proposed approach is implemented.