



## LICENSING AND REGISTRATION COMMITTEE

<b>DATE:</b>	<b>Wednesday, 8 March 2023</b>
<b>TIME:</b>	<b>6.30 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**MEMBERSHIP:**

**Councillor Winfield (Chairman)**  
**Councillor V Guglielmi (Vice-Chairman)**  
**Councillor Casey**  
**Councillor Clifton**  
**Councillor Coley**

**Councillor Davis**  
**Councillor J Henderson**  
**Councillor McWilliams**  
**Councillor Skeels**  
**Councillor Wiggins**

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DATE OF PUBLICATION: Tuesday, 28 February 2023

## AGENDA

### 1 **Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### 2 **Minutes of the Last Meeting (Pages 1 - 4)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Thursday 3 November 2022.

### 3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### 4 **Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### 5 **A1 - Various Licensing Provisions - Applications Approved Under Delegated Powers (Pages 5 - 8)**

This report seeks to provide the Committee with data on the number of licences, certificates and permits authorised by the Council recently. The majority of these have been authorised by Officers in accordance with approved schemes of delegation.

### 6 **A2 - Licensing Enforcement Schedule of Routine Licensing Inspections for 2023 (Pages 9 - 20)**

The purpose of this report is to invite the Committee to consider the arrangements for routine inspections of licences, permits, consents etc within the scope of the Committee's work.

### 7 **A.3 Review Of The Licensing Fees and Charges 2023 (Pages 21 - 30)**

To submit to the Committee details of the current licensing fees and charges for the issuing and renewal of licenses, consents, and permits issued by the Council's Licensing Team and to seek approval for changes set out to those fees and charges to take effect from 1 April 2023 (or as soon as practicable thereafter taking account of legislative requirements).

### 8 **A.4 Development Of a Comprehensive and Cohesive Taxi/Private Hire Policy (Pages 31 - 58)**

The Committee is requested to consider the information in this report and to indicate policy areas it is minded to see included in a new cohesive policy document that can be prepared by Officers.

**9**     **A.5 - Home Office Issue Revised Section 182 Guidance Under the Licensing Act 2003 and "Martyn's" Law (Pages 59 - 68)**

To report to the Committee on an update to the Guidance issued under section 182 of the Licensing Act 2003 issued by the Home Secretary and the introduction of "Martyn's" Law.

**10**    **A.6 - Review of the Fees and Charges for Animal and Beauty Treatment Licensing (Pages 69 - 76)**

To submit to the Committee details of the current licensing fees and charges for the issuing and renewal of licenses issued by the Environmental Health service, that are non-executive functions, and to seek approval for those fees for the current financial year and changes to those fees and charges to take effect from 1 April 2023 (or as soon as possible thereafter taking account of legislative requirements).

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Licensing and Registration Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.30 pm on Tuesday, 28 March 2023.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION  
COMMITTEE,  
HELD ON THURSDAY, 3RD NOVEMBER, 2022 AT 7.30 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Winfield (Chairman), Casey, Coley, Davis, J Henderson, Skeels and Wiggins
<b>In Attendance:</b>	Keith Simmons (Head of Democratic Services and Elections), Michael Cook (Licensing Manager) and Keith Durran (Committee Services Officer)

**125. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Clifton, V Guglielmi and McWilliams (with no substitutions).

**126. MINUTES OF THE LAST MEETING**

It was resolved that the minutes of the meeting of the Committee held on Thursday 21 July 2022 were approved as a correct record and signed by the Chairman.

**127. DECLARATIONS OF INTEREST**

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

**128. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question.

**129. MISCELLANEOUS LICENSING SUB-COMMITTEE**

The Committee will formally receive and note, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Wednesday 4 May 2022, Tuesday 31 May 2022 and Monday 10 October 2022.

**130. PREMISES/PERSONAL LICENCES SUB-COMMITTEE**

The Committee will formally receive and note, for its information only, the Minutes of the meeting of the Premises/Personal Sub-Committee held on Friday 8 April 2022.

**131. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS**

The Committee noted the contents of a report (A.1) on the number of licences, certificates and permits authorised by the Council. The majority of these had been authorised by Officers in accordance with approved schemes of delegation as at 31 August 2022.

**132. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - REVIEW OF THE COUNCIL'S LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**

The Committee had before it a report for consideration that proposed revised Statement of Licensing Policy (at Appendix A to this report – with tracked changes). The proposed revised Statement was submitted following a recent 28-day period of consultation on a draft revised Statement. Essex Police (on behalf of the Chief Constable) made comments during the consultation period. Those were set out below in the 'Current Position' section of the report. The submitted revised Statement of Licensing Policy reflected changes based on feedback from the Committee at its meeting on 21 July and the submission from Essex Police.

At the time of the meeting the Council did not have a valid Statement of Licensing Policy at the term of its last Statement was expired on 9 January 2022.

During the meeting the Members asked for the following changes to be made to the Statement of Licensing Policy.

Paragraph 1.27 - An Acknowledgement of receipt of Licence Application be added.

Paragraph 1.48 - Be worded to clarify that it is "per property"

Paragraph 4.2 - Be changed from the Disability Discrimination Act to the Equality Act

After a short discussion the Committee **RECOMMENDED** that:

- a) considers the outcome of the consultation undertaken on a revised Statement of Licensing Policy as set out in this report;
- b) considers the report and, if satisfied, recommends to the Council that the revised Statement of Licensing Policy set out at Appendix A to this report be adopted for the period 2022-2027; and recommends this final draft of the Policy to Council for adoption at its meeting on 22 November 2022.

**133. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - EXTENSION OF PROVISIONS UNDER THE BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENSING FRAMEWORK**

The Committee received an update on the extension of provisions under the Business and Planning Act 2020 in relation to pavement licences.

The Members heard the substantive legislative position on pavement licences was that they were granted primarily under Part 7A of the Highways Act 1980. This was understandably because the authority to approve obstacles on highway land rests with the Highway Authority. For the District of Tendring that Highway Authority was Essex County Council. The power under the 1980 Act; including enforcement rested with Essex County Council.

Members also heard that in response to the implications for businesses arising from the coronavirus pandemic, the Business and Planning Act 2020 introduced temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on highway adjacent to their premises ("a pavement licence"). Those temporary



provisions were due to expire at the end of September 2022. The 2020 Act's provisions were designated as 'non-executive' and this Council delegated the responsibility to this Committee. The arrangements under the 2020 Act were set out in the decision of 24 July 2020 ([Decision - Operation of the new Pavement Licence Function - Business and Planning Act 2020 \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk)).

Since the decision referred to, the temporary provisions under the 2020 Act had been extended by twelve months to 30 September 2023 by virtue of the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022. The arrangements in the decision referred to would continue during this extended period.

After a short discussion Members **NOTED** the contents of the report.

**134. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.4 - DEVELOPMENT OF A COMPREHENSIVE TAXI/PRIVATE HIRE POLICY**

The Committee had before it a report that formally requested the Committee to authorise the development of a comprehensive policy statement in relation to the licensing of Taxi and Private Hire Services. The policy statement would set out in one place the Council's approach to its licensing functions, within the legislative framework, and would ensure that the various elements of the policy support the broad public and consumer protection role of the licensing authority.

One element of the process of developing the comprehensive policy would be to undertake consultation with a range of stakeholders and provide for their views to be considered prior to any finalised policy being adopted.

After some discussion the Committee **RECOMMENDED** that:

1. That the Deputy Chief Executive be authorised to develop a comprehensive policy statement in relation to the licensing of Taxi and Private Hire Services in the District that will set out the Council's approach to:
  - (a) The appropriate information and requirements of those seeking to obtain a Taxi and/or Private Hire Driver Licence (and then the requirements to continue to hold such a Licence thereafter);
  - (b) the appropriate information and requirements of those seeking to obtain a Private Hire Operator Licence (and then the requirements to continue to hold such a Licence thereafter); and
  - (c) the appropriate requirements in respect of vehicles that are the subject of applications to be licensed as a Taxi or Private Hire Vehicle (and the requirements in respect of that vehicle while it remains licensed).
2. To note that in the development of the comprehensive policy statement there will be a minimum of eight weeks of consultation on a draft policy statement and the views received will be submitted to this Committee at the time that it will consider approving a finalised statement.

The meeting was declared closed at 8.14 pm

**Chairman**

## LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

#### A.1 VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS

(Report prepared by Michael Cook and Keith Simmons)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

This report seeks to provide the Committee with data on the number of licences, certificates and permits authorised by the Council recently. The majority of these have been authorised by Officers in accordance with approved schemes of delegation. In future reports, data will be provided on the most recent quarter (April to June, July to September, October to December and January to March) so as to aid comparison between quarters and years. This report also provides the Committee with details of licensing policies that are in place or are proposed with intended development/review time frames.

##### **EXECUTIVE SUMMARY**

The details of the licences, certificates and permits granted are set out under the separate headings below:

(i) Premises Licences/Club Premises Certificates

The total of Premises Licences / Club Premises Certificates that have been approved under Delegated Powers during the period 31 August 2022 to 31 January 2023. For comparison, the following also shows the numbers approved for the periods shown:

Type of Licence	Number of Licences as at			
	22 March to 24 October 2019	25 October 2019 to 4 January 2022	5 January to 31 August 2022	31 August 2022 to 31 January 2023
Premises Licences/Club Premises Certificates - Approved	29	142	48	26

(ii) Personal Licences under the Licensing Act 2003

The total of Personal Licences approved under Delegated Powers since 7 February 2005, the 'First Appointed Day' on the dates shown were.

Type of Licence	Number of Licences as at
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	<b>25 October 2019</b>	<b>4 January 2022</b>	<b>31 August 2022</b>	<b>31 January 2023</b>
Personal Licences	2142	2292	2318	2372

(iii) **Gambling Licences/Permits**

Below is a table showing the number of gambling licences and permits that were licensed with this Authority on the dates shown.

<b>Type of Licence</b>	<b>Number of Licences as at</b>			
	<b>25 October 2019</b>	<b>4 January 2022</b>	<b>31 August 2022</b>	<b>31 January 2023</b>
Adult Gaming Centres	24	22	21	19
Betting Premises	15	12	12	11
Bingo Premises	10	11	12	14
Family Entertainment Centres	3	4	4	2
Unlicensed Family Entertainment Centres	30	29	29	29
Prize Gaming Permits	2	2	2	2
Club Gaming & Club Machine Permits	27	23	23	24
Licensed Premises Gaming Machine Permits	20	22	25	21
Licensed Premises Machine Notifications	126	117	117	114
Small Society Lottery Permits	114	107	105	120

(iv) **Hackney Carriage/Private Hire Licence**

Below is a table showing the number of drivers, vehicles and operators that were licensed with this Authority on the dates shown.

<b>Type of Licence</b>	<b>Number of Licences as at</b>			
	<b>25 October 2019</b>	<b>4 January 2022</b>	<b>31 August 2022</b>	<b>31 January 2023</b>
Hackney Carriage Driver	318	279	277	278
Private Hire Driver	10	7	7	7
Hackney Carriage Vehicle	245	204	216	201
Private Hire Vehicle	25	28	27	26
Private Hire Operator	21	23	22	19
Temporary Insurance Vehicles	N/A	14	10	5

Although the numbers of driver applications processed is broadly the same now has been the case over the last year, there has been a drop in the number of existing licenced drivers renewing (and a comparative increase in new individuals becoming licensed).

### Licensing Policies List

Below is a table showing the licensing policies currently in place with the timescales and proposal of new policies that Officers will be working on going forward.

Licensing Enforcement Policy	Adopted 06 August 2019 Expires 06 August 2024
Gambling Act 2005 – Gambling Licensing Policy Statement	Adopted 29 March 2022 Expires 28 March 2025
Licensing Act 2003 – Statement of Licensing Policy	Adopted 22 November 2022 Expires 22 November 2027
CCTV Policy in Taxis	Approved in 2013 and it is proposed that it will become part of the cohesive Taxi Policy referred to elsewhere in the business for this meeting of the Committee.
Sex Establishment Policy	Adopted 2018 – To be reviewed in 2024.

### Proposed Policies List

Hackney Carriage and Private Hire Policy	Proposed to be submitted in 2023
Licensing Act 2003 Films Classification Policy	Proposed to be submitted in 2024
Street Collection and House to House Policy	Proposed to be submitted in 2026
Street Trading Policy	Proposed to be submitted in 2026
Scrap Metal	Proposed to be submitted in 2026
Pavement Licence Policy	Proposed to be submitted in 2023 (on the basis that legislation introduces this as more than a temporary provision arising out of a back to business arrangement following the Covid-19 pandemic and associated restrictions).

### RECOMMENDATION

**That the Committee notes the information set out in this report including the proposed development/review for Licensing Policies.**

### APPENDIX

None

**REPORT CONTACT OFFICER(S)**

*Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*

<b>Name</b>	<b>Michael Cook Keith Simmons</b>
<b>Job Title</b>	<b>Licensing Manager Head of Democratic Services and Elections</b>
<b>Email/Telephone</b>	<b><a href="mailto:licensingsection@tendingdc.gov.uk">licensingsection@tendingdc.gov.uk</a> 01255 686565</b>

## LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

#### A2. LICENSING ENFORCEMENT SCHEDULE OF ROUTINE LICENSING INSPECTIONS FOR 2023

(report prepared by Michael Cook & Keith Simmons)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

The purpose of this report is to invite the Committee to consider the arrangements for routine inspections of licences, permits, consents etc within the scope of the Committee's work. The Committee is asked to consider approving an initial Schedule for Inspections to be undertaken in 2023.

##### EXECUTIVE SUMMARY

Tendring District Council is a Licensing Authority by virtue of separate legislative provisions relevant to the individuals licensing framework. As set out in those separate provisions, the Council will determine its approach to ensuring that those who are licensed comply with the requirements of the licence, permit, notice, consent etc, concerned.

Where the Licensing Authority takes enforcement action to ensure compliance with conditions etc. then it does so in accordance with the relevant legal framework and it will have due regard to the Licensing Service Enforcement policy and the Council's overall Enforcement Policy.

##### RECOMMENDATION(S)

It is recommended that the Committee:

- (a) considers the need and frequency for routine inspections with a view to achieving compliance with licensing requirements within the remit of this Committee and, if satisfied, endorse the schedule of such inspections as set out at Appendix A to this report; and
- (b) notes that the Licensing Manager will then make arrangements, within the available resource, to implement the endorsed routine inspection arrangements in 2023 and report on progress to this Committee in time for it to inform consideration of a revised schedule for 2024.

## REASON(S) FOR THE RECOMMENDATION(S)

The Committee has, within its remit, a range of licences, permits, consents etc and it is appropriate that the Committee indicates to the Council Officers the extent to which time and resource is applied to different licences etc on a routine basis to monitor, encourage and enforce compliance with the legislative requirements and Council policies for those respective licences. The schedule set out at Appendix A represents a draft schedule in relation to 2023.

## ALTERNATIVE OPTIONS CONSIDERED

To not adopt a programme of routine inspections would mean such inspections were not necessarily undertaken and inspections were not undertaken in the pro-active way identified in the schedule. This in itself can lead to a pattern of inspections that does not reflect the overall needs of the Council across its licensing functions.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The draft schedule set out at Appendix A is intended to support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

### LEGAL REQUIREMENTS (including legislation & constitutional powers)

The express powers of the Council in relation to inspection for licencing permits, consents and licences are set out in the various separate licensing statutes and include the following:

Licence Type	Powers to Inspect
Street Collections	Section 5 of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916 provides for Councils to adopt Regulations concerning Street Collections. Section 6 of the Tendring District Council Regulations requires Street Collectors to produce written authority to a duty officer. The regulation also sets out a range of requirements on collectors and a breach of requirements is an offence under regulation 18.
House to House Collections	There are no express powers in the House to house Collections Act 1939. There are though powers in that Act that are exercisable by a Police Constable.
Private Hire and Hackney Carriage Vehicles	Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an (6)(3) Vehicles Licences offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required.



	Section 50(1) – proprietors of licensed vehicles shall present for inspection their vehicle upon a notice from the Council (up to three times a year). Section 50(4) – the insurance documents for the licensed vehicle shall be produced upon request of a duly appointed Council Officer. Section 68 – Duly authorised Council Officers or Police Officers may inspect a licensed vehicle at all reasonable times and suspend the vehicle licence if the vehicle is not fit for use.
Private Hire Operators	Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required. Section 56(2) – operators shall produce records of bookings on request to a duly authorised Council Officer or Police Officer. Section 56(4) – operators shall produce their licence on request to a duly authorised Council Officer or Police Officer.
Private Hire and Hackney Carriage (Drivers Licence concluding a Dual Licence)	Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required. Section 51(3) – licensed drivers shall produce their licence badge upon request within five days.
Sex shops/Sexual Entertainment Venues	Paragraph 25 of Schedule 3 to Part II of the Local Government (Miscellaneous Provisions) Act 1982 – A duly authorised Council Officer or Police Officer may enter and inspect a licensed premises. It is an offence (without reasonable excuse) to obstruct such an inspection.
Street Trading Consent	There are no express powers in Schedule 4 to Part III of the Local Government (Miscellaneous Provisions) Act 1982
Scrap Metal Site Licence	Section 16(1) of the Scrap Metal Dealers Act 2013 – Police and Council Officer may enter and inspect on notice to the site manager. Section 16(9) - The officers may inspect scrap metal and records of the licensees including of payments. Section 16(13) – obstruction of an inspecting officer is an offence.
Temporary Event Notice (TENS) under Licensing Act 2003	An authorised Council Officer may enter the premises to which a temporary event notice relates. Where an authorised Council Officer has reason to believe that premises are being/to be used for a licensable activity, he may enter the premises to check authorisation.
Personal Licences under Licensing Act 2003	An authorised Council Officer may require the holder of the personal licence to produce that licence for examination.
Premises Licences under Licensing Act 2003	An authorised Council Officer has the power to require production of a Premises Licence from the Licensee (or nominee). Where an authorised Council Officer has reason to believe that premises are being/to be used for a licensable activity, he may enter the premises to check authorisation.

Club Premises Certificates under Licensing Act 2003	An authorised Council Officer has the power to require production of a Club Premises Certificate from the nominee of the Club. Where an authorised Council Officer has reason to believe that premises are being/to be used for a licensable activity, he may enter the premises to check authorisation.
Club Permits under Gambling Act 2005	An authorised officer may undertake activities for the purpose of assessing compliance with the Act. They may enter premises: (a) to discover whether facilities for gambling other than private and non-commercial gaming or betting are being provided, are about to be provided or have been provided on the premises, (b) to determine whether an operating licence or premises licence is held in respect of the provision of facilities for gambling on the premises, and (c) to determine whether facilities are being, will be or have been provided in accordance with the terms and conditions of an operating licence or premises licence.
Gaming Machine Permits under Gambling Act 2005	See above
Premises Licences under Gambling Act 2005	See above
Gaming Notifications under Gambling Act 2005	See above
Boats and Boatman	There are no express powers in Section 94 of the Public Health Acts, Amendment Act 1907.

In exercising the express powers of the Council as Licensing Authority under the Licensing Act 2003 it must do so with a view to promoting the licensing objectives defined in that Act, as follows:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance;
- The protection of children from harm.

In respect of the express powers under the Gambling Act 2005, the Licensing Authority must carry out those functions with a view to aiming to permit the use of premises for gambling in so far as the authority think it is, inter alia, reasonably consistent with the licensing objectives defined in that Act, as follows:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

The cost of the activity in support of carrying out the Routine Schedule will be met from the current service budget.

Consideration has been given to the finance and resource implications of the proposed decision set out in the recommendation section of the report and any significant issues are set

out below.

It is considered that the routine inspection arrangements set out in Appendix A to this report can be accommodated within the overall resource for achieving compliance with the relevant licensing requirements, within the legal framework referred to, and providing for inspections etc to be arranged in response to intelligence received or complaints made.

#### **USE OF RESOURCES AND VALUE FOR MONEY**

The intention in setting a schedule of routine inspections is to ensure resources are dedicated in a programmed way to inspections of those who hold licences, consents, permits etc from the Council (as Licensing Authority). As such it seeks to support the policy objectives of the Council exercising licensing functions.

In addition to identifying individual enforcement needs for a specific licensee, permit or consent holder etc, it will act to support future guidance and enforcement for a wider group of licensees and policy development by the Council. As such it is intended to support well informed decision making and improve efficiency going forward. These routine inspections are intended to be in addition to reactive enforcement based on information received and activity around enforcement covering those who are currently unlicensed. The allocation of resources across all of these areas of enforcement will need to be applied flexibly based on circumstances

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The various calls on enforcement resources will be monitored to support appropriate decision making in this element of licensing.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	As set out above, the development of a schedule of routine inspections is designed, over time, to support decision making by the Council.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As delivery of the routine inspections programme takes place it will be monitored and lessons learned will fed back into practices, resources allocated and policy / guidance. This approach is intended to support efficiency of the service.

#### **MILESTONES AND DELIVERY**

The report sets out the proposed enforcement activity to be undertaken in 2023 and invites the Committee to consider approving this Schedule for Inspections with a view to reviewing this in early 2024 based on experience of applying the schedule.

#### **ASSOCIATED RISKS AND MITIGATION**

The two most significant risks would be that the Council does not inspect licences sufficiently on a routine basis (that the licensing regime does not function effectively to achieve compliance) and, in a potentially competing way, that it applies excessive resource to routine inspections (and this in turn means that it is unable to respond appropriately to intelligence it receives of potentially unauthorised licensable activity or complaints from consumers or others about the actions of licensees in respect of licensable activities).

It is the role of Officers, initially, and the Committee, periodically, to consider issues identified as risks and determine the appropriate responses.

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

The following Council Units or Officers and/or other organisations have been consulted in preparing this report: Management Team

The comments received have been taken into account in the preparation of the report.

#### **EQUALITIES**

In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:

- eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act);
- advance equality of opportunity between people who share a relevant characteristic and people who do not;
- foster good relations between people who share a protected characteristic and people who do not.

#### **SOCIAL VALUE CONSIDERATIONS**

Well regulated activities should, of themselves, contribute to the overall economic, social and environmental well-being of the District. The adoption of the proposed schedule of routine inspections seeks to support well regulated licensable activities.

#### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030**

There are no environmental implications arising directly from the content of this report.

#### **OTHER RELEVANT IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

##### **Crime and Disorder**

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area. The schedule of routine inspections seeks to support this duty.

##### **Health Inequalities**

There are no direct implications arising from the proposals set out in this report.

<b>Area or Ward affected</b>	All
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### PART 3 – SUPPORTING INFORMATION

<b>BACKGROUND</b>
In addition to the activity identified in the schedule at Appendix A the Council’s Officers also routinely check publicly available information in local publications and the internet for evidence to inform pro-active compliance activity. Officers also receive information from a variety of other sources that assist intelligence for the Council’s licensing function. The action taken will depend upon the nature of the information and the extent to which it identifies non-compliances/offences and offenders and the risk of harm to the public and consumers. Some of this information may be through complaints about the activities of individuals/organisations that are undertaking unauthorised licensable activity or activity that is contrary to the basis on which a licence is held. Such pro-active and responsive compliance activity will constitute the majority of the time resource available within the team concerned.
<b>PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.</b>
Not Applicable
<b>BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL</b>
None

<b>APPENDICES</b>
Appendix A – Proposed Schedule of Routine Licensing Inspections for 2023

<b>REPORT CONTACT OFFICER(S)</b>	
<i>Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.</i>	
<b>Name</b>	Michael Cook Keith Simmons
<b>Job Title</b>	Licensing Manager Head of Democratic Services and Elections
<b>Email/Telephone</b>	<a href="mailto:licensingsection@tendringdc.gov.uk">licensingsection@tendringdc.gov.uk</a> 01255 686565

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**Schedule of Routine Licensing Inspections for 2023**

<b>Licence Type</b>	<b>Number of Licences, Permits etc</b>	<b>Routine Inspection</b>
Street Collections	24	At least twelve Street Collections will be checked 'on-street' each year to check for compliance with Regulations. The reports from the inspections will then identify any further matters requiring action.
Private Hire Vehicles	26	<p>The vehicles are subject to two mechanical tests and a MOT each year.</p> <p>Any vehicle that is aged 10 years plus will be called in for visual inspection throughout the year.</p> <p>Visual Inspections are carried out following reports of damage or accident to the vehicle.</p> <p>Visual Inspections are carried out as part of the Operators check.</p>
Hackney Carriage Vehicle	201	<p>The vehicles are subject to two mechanical tests and a MOT each year.</p> <p>Any vehicle that is aged 10 years plus will be called in for visual inspection throughout the year.</p> <p>Visual Inspections are carried out following reports of damage or accident to the vehicle.</p> <p>At least 12 taxi rank inspections will be carried out throughout the year to check on compliance. A visual inspection will also be carried out at this time.</p> <p>The Council will seek to conduct a joint operation with Essex Police which will involve stopping and inspecting vehicles, checking on compliance and safety of the vehicle.</p>
Private Hire Operators	19	The Council will seek to visit a quarter of private hire operators within a year to check compliance with the conditions of their Licence; including daily and periodic vehicle maintenance checks.
Private Hire / Hackney Carriage Drivers Licence	285	Drivers are seen each year through routine daily interactions with the licensed trade. This includes application process, during vehicle and rank

**A2 – APPENDIX A – PROPOSED ENFORCEMENT SCHEDULE**

		inspections as well as any complaints received. The Council will monitor numbers of licenses seen with a view to one fifth of all licences being seen in a year.
Sex shops/Sexual Entertainment Venues	1	At least one visit will be undertaken to the establishment to check on compliance.
Street Trading Consent (Except at Dovercourt Market)	7	At least two visits per year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Street Trading Consent (Dovercourt Market)	13	At least two visits per year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Scrap Metal Site Licence	15	At least one compliance check to be carried out throughout the period of the licence by an authorised Council Officer. One fifth of all licences will be routinely inspected each year.  The Council will seek to do joint enforcement operations with Essex Police.
Temporary Event Notice (TENS) under Licensing Act 2003	348	The Council will seek to visit at least twelve events authorised by a TEN throughout the year to ensure that the organisers are aware of their responsibilities under such Notices. The reports from the inspection will then identify any further matters requiring action.
Premises Licences under Licensing Act 2003	560	40% of licensed premises will receive a compliance visit within the year.  A rolling programme of visits to licensed premises is underway to check compliance by the Premises Licence. The reports from the inspection will then identify any further matters requiring action.  The Council seeks to conduct joint inspection exercises throughout the year with other responsible authorities e.g. Police and Environmental.
Club Premises Certificates under Licensing Act 2003	55	30% of licensed premises will receive a compliance visit within the year.  A rolling programme of visits to licensed premises is underway to check compliance by the Premises Licence. The reports from the inspection will then identify any further matters requiring action.



**A2 – APPENDIX A – PROPOSED ENFORCEMENT SCHEDULE**

		The Council seeks to conduct joint inspection exercises throughout the year with other responsible authorities e.g. Police and Environmental.
Adult Gaming Centres under Gambling Act 2005	19	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action. As such 50% of licenced will be visited routinely this year/
Betting Premises under Gambling Act 2005	11	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Bingo Premises under Gambling Act 2005	14	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Family Entertainment Centres under Gambling Act 2005	2	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Unlicensed Family Entertainment Centres under Gambling Act 2005	29	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Prize Gaming Permits under Gambling Act 2005	2	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Club Gaming & Club Machine Permits under Gambling Act 2005	24	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Licensed Premises Gaming Machine Permits under Gambling Act 2005	21	These will be inspected on the same basis as the LA2003 Premises Licence held.
Licensed Premises Machine Notifications under Gambling Act 2005	114	These will be inspected on the same basis as the LA2003 Premises Licence held.
Boats	30	At least four visits will be made to the Harbours and compliance checks will be carried out in respect of licensed boats there.
Boatman	40	At least four visits will be made to the Harbours and compliance checks will be carried out in respect of licensed boatman there.

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## LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

#### A3. REVIEW OF THE LICENSING FEES AND CHARGES 2023

(Report prepared by Michael Cook and Keith Simmons)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To submit to the Committee details of the current licensing fees and charges for the issuing and renewal of licenses, consents, and permits issued by the Council's Licensing Team and to seek approval for changes set out to those fees and charges to take effect from 1 April 2023 (or as soon as practicable thereafter taking account of legislative requirements).

In broad terms, where discretion exists for the Council to set fees for licences etc, it is proposed that those fees be increased by 7%. This represents the average additional staffing costs increase from the Pay Award to council staff for 2022/23.

##### EXECUTIVE SUMMARY

Officers have reviewed the fees and charges payable for applications within the remit of the Committee and, where a discretion exists, propose that increases be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned. The proposed fees and charges for 2023/24 are set out within Appendix A to this report.

Where discretion permits, the proposals at Appendix A envisage an increase of approximately 7% on the correct fees for licensing activities. This reflects the average additional cost arising from the Pay Award for council staff. Staff costs are a major element of costs to be recovered from licence fees.

##### RECOMMENDATION(S)

It is recommended that:

- 1) the proposed fees and charges set out in Appendix A be approved with effect from April 2023;
- 2) the Licensing Manager be authorised to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions; and
- 3) that, further to 2) above, the Head of Democratic Services and Elections, be authorised to consider any objections received and determine the final fees payable in consultation with the Chairman of this Committee.

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<b>REASON(S) FOR THE RECOMMENDATION(S)</b>
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The Council has made provision in its Constitution (at Part 3.20) for the setting of fees for licences falling within the remit of this Committee to be determined by it.

<b>ALTERNATIVE OPTIONS CONSIDERED</b>
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Where a discretion exists in relation to fees and charges for licences etc, consideration has been given to not increasing the fees payable. However, the costs associated with providing the licensing service have increased since they were last amended and it is necessary for the service to be, so far as possible, cost neutral. That is to say that, for each relevant licence type, all relevant costs are recovered from the income derived from the fees and charges for that distinct area of licensing.

## **PART 2 – IMPLICATIONS OF THE DECISION**

<b>DELIVERING PRIORITIES</b>
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The proposed revised fees and charges are intended to support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

<b>LEGAL REQUIREMENTS (including legislation &amp; constitutional powers)</b>
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The express legislative powers in respect of the various district areas of licensing are set out below:

<b>Licence Type</b>	<b>Charging Power</b>
Scrap Metal Dealers*	Paragraph 6 of Schedule 1 to the Scrap Metal Dealers Act 2013
Pet Shop Licences*	Section 1(2) of the Pet Animals Act 1951
Private Hire and Hackney Carriage Drivers' Licences	Section 53(2) of Part II to the Local Government (Miscellaneous Provisions) Act 1976
Private Hire and Hackney Carriage Vehicles and Private Hire Operators 'Licences	Section 70(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976
Sex Establishment (Sex Shops and Sexual Entertainment Venues) Licences*	Paragraph 19 of Schedule 3 to Part II of the Local Government (Miscellaneous Provisions) Act 1982

Street Trading Consents*	Paragraphs 9(1) and 9(5) of Schedule 4 to Part III of the Local Government (Miscellaneous Provisions) Act 1982
Authorisations under the Licensing Act 2003	Various Sections of the Licensing Act 2003 and Regulations under the Licensing Act 2003 (Fees) Regulations 2005
Authorisations under the Gambling Act 2005	Various Sections of the Gambling Act 2005 and Regulations under the Gambling (Premises Licence Fees)(England and Wales) Regulations 2007

The legislative provisions have been considered in the preparation of this report.

Certain licensing activities are subject to fees/charges set nationally. Other activities are subject to maximum fee levels with a discretion for the Authority up to that maximum. A third set of licensing activities are not subject to a nationally set maximum and the discretion is for the licensing authority. The final set of licensing activities provided for no charges to be made by the Council. In considering the Council's discretion on licensing fees there is a long, established principle that the charging power is not a revenue raising power. As such, charges should stand not seek to recover more that the administrative costs of the Authority relevant to the licensing activities.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

Within the legislative framework set out above, the Licensing Team aims to recover all reasonable costs. In a number of areas, statute dictates whether a fee may or may not be charged and the level of any charge.

In general terms, a 7% increase has been applied to licence fees where there is a discretion to apply an increase. This represents the increase in staffing costs in 2022/23.

#### **USE OF RESOURCES AND VALUE FOR MONEY**

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The monitoring of reserves deployed to licensing activities is a critical function to setting fees to recover those costs and ensure licencing is sustainable where a discretion exists.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This report sets out that the Council will be supported in decision making on fees and charges for licensing.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The approach to licensing fee setting seeks to ensure it is efficient and economical.

#### **MILESTONES AND DELIVERY**

The report sets out the proposed fees and charges to be undertaken from April 2023 (or as soon as is practicable thereafter) and invites the Committee to consider approving these as set

out in Appendix A.

#### **ASSOCIATED RISKS AND MITIGATION**

If the Committee determined that no increases in fees are appropriate, this could place a unnecessary financial burden on licensing budgets that may require support from the Council's General Fund. This in turn may mean that other activities or the Council are adversely affected.

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

The following Council Units or Officers and/or other organisations have been consulted in preparing this report: Management Team

Depending on Members decision, in respect of certain fees, there is a requirement to publicise any proposed increases in Hackney Carriage/Private Hire Vehicle/Operator license fees, in a local newspaper. This allows a period for objections to be made. How this consultation takes places is set down within legislation.

#### **EQUALITIES**

There are no direct equality implications. The proposed fees (where discretion exists) in essence seek to broadly maintain their level after general inflation has been accounted for.

An Equality Impact Assessment has therefore not been completed as part of this process. However, the preparation of the report has taken account of the Public Sector Equality Duty.

#### **SOCIAL VALUE CONSIDERATIONS**

Well regulated activities should of themselves contribute to the overall economic, social and environmental wellbeing of the District. The fees proposed seek to support an efficient licensing function to support well regulated licensed activities accounted in the District.

#### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030**

There are no direct implications for climate change, arising from the recommendations as set out in this report.

#### **OTHER RELEVANT IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

##### **Crime and Disorder**

There are no direct implications for crime and disorder, arising from the proposals set out in this report.

##### **Health Inequalities**

There are no direct implications for public health, arising from the proposals in this report.

##### **Area or Ward affected**

All

**ANY OTHER RELEVANT INFORMATION**

None

**PART 3 – SUPPORTING INFORMATION****BACKGROUND**

The Council last amended its fees and charges change for Hackney Carriage and Private Hire Driver, Vehicle and Operator licences in 2012. No increase has occurred since then.

In proposing the fees for 2023 we have been mindful of the current cost of living increases, the continued effect of the economy post pandemic on the licensed trade, and the increases in costs to the Council arising from general inflation.

In relation to Hackney Carriage and Private Hire Operator and Vehicle Licensing, there is a requirement in Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 for the Council to publish in at least one local newspaper a notice setting out proposed fees (where it is intended to vary these). A copy of the notice must also be made available at the Council's office for twenty eight days from the date of the publication. During that period, objections may be made and the Council must consider these objections and set a date for the confirmed/modified fees to come into effect. The date must be no later than two months after the first proposed date with the pre-election period commencing on 13 March and no planned meeting of the Licensing and Registration Committee before 1 June 2023. It is proposed that consideration of any objections be delegated to the Head of Democratic Services and Elections in consultation with the Chairman of this Committee.

**PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.**

None

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES**

Appendix A – List of current fees and the proposed increases (Licensing Team)

**REPORT CONTACT OFFICER(S)**

*Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*

**Name****Michael Cook  
Keith Simmons****Job Title****Licensing Manager  
Head of Democratic Services and Elections****Email/Telephone**[licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
**01255 686565**





**LIST OF CURRENT FEES AND THE PROPOSED INCREASES**

<b>Key to Notes</b>	
Local Set	These fees are set by Local Government to a cost natural basis.
Scoped Fees	The regulations allow a minimum and maximum fee to be charged. The fees laid out are within this scope.
Set Fees	The regulations set out a standard fee to be charged.

<b>VEHICLES</b>		<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant [Hackney or Private Hire]		334.00	370.00 (Now to include Bracket)	10.8	Local Set
Renewal [Hackney or Private Hire]		334.00	358.00	7.2	Local Set
Temporary Plate		80.00	86.00	7.5	Local Set
Change of Vehicle [Mechanical Test fee & Plate]		62.00	67.00	8.1	Local Set
Change of Owner		N/A	N/A	N/A	Local Set
Retest Fee after failure with 3 or less minor faults		32.00	34.00	6.3	Local Set
Retest Fee after failure with more than 3 faults/vehicle ramp		55.00	59.00	7.3	Local Set
Retest Fee after accident		55.00	59.00	7.3	Local Set
Failure to attend Mechanical Test		28.00	30.00	7.1	Local Set
Meter Fare Check		43.00	46.00	7	Local Set
Replacement MOGO Bracket		10.00	11.00	10	Local Set
Replacement MOGO Plate		7.00	8.00	14.3	Local Set
Replacement MOGO Pegs		1.00	1.50	50	Local Set
A5 photoluminescent vinyl window sticker		3.00	3.50	16.7	Cost Price
Window stickers - Emergency Exit Only etc.		2.00	2.50	25	Cost Price
2 x Vinyl strips to fit onto seat handles		1.00	1.50	50	Cost Price
<b>DRIVERS</b>		<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	Three Years	274.00	293.00	6.9	Local Set
Grant	Two Years	230.00	246.00	6.9	Local Set
Grant	One Year	197.00	210.00	6.6	Local Set
Renewal	Three Years	150.00	160.50	7	Local Set
Renewal	Two Years	125.00	135.00	8	Local Set
Renewal	One Year	98.00	105.00	7.1	Local Set

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Replacement ID Card	12.50	13.50	8	Local Set
Replacement/Re-issue Licence	12.50	13.50	8	Local Set
Change of Name or Address	12.50	13.50	8	Local Set
Criminal Records Bureau	40.00	40.00	N/A	Set Fee
<b>PRIVATE HIRE OPERATOR</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant/Renewal [Five year licence including 1 vehicle]	367.00	393.00	7.1	Local Set
Additional Vehicle	153.00	164.00	7.2	Local Set
<b>STREET TRADING CONSENT</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant/Renewal	530.00	567.00	7	Local Set
Dovercourt Market Grant/Renewal	75.00	80.00	6.7	Local Set
<b>SEX SHOP LICENCE</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant / Renewal	989.00	1058.00	7	Local Set
Transfer	377.00	403.00	6.9	Local Set
<b>FILM CLASSIFICATIONS</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	
Set fee for Committee	250	300	20	Local Set
Officer Viewing Footage (60 mins)	20	30	50	Local Set
<b>BOATS</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Boat Grant/Renewal	54.00	58.00	7.4	Local Set
Boatman Grant / Renewal	54.00	58.00	7.4	Local Set
<b>SCRAP METAL</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Scrap Metal Site Licence (Grant)	320.00	342.00	6.9	Scoped fees
Scrap Metal Site Licence (Renewal)	190.00	203.00	6.9	Scoped fees
Scrap Metal Site Licence (Variation)	30.00	32.00	6.7	Scoped fees
Scrap Metal Collectors Licence (Grant)	200.00	214.00	7	Scoped fees
Scrap Metal Collectors Licence (Renewal)	130.00	139.00	6.9	Scoped fees
Scrap Metal Collectors Licence (Variation)	30.00	32.00	6.7	Scoped fees
<b>ADULT GAMING CENTRE LICENCE</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	656.00	702.00	7	Scoped fees
Annual Fee	375.00	401.00	6.9	Scoped fees
Vary Licence	316.00	338.00	6.9	Scoped fees
Transfer Licence	95.00	102.00	7	Scoped fees
Reinstatement of Licence	84.00	90.00	7	Scoped fees
Provisional Statement	656.00	702.00	7	Scoped fees
Change of Circumstances	25.00	25.00	0	Scoped fees

Appendix A – Report A3

Copy of Licence	15.00	15.00	0	Scoped fees
<b>BETTING PREMISES [OTHER] LICENCE</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	656.00	702.00	7	Scoped fees
Annual Fee	375.00	401.00	6.9	Scoped fees
Vary Licence	316.00	338.00	6.9	Scoped fees
Transfer Licence	95.00	102.00	7	Scoped fees
Reinstatement of Licence	84.00	90.00	7	Scoped fees
Provisional Statement	656.00	702.00	7	Scoped fees
Change of Circumstances	25.00	25.00	0	Scoped fees
Copy of Licence	15.00	15.00	0	Scoped fees
<b>BINGO PREMISES LICENCE</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	656.00	702.00	7	Scoped fees
Annual Fee	375.00	401.00	6.9	Scoped fees
Vary Licence	316.00	338.00	6.9	Scoped fees
Transfer Licence	95.00	102.00	7	Scoped fees
Reinstatement of Licence	84.00	90.00	7	Scoped fees
Provisional Statement	656.00	702.00	7	Scoped fees
Change of Circumstances	25.00	25.00	0	Scoped fees
Copy of Licence	15.00	15.00	0	Scoped fees
<b>FAMILY ENTERTAINMENT CENTRE PREMISES LICENCE</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	656.00	702.00	7	Scoped fees
Annual Fee	375.00	401.00	6.9	Scoped fees
Vary Licence	316.00	338.00	6.9	Scoped fees
Transfer Licence	95.00	102.00	7	Scoped fees
Reinstatement of Licence	84.00	90.00	7	Scoped fees
Provisional Statement	656.00	702.00	7	Scoped fees
Change of Circumstances	25.00	25.00	0	Scoped fees
Copy of Licence	15.00	15.00	0	Scoped fees
<b>UNLICENSED FAMILY ENTERTAINMENT CENTRE</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
New Operator	300.00	300.00	N/A	Set Fees
Existing Operator	100.00	100.00	N/A	Set Fees
Renewal	300.00	300.00	N/A	Set Fees
Change of Name	25.00	25.00	N/A	Set Fees

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Copy of Permit	15.00	15.00	N/A	Set Fees
<b>PRIZE GAMING</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
New Operator	300.00	300.00	N/A	Set Fees
Existing Operator	100.00	100.00	N/A	Set Fees
Renewal	300.00	300.00	N/A	Set Fees
Change of Name	25.00	25.00	N/A	Set Fees
Copy of Permit	15.00	15.00	N/A	Set Fees
<b>CLUB GAMING AND CLUB MACHINE PERMIT</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
New Operator	200.00	200.00	N/A	Set Fees
Existing Operator	100.00	100.00	N/A	Set Fees
Renewal	200.00	200.00	N/A	Set Fees
Variation of Permit	100.00	100.00	N/A	Set Fees
Copy of Permit	15.00	15.00	N/A	Set Fees
Annual Fee	50.00	50.00	N/A	Set Fees
<b>LICENSED PREMISES (PUBS)</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
New Operator	150.00	150.00	N/A	Set Fees
Existing Operator	100.00	100.00	N/A	Set Fees
Variation of Permit	100.00	100.00	N/A	Set Fees
Transfer of Permit	25.00	25.00	N/A	Set Fees
Change of Name	25.00	25.00	N/A	Set Fees
Copy of Permit	15.00	15.00	N/A	Set Fees
Annual Fee	50.00	50.00	N/A	Set Fees
Notice of Intention. Two or less Category C or D Gaming Machines	50.00	50.00	N/A	Set Fees
<b>SMALL SOCIETY LOTTERIES</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	40.00	40.00	N/A	Set Fees
Annual Fee	20.00	20.00	N/A	Set Fees
<b>TEMPORARY USE NOTICE</b>	<b>FEE £</b>	<b>Proposed Fee £</b>	<b>% Increase</b>	<b>Notes</b>
Grant	214.00	230.00	7.5	Scoped fees

## LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

#### A4. DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

The Committee has previously been advised that the Council has a range of separate licensing policies in respect of Hackney Carriage and Private Hire licensing. In addition the Committee has been informed that government has issued statutory guidance to Councils to develop a single cohesive policy covering the range of licences concerned.

In order to develop such a cohesive policy it is important that the range of separate policies are reviewed and that areas of Hackney Carriage/Private Hire licensing where the Council has no current licensing policy are examined in undertaking this developmental work. Consultation has been undertaken and research with other Councils initiated. This report sets out the outcome of this consultation and research. It also references a Government consultation on possible revisions to a national good practise guide to licensing authorities.

The pre-consultation questionnaire was available for a period of 8 weeks commencing 14 December 2022. During this time 44 comments were made during the consultation period. These are set out in Appendix A for their comments to be considered prior to any policy being drafted.

The Committee is requested to consider the information in this report and to indicate policy areas it is minded to see included in a new cohesive policy document that can be prepared by Officers.

###### EXECUTIVE SUMMARY

The Committee, at its meeting on 3 November 2022 (minute 134 refers), authorised officers to develop a comprehensive policy statement in relation to the licensing of Taxi and Private Hire Services in the District. The initial element of the work in this regard was to consider the Department for Transport's 2022 consultation draft on a new best practice guide to Councils in respect of this area of licensing, to consult with stakeholders on the content of a new cohesive licensing policy and to research elements of licensing policy adopted by a range of Councils in the region.

As reported to the meeting of the Committee on 3 November, a key impetus towards the development of a cohesive licensing policy in this area has been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by

Government.

In referencing licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire vehicle standards, it reads:

*“The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.*

*When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings.”*

Through this report, the Committee is invited to consider the information provided and to indicate to officers its wishes for the content of the cohesive licensing policy. Officers will then draft such a policy with a view to presenting this for consideration at the first meeting of the Committee following the elections to the Council on 4 May 2023.

A presentation will be made at the meeting in respect of the Council’s current separate licensing policies as set out in the ‘Background’ section of this report.

## **RECOMMENDATION(S)**

**It is recommended that the Committee:**

- 1. Considers the content of the report and particularly, (a) the Department for Transport’s 2022 consultation draft on a new best practice guide to Councils in respect of this area of licensing, (b) the outcome of consultation with stakeholders on the content of a new cohesive licensing policy and (c) the information obtained from research of elements of licensing policy adopted by a range of Councils in the region;**
- 2. indicates areas of relevant licensing policy that it considers should be set out in the cohesive licensing policy statement for Hackney Carriage and Private Hire Services being developed by this Council and any further information that should be obtained to support the development of such a cohesive licensing policy;**
- 3. confirms that a draft cohesive licensing policy statement should be submitted to the first meeting of this Committee following the elections to the Council on 4 May 2023; and**
- 4. notes that the development of the cohesive licensing policy statement will involve a further period of consultation and all views received will then be submitted for consideration by the Committee prior to adoption of a finalised licensing policy statement.**

## **REASON(S) FOR THE RECOMMENDATION(S)**

The steps outlined in the recommendations above seek to support the Committee in good decision making in this area of licensing and, in this regard, recognise the legitimate rights of

licensees to be consulted at formative stages of policy development. The development of a cohesive licensing policy reflects the recommendations from the Department for Transport as set out in its 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020).

## **ALTERNATIVE OPTIONS CONSIDERED**

There is no good reason identified to depart from the recommendation to the Council from the Department for Transport review its Taxi Licensing Policy and develop a cohesive statement of licensing policy in this area of licensing.

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

While recognising that the primary and overriding objective of the licensing framework for hackney carriage and private Hire Services must be to protect the public, the proposed comprehensive Taxi and Private Hire Policy would support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

### **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

The legislative framework in which the Council considers applications for Taxi and Private Hire Driver, Vehicle and Operator Licence and renews, suspends or revokes those licences is set out in the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This framework has been amended and supplemented from time to time. In applying that framework, the Council must have regard to the statutory taxi and private hire vehicle standards issued by Government in July 2020. Likewise, it will give due consideration to the Government's guidance to licensing authorities on the exercise of their licensing functions for Taxi and Private Hire Services.

"Having regard" to guidance requires public authorities, in formulating a policy to give considerations the weight of which is proportionate in the circumstances. Given this is statutory guidance issued directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these recommendations cannot be overestimated.

Within the 1976 Act, there are provisions that permit Councils to attach conditions to the grant of Taxi and Private Hire Driver, Vehicle and Operator licences as it may consider reasonably necessary. This discretion must be relevant to the role of the Council as a licensing authority.

As with all other areas of its activity, a local authority is entitled to adopt policies in relation to taxi and private hire licensing. Policies are an integral part of the decision making process and should be used to inform, guide and provide a valuable aid to the decision makers in assisting them with consistent decision making.

Irrespective of a policy statement, it continues to be the case that each request, review,

application, or case must be considered and decided in its own right and on its own merits taking into account the policy in question. Where departure from a policy of the Council is proposed it should be accompanied by reasons to explain the departure in licensing terms. Officers, in their decision-making on applications, renewals, suspension and revocation situations will apply the policy of the Council.

### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

The cost of the activity in support of developing the comprehensive Taxi and Private Hire Policy (in terms of production, consultation and publication) will be met from the current service budget.

### **USE OF RESOURCES AND VALUE FOR MONEY**

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The development of a cohesive policy for this area of licensing will assist in the allocation of resources to achieve the intentions of the policy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	A cohesive policy will support a shared understanding of the Council's expectations in this area of licensing.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Reporting on the application of the Council's policy is envisaged following its adoption. This will ensure resources can be focussed as policy is developed.

### **MILESTONES AND DELIVERY**

This report sets out the approximate timescales/milestones for a draft Hackney carriage and Private Hire licensing policy to be adopted.

### **ASSOCIATED RISKS AND MITIGATION**

By not incorporating the stand-alone policies into one comprehensive policy it may result in drivers and vehicle standards falling below the professional levels expected from members of the public and may have an impact on their safety.

### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

In accordance with the decisions taken at the 3 November 2022 meeting of this Committee, consultation on a number of areas of Hackney Carriage and Private Hire Licensing commenced on 14 December 2022. A web-page was created for the consultation on the Council's website and emails/newsletters were sent to various stakeholders signposting them to the questionnaire.

The consultation included:

- All licensed Hackney Carriage and Private Hire Drivers
- All vehicle licence holders



- All licensed Private Hire Operators
- All applicants with pending Hackney Carriage/Private Hire applications
- DVSA and ROSPA
- A range of partner organisations such as in health, universities and community groups (including Citizens Advice Tendring, Community Voluntary Service Tendring and Age UK) and business organisations such as the Federation of small businesses and local business associations of Clacton, Frinton and Manningtree.
- Responsible Authorities
- Essex County Council Child Protection Unit
- Essex Police
- Institute of Licensing
- A range of licence holders of local premises licences (including pubs, off-licences, late night refreshment premises and night time economy)

The outcome of the consultation is set out at Appendix A to this report.

The research into Licensing Policies for Hackney Carriage and Private Hire Services in place at other Councils in the Region is set out at Appendix B to this report.

The following Council Units or Officers and/or other organisations have been consulted in preparing this report:

Management Team

The comments received have been taken into account in the preparation of the report.

## **EQUALITIES**

In developing a new cohesive Taxi and Private Hire Licensing Policy Statement, the Council will have due regard to its public sector equality duty to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **SOCIAL VALUE CONSIDERATIONS**

Well regulated activities should, of themselves, contribute to the overall economic and social wellbeing of the District. The adoption of a cohesive Hackney Carriage and Private Hire Licensing Policy seeks to support well regulated licensable activities.

## **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030**

There are no environmental implications arising directly from the content of this report.

## **OTHER RELEVANT IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

<b>Crime and Disorder</b>	In undertaking these licensing functions the Council will have regard to the duty upon it by virtue of section 17 of the Crime and Disorder Act 1998 (duty to take into account the prevention of Crime and Disorder).
<b>Health Inequalities</b>	There are no direct implications arising from the proposals set out in this report.
<b>Area or Ward affected</b>	All

#### ANY OTHER RELEVANT INFORMATION

Below are tables that quantify information in relation to the vehicles licensed by this Council as Taxis or Private Hire Vehicles.

Saloon & Estates (Normal Vehicles)		
Under 5 Years	5-10 Years	Over 10 Years
45	144	29
Electric Vehicles		
Under 5 Years	5-10 Years	Over 10 Years
2	2	0
Purpose Built London Style Taxi and Wheelchair Accessible Vehicles		
Under 5 Years	5-10 Years	Over 10 Years
0	3	2
Overall Vehicles Total		
Under 5 Years	5-10 Years	Over 10 Years
47	149	31

### PART 3 – SUPPORTING INFORMATION

#### BACKGROUND

The Department for Transport issued best practice guidance to Councils in 2006 to assist with their role as a regulator in this sector. In 2022, the Department undertook consultation on possible revisions to that best practice guidance. The consultation concluded on 20 June 2022 and the Department for Transport website indicated that it is analysing the feedback received.

The consultation issued by the Department for Transport covered subject areas of:

- Driver licensing – proficiency
- Driver licensing – vocational training and assessment
- Vehicle licensing – tinted windows
- Vehicle licensing – identification and signage
- Vehicle licensing – age limits
- Vehicle and Driver licensing - accessibility
- Point-based enforcement systems
- Vehicle condition (daily) checks
- Vehicle safety ratings
- Seating capacity

Obtaining details of vehicle tests, including failures  
Taxi rank provision reviews every 3 years  
Sample notices between licensed driver and passenger  
Staying safe guidance for licensed drivers  
Assessing hackney carriage quantity controls

A link to the full consultation is available here:

[Taxi and private hire vehicle: best practice guidance to assist licensing authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-best-practice-guidance-to-assist-licensing-authorities)

The consultation undertaken locally, set out in the “Outcome of Consultation and Engagement” section of this report, utilised the 2022 Department of Transport consultation on its best practice guidance to Councils to inform elements of the questions posed.

The Council has, from time to time, adopted a number of stand-alone policies in respect of Taxi and Private Hire Services. These include:

### **Taxi/Private Hire Driver Suitability / Knowledge Test**

The current suitability and knowledge test for all new drivers was endorsed by the Licensing Committee at its meeting of the 1 November 2011 and went live in April 2012. This was subsequently reviewed in December 2014.

Applicants have to successfully complete a suitability test prior to being handed a driver application form to complete and submit. The suitability test covers numeracy, literacy, map reading, dates, and times.

Once an applicant has submitted the main application form, they have to complete successfully a knowledge test. The suitability test covers numeracy, literacy, map reading, dates, and times. The knowledge test covers road signage, highway code, routes of roads within the Tendring area, places of interest and local knowledge, and conditions, Law and Equality.

All of the above criteria have been in place since April 2012 and it would be prudent to review their effectiveness, proportionality and reasonableness in relation to the Council’s responsibilities to ensure that all applicants for taxi and private hire drivers licences are “fit and proper persons” to be granted such a licence.

The Licensing Committee introduced these tests in order that the public can have full confidence in licensed Tendring drivers and that we have a respected, professional and prosperous taxi trade in Tendring.

### **Maximum Vehicle Age Limits for Licensing Taxi and Private Hire Vehicles**

The Council’s upper age limit policy in relation to taxi and private hire vehicles was determined at a meeting of the Licensing Committee held on the 9 April 2014. Minute 22 refers. A review of this policy was then agreed on 30 January 2019. Minute 72 refers to include Electric Vehicles.

The policy adopted a maximum upper age limit of 12 years for saloon, estate and MPV (people carrier) type vehicles, Electric Vehicles are licensed until they are 13 years old and purpose built London style Taxi and Wheelchair Accessible Vehicles are licensed until they are 15 years old.

The reasoning for the 13 year limit for Electric Vehicle and 15 year limit for purpose built London style Taxi and Wheelchair Accessible Vehicles was to act as an incentive to encourage the trade to consider purchasing these types of vehicles.

These incentives were to help contribute towards reducing greenhouse gas emission and air pollution on our roads by purchasing an Electric Vehicle and to off-set the cost of a wheelchair accessible vehicle as it is considerably higher than that of an ordinary saloon or MPV type vehicle.

The Miscellaneous Licensing Sub-Committee has submitted a request for the Licensing Committee to review the Council's policy on the maximum upper age limit that Taxi and Private Hire vehicles can be licensed for.

All vehicles are subject to a yearly inspection by Licensing Officers once the vehicle is 10 years old.

In the 'Any Other Relevant Information' section of the report are age ranges for licensed vehicles. In reviewing this area of policy, the Committee's attention is drawn to that data.

### **Other Stand alone policies that have been adopted over time in respect of Taxi and Private Hire Services.**

These include:

Taxi and Private Hire Drivers Assessment.

Medical Examination – Due on every application and once 65 years old, every year.

Passenger Assisted Transport (PATs) course or a Business Technology Education Council (BTEC) award in transporting passengers by hackney carriage (Taxi) or Private Hire.

CSE Child Sexual Exploitation Training (A number of documents have been sent to licensed drivers as part of this. Training is proposed and was put on hold due to COVID-19 pandemic but will perform part of the overall policy).

Applicants must have held a full DVLA licence for at least 4 years for a new application.

Disclosure and Barring Service (DBS) Enhanced Check.

Drivers dress code (2014).

Vehicle guidelines to ascertain seating capacity including boot button release.

Advertising door signs (2014).

The policy which restricted more general advertising on doors of taxis and private hire vehicles was amended and relaxed by the Council's Licensing Committee at its meeting of the 29 July 2014.

Warning Protocol for Hackney Carriage Drivers/Vehicles Owners and Operators (2009).

If drivers, operators or vehicle owners receive three written warnings for clear and provable breaches of conditions and/or traffic offence within a rolling 12 month period they are to be brought before the Miscellaneous Licensing Sub Committee for

Members to determine whether they are fit and proper and the action (if any) that should be taken which could include suspension or revocation of their licences.

To assist the Committee, at the meeting, there will be explanations of these separate policies.

**PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.**

Licensing and Registration Committee – 3 November 2022, Minute 134

Records show that the various stand-alone policies were first implemented as early as 1975 although these will have been amended/updated since then.

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

**APPENDICES**

**Appendix A - Taxi Policy Pre-Consultation Survey Results and summarised comments.  
Appendix B - Research on Taxis for Local Authorities near Tendring.**

**REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Michael Cook Keith Simmons</b>
<b>Job Title</b>	<b>Licensing Manager Head of Democratic Services and Elections</b>
<b>Email/Telephone</b>	<b><a href="mailto:licensingsection@tendringdc.gov.uk">licensingsection@tendringdc.gov.uk</a> 01255 686565</b>

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## Appendix A

### Taxi Policy Pre-Consultation Survey Results

Number of Responses: 44

Responses received from the following:

Please note that on some occasions there are more than one category that the response has come under.

Licensed Driver Only with TDC:	3
Licensed Driver and Vehicle Holder with TDC:	18
Licensed Driver, Vehicle and Operator Holder with TDC:	2
Currently going through process of becoming a driver:	2
Stakeholders (Organisations)	2
General Public:	17

Which area of Tendring do you live in?

Brightlingsea	1	Harwich	10
Clacton	18	Kirby / Walton	5
Great Bentley	1	Little Clacton & Weeley	2
Great Clacton	2	Outside Tendring area	4
Great Holland	1		

## VEHICLES

### **Wheelchair Accessible Vehicles**

The Council is committed to improving the provision of Hackney Carriage and Private Hire services for all passengers. To fulfil this commitment, it is important that all passengers are considered.

Although some local authorities have moved to 100% wheelchair accessible fleets, such vehicles may create access issues for passengers who do not require a wheelchair but do have other disabilities or limited mobility.

The council is keen to increase the availability of wheelchair accessible vehicles, but it is not proposing to require all vehicles to be wheelchair accessible at this time.

Do you agree with the proposal that a mixed fleet of vehicles will help ensure a vehicle is available which meets a passenger's particular needs?

	Licensed	In process	Stakeholder	Public	Total
<b>Agree</b>	12	2	2	11	<b>27</b>
<b>Disagree</b>	3	0	0	1	<b>4</b>
<b>Neither</b>	8	0	0	5	<b>13</b>

## Appendix A

### **Vehicle Age Limits**

The Council's current vehicle age limit policy is that vehicles must be under 5 years old from first registration and then once licensed can continue to be licensed as Hackney Carriage or Private Hire Vehicle until it is 12 years old. For vehicles which have an emission of 110 or less they are permitted to be licensed until they are 13 years old. Purpose built wheelchair accessible vehicles and London black cab style taxis can be licensed until they are 15 years old.

Do you agree with the current policy?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	13	2	1	9	<b>25</b>
<b>Disagree</b>	7	0	0	6	<b>13</b>
<b>Neither</b>	3	0	1	2	<b>6</b>

Do you agree that the minimum age of which a vehicle can be first licensed should be determined depending on the emissions and mileage of the vehicle?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	7	2	1	12	<b>22</b>
<b>Disagree</b>	11	0	0	3	<b>14</b>
<b>Neither</b>	5	0	1	2	<b>8</b>

Do you agree that the maximum age of which a vehicle can be first licensed should be determined depending on the emissions and mileage of the vehicle?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	7	2	1	11	<b>21</b>
<b>Disagree</b>	13	0	0	4	<b>17</b>
<b>Neither</b>	3	0	1	2	<b>6</b>

### **Tinted Windows**

The Council's current policy requires all tinted windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

Do you agree with the current policy?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	19	1	2	16	<b>38</b>
<b>Disagree</b>	0	0	0	0	<b>0</b>
<b>Neither</b>	4	1	0	1	<b>6</b>



## **Appendix A**

### **Vehicle Condition Check**

To ensure that Hackney Carriage and Private Hire Vehicles are safe for carrying passengers, should drivers be required to conduct daily checks on their vehicle?

For example: Checks to include Lights, Tyres, Wipers, Mirrors, Seatbelts, Taxi Plate

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	16	2	2	16	<b>36</b>
<b>No</b>	4	0	0	1	<b>5</b>
<b>Not Sure</b>	3	0	0	0	<b>3</b>

### **Vehicle Identification and Signage**

Should Private Hire Vehicle signage be limited to the authority licence plate and a pre-booked only door sign?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	15	1	1	6	<b>23</b>
<b>No</b>	7	1	0	9	<b>17</b>
<b>Not Sure</b>	1	0	1	2	<b>4</b>

## Appendix A

### DRIVERS

#### **Suitability Tests**

As part of the application process, potential drivers are required to undergo a suitability test which covers a basic understanding of numeracy, literacy, map reading and dates/times.

Do you agree that all drivers should undertake this test as a minimum requirement?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	22	2	1	16	<b>41</b>
<b>Disagree</b>	1	0	0	1	<b>2</b>
<b>Neither</b>	0	0	1	0	<b>1</b>

#### **Knowledge Tests**

All new drivers currently are required to undertake the Council's Knowledge Test which ensures drivers are familiar with Road Signage, Highway Code, Routes of Roads within the Tendring Area, Places of Interest and Local Knowledge, Conditions/Law and Equality.

The knowledge test is currently restricted to 4 attempts with a minimum wait of 30 days before a re-test of a failed section can be undertaken.

Do you agree that both Hackney Carriage and Private Hire Drivers should undertake the full test?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	19	1	1	13	<b>34</b>
<b>Disagree</b>	2	1	0	3	<b>6</b>
<b>Neither</b>	2	0	1	1	<b>4</b>

Do you agree that Private Hire Drivers should be exempt from questions relating to Routes of Roads within the Tendring Area.

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	3	1	1	5	<b>10</b>
<b>Disagree</b>	16	0	0	11	<b>27</b>
<b>Neither</b>	4	1	1	1	<b>7</b>

Do you think the 30 days between tests is an appropriate amount of time?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Agree</b>	11	0	1	7	<b>19</b>
<b>Disagree</b>	9	1	0	8	<b>18</b>
<b>Neither</b>	3	1	1	2	<b>7</b>

## **Appendix A**

If you answered no to the question above, what do you consider an appropriate amount of time?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>1 Week</b>	5	0	0	4	<b>9</b>
<b>1 Week</b>	3	1	0	1	<b>5</b>
<b>3 Week</b>	0	0	0	1	<b>1</b>
<b>More than 4 Week</b>	1	0	0	2	<b>3</b>

<b>N/A – Agree with 30 days</b>	14	1	2	9	<b>26</b>
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### **Driver Training and Assessment**

The Council's current policy requires new drivers to provide proof that they have completed the BTEC Awareness in Transporting Passengers by Taxi and Private Hire (or its equivalent Passenger Assistant Training Scheme) and the Disability Awareness Training

Should drivers be required to provide evidence of an understanding of Disability Awareness and how to provide care and assistance for passengers travelling by road?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	17	2	2	16	<b>37</b>
<b>No</b>	3	0	0	1	<b>4</b>
<b>Not Sure</b>	3	0	0	0	<b>3</b>

Should drivers be required to undertake a practical driving assessment, whereby their abilities are monitored by a qualified assessor for road and passenger safety?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	18	2	1	16	<b>37</b>
<b>No</b>	4	0	0	0	<b>4</b>
<b>Not Sure</b>	1	0	1	1	<b>3</b>

## Appendix A

### **Sat Nav Systems**

The Council are aware that many taxi drivers are using sat nav systems to assist them with unfamiliar journeys within and outside of the district.

Do you agree that new drivers should be able to demonstrate how to successfully programme a standard satnav system (e.g. googlemaps) for some destinations within the district?

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	16	1	1	13	<b>31</b>
<b>No</b>	3	0	0	3	<b>6</b>
<b>Not Sure</b>	4	1	1	1	<b>7</b>

Do you agree that Taxi drivers should know the local area without relying on SatNav systems

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	12	1	1	12	<b>26</b>
<b>No</b>	9	1	1	4	<b>15</b>
<b>Not Sure</b>	2	0	0	1	<b>3</b>

Do you agree that the Council should undertake drug and alcohol tests on drivers where appropriate

	<b>Licensed</b>	<b>In process</b>	<b>Stakeholder</b>	<b>Public</b>	<b>Total</b>
<b>Yes</b>	20	2	2	17	<b>41</b>
<b>No</b>	1	0	0	0	<b>1</b>
<b>Not Sure</b>	2	0	0	0	<b>2</b>

## Appendix A

### Additional Comments on Vehicle Section

	<p>I would like our council to install a 50/75Kwh rapid charging point in Clacton, &amp; like other areas in the UK as a incentive for going green free charging!!</p>
	<p>I would suggest weekly and not daily checks on vehicles. Vehicle checks on cars over age limit if interior, exterior are in good condition and it passes mot and council taxi test should be allowed to stay on , maybe with an extra vehicle inspection a year. The signage helps regular customers recognise your car on the ranks and do not believe advertising has any negative effects on the trade.</p>
	<p>First licensed vehicle have to be not older than 7 years, have valid MOT test and Council Taxi Test. Setting any Mileage and emissions limits is bad idea as I saw many low mileage cars in the really bad mechanic state, have issues with cars under 100.000 - have replace the engine. Mileage is just suggestion. Mechanical state of the car have to be checked by qualified mechanics on certificate test like MOT and Taxi test.</p>
	<p>Vehicles at present are limited by their age it should be by condition and by emissions some vehicles over ten years old are in very good road worthy condition as they pass a DVLA MOT every year. I believe that this matter in this present economic situation should be extended as it would be a great help to drivers at this difficult time</p>
	<p>Nobody should spend £30k buying a car online to find it disqualified by tinted windows requirements not mentioned by the vendor. Vehicle signage must state the name of firm to avoid chaos.</p>
	<p>If a vehicle continues with checks and is fully fit for purpose there should definitely not be an age limit.</p>
	<p>The minimum age of first licensed vehicle 5 years needs to be raised to 7 years.</p>
	<p>Because of the cost of a replacement vehicle I think we should be able to plate a new vehicle up to 10 years old there are plenty of very low mileage cars out there I have a 2013 taxi that's done over 300,000 but I could buy a 2013 car that's fine only 80,000 miles and if I want to put it on for only a couple of years that would still save me a lot of money having to buy a car under five years old</p>
	<p>All vehicles should be equipped with CCTV and dashcams for the safety of both drivers and passengers.</p>
	<p>First licensed vehicles should be under three years old and no vehicle should be more than 7 years old. I have travelled in vehicles which, whilst obviously roadworthy, are very tired and the interior positively scruffy.</p>
	<p>We should have a liveried taxi fleet whereby all hackney carriages licensed in Tendring are instantly recognisable.</p>
	<p>I think vehicles should be able to stay on road for as long as they pass licensing tests.</p>
	<p>Regarding vehicle age the condition should be taken into account as a well looked after taxi could be used longer than the 12 years.</p>
	<p>Regarding vehicle age limits, some taxis are very well maintained and could be licensed for longer than 12 years, as the cost of living crisis &amp; inflation is at record levels, is it possible that they could be licensed for longer subject to meeting the testing standards of the council? I do not think that taxi vehicles should be assessed on mileage, the reason for this is because the vehicles of today are built in such a way that almost every mechanical item can be replaced, often mechanics these days are referred to as fitters because all parts are no longer repaired but replaced / bolted on.</p>
	<p>If taxi is well looked after it should be able to be used for longer.</p>

**Appendix A**

	Personally, I am happy with the current policies regarding licensed vehicles that Tendring District Council currently have in place.
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## Appendix A

### Additional Comments on Driver Section

	<p>Sat navs are now part of life and are handy when trying to find house numbers in the dark. Also the amount of street signs missing in the district ,it helps here too.</p> <p>The disability awareness is hard as different disabilities need different help I think maybe the drivers with disability cars should undertake more training but then they still get paid the same as rest of us, and that would be unfair.</p> <p>The disability issue is complex, for example, a wheelchair user comes to my car needs assistance in to car, which can result in injuries to both parties either by helping them into car and lifting a wheelchair, I have personally experienced both. I do believe this needs to be looked into further as there is not enough wheelchair accessible vehicles. I haven't experienced any problems with any other disabilities only wheelchairs so couldn't comment on anything but this one.</p>
	<p>In regards to practical driving assessment, it would not work as the test would be done ok on the day but would go back to how they usually drive when not being tested.</p> <p>In regards to drivers knowing the local area without satnav systems, so many new roads are appearing so would be more or less impossible to learn them all.</p>
	<p>I think everyone knows how to use a satnav now - probably don't need to test for that. Knowledge of the district is important - but I don't think they need to hold the map of all the small roads in their heads - sat nav is fine.</p>
	<p>Knowledge of own local areas are a must, but outside areas no so much, no one knows 100% a whole district.</p>
	<p>The knowledge is to hard when I took my test over 30 years ago all I needed was a local knowledge test of the area I would work in.</p>
	<p>Drivers should be held accountable for the quality of their driving including their attitude towards other road users.</p>
	<p>I feel every new driver should complete a knowledge test if wanting to be licensed properly by the Council. Also there should be a top age limit for issuing licences and a more stringent medical examination.</p>
	<p>The availability of taxis in the Tendring District is poor especially late at night / evening. The pricing is dubious and inconsistent and many taxi drivers refuse to be available at weekends / evenings or to travel around the District.</p>
	<p>It is absurd in this day and age that the council requires drivers to demonstrate good knowledge of the area in this day and age of Sat Nav technology. This area is short of drivers and the Council need to do everything reasonably possible to encourage more.</p>
	<p>I think the knowledge test should be restricted to the local area for both private hire and Hackney carriage. Outside there local area they have sat nav and or the passengers they are carrying to help them. Why can't the council run a class room course every 3 months or so for a week or two where they pass or fail at the end.</p>
	<p>I think the knowledge test is very dated now as most drivers use sat nav or goggle maps .</p>
	<p>Drivers should have a good knowledge of the town they are going to work the rest comes with experience.</p>
	<p>A prospective taxi driver should have an in depth knowledge of the area they are based in, perhaps a 'full' licence for the whole of Tendring, or a restricted badge for say Harwich, or Frinton and Walton.</p>
	<p>I feel that a hackney carriage driver should have a good knowledge of the area without the use of a sat nav. A sat nav does not take the shortest route and in</p>

## Appendix A

	<p>my opinion it is unprofessional for a hackney carriage driver to use one locally sat navs are also not dependable on finding certain places so a knowledge test is a must as is a driving test and an understanding of driving people with disabilities and an understanding of the law pertaining to hackney carriage driving.</p>
	<p>Taxi drivers are currently self employed, the questions in this survey appears to show a direction of travel which will mean that the council could find itself in a position where Taxi drivers are classed as employed leaving the council with all the additional costs of employment as well as the additional costs of governance.</p> <p>I am under the impression that during the pandemic many Taxi drivers left the industry and never came back. Once you take into account, the profit of driving a Taxi divided by the hours worked (unsociable hours at that) the return is very similar to filling the shelves at the local supermarket. Of course, working at the local supermarket you also work set hours for a guaranteed income and have the other trappings of employment like employers NI, holiday and sickness pay.</p> <p>Now, do not get me wrong I believe the current regulations TDC have in place are good but the more you try and dictate what a self employed driver should be doing at a micro level, you may find current drivers will start looking elsewhere and prospective drivers will choose a different career path.</p>
	<p>There should be a way too make becoming a driver with TDC easier as I've been trying for over 4 months passed all the sections but failed on 1 section of the Highway Code if you want too get people into this taxi driving you could have a probation period for us too show we can do the job. I have just passed my private hire for a different council and Likely too work out of the area as this is a easier option than via TDC but I want too work locally.</p>



## Appendix B

### Research Local Authority Taxi Questionnaire

	<b>Population in the District/Borough</b>
<b>Tendring (at present)</b>	
<b>Babergh &amp; Mid Suffolk District Councils</b>	Across both districts there is 193,894
<b>Colchester City Council</b>	190000
<b>East Suffolk Council</b>	248,000
<b>Ipswich</b>	Unknown

	<b>Is you District/Borough zoned?</b>
<b>Tendring (at present)</b>	No
<b>Babergh &amp; Mid Suffolk District Councils</b>	No
<b>Colchester City Council</b>	Yes
<b>East Suffolk Council</b>	Yes - Yes we have a North and a South zone (harping back to the days of the former Suffolk Coastal DC and Waveney DC). Drivers have to choose which zone they wish to work in and the plate is issued accordingly.
<b>Ipswich</b>	No

### DRIVERS

	<b>How many licensed Hackney Carriage Drivers do you have?</b>
<b>Tendring (at present)</b>	Dual or Private Hire
<b>Babergh &amp; Mid Suffolk District Councils</b>	Dual Only
<b>Colchester City Council</b>	131
<b>East Suffolk Council</b>	Dual or Private Hire
<b>Ipswich</b>	54

## Appendix B

	<b>How many licensed Private Hire Drivers do you have?</b>
<b>Tendring (at present)</b>	
<b>Babergh &amp; Mid Suffolk District Councils</b>	Dual Only
<b>Colchester City Council</b>	600
<b>East Suffolk Council</b>	349
<b>Ipswich</b>	130

	<b>How many licensed dual Hackney Carriage/Private Hire Drivers do you have?</b>
<b>Tendring (at present)</b>	
<b>Babergh &amp; Mid Suffolk District Councils</b>	288
<b>Colchester City Council</b>	731
<b>East Suffolk Council</b>	171
<b>Ipswich</b>	334

	<b>Do you require new drivers to undertake a suitability test before they can apply for a licence? (e.g. Our test covers: Money &amp; Finance, Literacy, Times &amp; Dates, Using an A-Z)</b>
<b>Tendring (at present)</b>	Yes
<b>Babergh &amp; Mid Suffolk District Councils</b>	Level 2 Introduction to the Role of the Professional Taxi and Private Hire Driver's Course
<b>Colchester City Council</b>	Yes
<b>East Suffolk Council</b>	Yes
<b>Ipswich</b>	No

## Appendix B

	<b>Do you require a Knowledge Test for Hackney Carriage or Private Hire applications?</b>
<b>Tendring (at present)</b>	Yes
<b>Babergh &amp; Mid Suffolk District Councils</b>	Level 2 Introduction to the Role of the Professional Taxi and Private Hire Driver's Course
<b>Colchester City Council</b>	Yes
<b>East Suffolk Council</b>	Yes
<b>Ipswich</b>	Yes

	<b>Do you have different Knowledge Test Categories for Hackney Carriage or Private Hire applications?</b>
<b>Tendring (at present)</b>	No – both the same
<b>Babergh &amp; Mid Suffolk District Councils</b>	Level 2 Introduction to the Role of the Professional Taxi and Private Hire Driver's Course
<b>Colchester City Council</b>	No – both the same
<b>East Suffolk Council</b>	The knowledge test forms part of the driving standards assessment carried out by the assessor. Geographical knowledge test
<b>Ipswich</b>	We only have Dual licences now, so one test for all.

	<b>What categories does your Knowledge Test cover?</b>
<b>Tendring (at present)</b>	Road Signage , Highway Code, Routes of roads within the Tendring area, Places of Interest and local knowledge, Conditions, Law and Equality
<b>Babergh &amp; Mid Suffolk District Councils</b>	Level 2 Introduction to the Role of the Professional Taxi and Private Hire Driver's Course
<b>Colchester City Council</b>	Highway Code, Mapping, Conditions, Policy and maths

## Appendix B

<b>East Suffolk Council</b>	There are questions based on our policy - eg. what do you have to do if you change address or your medical situation changes etc
<b>Ipswich</b>	Covers the conditions of licence for a combined driver, some monetary questions and some highway code (mainly road signs)

	<b>What is the pass mark for your Knowledge Test?</b>
<b>Tendring (at present)</b>	<ul style="list-style-type: none"> <li>• Signage - Answer 5 out of 5 questions correctly</li> <li>• Highway Code - Answer 5 out of 5 questions correctly</li> <li>• Routes – Surrounding areas - Answer 1 of 2 questions correctly in each group (Clacton / Holland / St Osyth / Jaywick) (Harwich / Dovercourt / Parkeston) (Walton / Frinton / Thorpe / Weeley) (Manningtree / Wix / Mistley) (Brightlingsea / Thorrington / Great Bentley)</li> <li>• Places of Interest / Local Knowledge – Surrounding area - Answer 3 of 5 questions correctly in each group (Clacton / Holland / St Osyth / Jaywick) (Harwich / Dovercourt / Parkeston / Manningtree / Wix) (Walton / Frinton / Thorpe / Weeley) (Brightlingsea / Thorrington / Great Bentley &amp; Alresford)</li> <li>• Conditions, Law and Equality - Answer 4 of 5 questions correctly</li> </ul>
<b>Babergh &amp; Mid Suffolk District Councils</b>	N/A
<b>Colchester City Council</b>	25
<b>East Suffolk Council</b>	80%
<b>Ipswich</b>	80%

	<b>Is there a limit on the number of Knowledge Tests an applicant can undertake?</b>
<b>Tendring (at present)</b>	Applicants are permitted to take the knowledge test a maximum of three times with the licensing managers discretion allowing a fourth attempt. The applicants only have to retake parts of the test they have failed in. After fourth attempt the application is withdrawn and part refunded.
<b>Babergh &amp; Mid Suffolk District Councils</b>	N/A
<b>Colchester City Council</b>	Unlimited, Have to pay each time (external company)

**Appendix B**

<b>East Suffolk Council</b>	Applicants will be permitted to take the knowledge test a maximum of three times and if it is not passed at the third attempt, they will be required to wait for a period of 6 months before re-taking the assessment. Additional study of the legislation and licensing requirements will be encouraged.
<b>Ipswich</b>	3 then 6 month break

	<b>Do you allow Sat Navs to be used in licensed Hackney Carriage and/or Private Hire Vehicles?</b>
<b>Tendring (at present)</b>	Yes
<b>Babergh &amp; Mid Suffolk District Councils</b>	Yes
<b>Colchester City Council</b>	Yes
<b>East Suffolk Council</b>	Yes
<b>Ipswich</b>	Yes

	<b>Is the use of Sat Navs covered in your Knowledge Test?</b>
<b>Tendring (at present)</b>	No
<b>Babergh &amp; Mid Suffolk District Councils</b>	No
<b>Colchester City Council</b>	No
<b>East Suffolk Council</b>	No
<b>Ipswich</b>	No

	<b>The following training is part of the application process</b>
<b>Tendring (at present)</b>	Passenger Assistant Training Scheme Course (PATs); DSA - Advanced Driving Assessment (or similar); with the proposal for Child Sexual Exploitation Training (CSE)
<b>Babergh &amp; Mid Suffolk District Councils</b>	Child Sexual Exploitation Training (CSE); Full Safeguarding; Level 2 Introduction to the Role of the Professional Taxi and Private Hire Driver's Course

## Appendix B

<b>Colchester City Council</b>	Passenger Assistant Training Scheme Course (PATs); DSA - Advanced Driving Assessment (or similar); Child Sexual Exploitation Training (CSE)
<b>East Suffolk Council</b>	DSA - Advanced Driving Assessment (or similar); Child Sexual Exploitation Training (CSE); New applicants have to undertake a college course - Introduction to the Role of the Professional Taxi and Private Hire Driver
<b>Ipswich</b>	DSA - Advanced Driving Assessment (or similar); Child Sexual Exploitation Training (CSE); College course, Introduction to the Role of the Professional Taxi and PH driver

## VEHICLES

	<b>How many licensed Hackney Carriage Vehicles do you have?</b>
<b>Tendring (at present)</b>	
<b>Babergh &amp; Mid Suffolk District Councils</b>	147
<b>Colchester City Council</b>	131
<b>East Suffolk Council</b>	64
<b>Ipswich</b>	121

	<b>How many licensed Private Hire Vehicles do you have?</b>
<b>Tendring (at present)</b>	
<b>Babergh &amp; Mid Suffolk District Councils</b>	139
<b>Colchester City Council</b>	600
<b>East Suffolk Council</b>	399
<b>Ipswich</b>	420

	<b>Do you require a vehicle to be under a certain age when first licensed?</b>
<b>Tendring (at present)</b>	Under 5 years at date of first registration
<b>Babergh &amp; Mid Suffolk District Councils</b>	No more than 8 years of age from the date of first registration

## Appendix B

<b>Colchester City Council</b>	Under 5 years at date of first registration
<b>East Suffolk Council</b>	No
<b>Ipswich</b>	Hackney Carriage - only wheelchair accessible and less than 4 years old. Private hire - less than 15 years old, changing to less than 10 years old in 2025

	<b>What maximum age do you allow a vehicle to be licensed to</b>
<b>Tendring (at present)</b>	All vehicles are subject to a visual inspection by licensing officers from 10 years. Normal Vehicles 12 Years; CO2 Emission reading of not greater than 110 – 13 years; Purpose built wheelchair accessible vehicles and London 'Black Cab' type vehicles – 15 years.
<b>Babergh &amp; Mid Suffolk District Councils</b>	No maximum age but once a vehicle reaches 10 years of age require 6 monthly testing
<b>Colchester City Council</b>	12 Years
<b>East Suffolk Council</b>	None
<b>Ipswich</b>	15 – (Private hire - less than 15 years old, changing to less than 10 years old in 2025)

	<b>Do you require vehicles to be mechanically inspection in addition to the MOT and if so, how often?</b>
<b>Tendring (at present)</b>	Yes, every 6 months
<b>Babergh &amp; Mid Suffolk District Councils</b>	yearly unless over 10 years old
<b>Colchester City Council</b>	yearly then after five years, twice yearly
<b>East Suffolk Council</b>	Yes, every 6 months
<b>Ipswich</b>	Yes. All vehicles over 4 years old have 2 tests a year

	<b>Does your Taxi Policy require a mixed fleet of Wheelchair Accessible Vehicles?</b>
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**Appendix B**

<b>Tendring (at present)</b>	Yes
<b>Babergh &amp; Mid Suffolk District Councils</b>	Yes
<b>Colchester City Council</b>	Yes
<b>East Suffolk Council</b>	No
<b>Ipswich</b>	Yes



## LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

**A5. HOME OFFICE ISSUE REVISED SECTION 182 GUIDANCE UNDER THE LICENSING ACT 2003 AND “MARTYN’S” LAW**  
(Report prepared by Michael Cook and Keith Simmons)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To report to the Committee on an update to the Guidance issued under section 182 of the Licensing Act 2003 issued by the Home Secretary and the introduction of “Martyn’s” Law. The Committee is invited to determine that, notwithstanding the changes referred to, there is currently, no requirement for an interim review of the Council’s Statement of Licensing Policy (under the 2003 Act).

##### EXECUTIVE SUMMARY

In adopting the most recent Statement of Licensing Policy (in 2022) in relation to the Licensing Act 2003, officers assured the Committee that the Committee would be updated with any changes to the Section 182 Guidance issued by the Home Secretary.

On 20 December 2022, the Home Secretary issued a revised Section 182 Guidance under the Licensing Act 2003. In subsequent sections of this report the amendments introduced by way of the revised guidance are set out.

The full revised guidance is available here.

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/section-182-guidance)

In addition to the above, on 19 December 2022, the Government announced details for the Protect Duty, now to be known as ‘Martyn’s Law’ in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

Officers have considered the above matters and consider that there is no immediate requirement to initiate an interim review of the Council’s statement of Licensing Policy (as adopted in 2022). However, it is important that the members of the Committee are made aware of the changes set out in this report as part of their responsibility to have regard to the section 182 Guidance as they (collectively) consider matters under the Licensing Act 2003.

##### RECOMMENDATION(S)

**It is recommended that:**

**The Committee consider the report, notes the principle amendments to the Statutory**

## **Guidance under the Licensing Act 2003 and the Introduction of “Martyns Law”.**

### **REASON(S) FOR THE RECOMMENDATION(S)**

The Council, in undertaking its duties under the Licensing Act 2003, must have regard to the Statutory Guidance issued by the Home Secretary. It is therefore important that the Committee is aware of changes to that guidance (as such changes are made). It is also important that the Council keeps under review its Statement of Licensing Policy and changes to the Statutory Guidance (among a range of matters) give rise to a need to review the Council’s Statement of Licensing Policy. Officers have read through the amended changes and suggest that the current policy is up to date and does not warrant any change at this time.

### **ALTERNATIVE OPTIONS CONSIDERED**

Non-notification to Councillors of amendments to the Statutory guidance would not support Councillors making informed decisions while notification of changes to the Statutory Guidance could have taken place outside of Committee, the holding of the meeting was timely to achieve this and supports the general commitment to keep the Council’s Statement of Licensing Policy under review.

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

A licensing authority, such as this Council, must carry out its licensing functions under this 2003 Act in relation to alcohol supply, live and recorded entertainments and provision of late night refreshments with a view to promoting the licensing objectives. The licensing objectives in the 2003 Act are –

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

In promoting the four licensing objectives, the Council (in its role as licensing authority) will also ‘Deliver High Quality Services’, assist in ‘Building Sustainable Communities for the Future’, have ‘Strong Finances and Governance’, support a ‘Growing and Inclusive Economy’ and provide ‘Community Leadership through Partnerships’. These are the themes of the Council in its 2020-24 Corporate Plan.

### **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

The legislative framework for this area of licensing is set out in the Licensing Act 2003. In general, in relation to carrying out its licensing functions, a licensing authority such as this Council, must have regard to any guidance issued by the Secretary of State under section 182 of the 2003 Act. This general requirement also applies to the development and content of its Statement of Licensing Policy.

It is therefore imperative that decision makers in respect of matters under the Licensing Act 2003 are aware of changes to the Secretary of State's guidance in a timely way.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

None

#### **USE OF RESOURCES AND VALUE FOR MONEY**

The development of the licensing policy and the conduct of hearings under the Licensing Act 2003 is not an insignificant element of the work of Councillors on this Committee and, accordingly, it would not be an efficient use of the time of Councillors if they were not aware of the content of a cornerstone of the licensing framework as changes are made to it. As such, this report seeks to support informed and good decision making principles and to support efficient debate going forward.

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	An understanding of changes to the Statutory Guidance supports planning and resource allocation in respect of licensing.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This is the underpinning reason for this report in relation to changes that Councillors on this Committee should be aware of.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Not appropriate to this report.

#### **MILESTONES AND DELIVERY**

Officers gave commitments to the Committee at its 3 November 2022 meeting to keep under review legislative and statutory changes and report on these to the Committee from time to time. This is a measure that seeks to ensure that the Council will keep its Statement of Licensing Policy up to date and initiate reviews of it as necessary.

#### **ASSOCIATED RISKS AND MITIGATION**

The principal risk in respect of this report is that the changes to the guidance have been incorrectly identified. The use of official guidance seeks to mitigate against this risk.

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

The following Council units or officers and/or other organisation have been consulted in preparing this report: Management Team

#### **EQUALITIES**

The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:

<ul style="list-style-type: none"> <li>• eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act)</li> <li>• advance equality of opportunity between people who share a relevant characteristic and people who do not</li> <li>• foster good relations between people who share a protected characteristic and people who do not</li> </ul>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
There are no direct social value considerations arising in this report.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
There are no direct implications for climate change.	
<b>OTHER RELEVANT IMPLICATIONS</b>	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
<b>Crime and Disorder</b>	As set out earlier, two of the four licensing objectives under the 2003 Act are the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area. The Council's Statement of Licensing Policy has been prepared with the intention to promote positively the four licensing objectives as a whole including the prevention of crime and disorder and the prevention of public nuisance in the District.
<b>Health Inequalities</b>	There are no implications in respect of the matters in this report.
<b>Area or Ward affected</b>	All
<b>ANY OTHER RELEVANT INFORMATION</b>	
None	

### PART 3 – SUPPORTING INFORMATION

<b>BACKGROUND</b>
The following has been taken directly from the amended version of the Section 182 Guidance following it's changes from the previous guidance (April 2018). The changes include:
1. In terms of right to work and entitlement, the revised guidance substantially changed 4.21

onwards

2. Lessening the burden on persons operating an alcohol delivery service to suggest they "may consider contacting their licensing authority" (previously "should") under paragraph 3.10

*Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, may consider contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.*

3. New section on "Closure Notices" at paragraph 4.83

*Section 19 of the Criminal Justice and Police Act 2001 (the Act) gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of authorisation. The notice informs the person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.*

4. Clarifying that Home Office Immigration Enforcement is not responsible for Clubs (para 6.11)

*The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these could have no adverse impact on the licensing objectives. Licensing authorities should refer to Chapter 8 of this Guidance on the handling of such applications. Licensing authorities do not have to satisfy themselves that applicants for club premises certificates are entitled to work in the UK before issuing a club premises certificate. Consequently, Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates.*

5. Updates to TENs statutory limits (para 7.15)

*•the number of times a TEN may be given for any particular premises is 15 times in a calendar year (for the 2022 to 2023 calendar years this will increase from 15 to 20); • the maximum duration of an event authorised by a TEN is 168 hours (seven days); • the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year (for the 2022 to 2023 calendar years this will increase from 21 to 26 days);*

6. Clarifying that there is no right of appeal in respect of late TENs following objection by the police or EHOs (para 7.34)

*Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings (or appeals) in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.*

7. Clarifying that full variations should not be used to "vary **substantially** the premises to which the licence relates" at paragraph 8.76

*However, it should be noted that a section 34 application cannot be used to vary a licence so as to: • extend a time limited licence; vary substantially the premises to which the licence relates; • transfer the licence from one holder to another; or • transfer the licence from one premises to another*

8. Paragraph 10.5 added clarification that operating schedules should be converted to conditions which must be "appropriate and proportionate for the promotion of the licensing objectives."

*It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.*

9. Inclusion of the "Agent of Change" principle in 14.66

*Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.*

10. Removal of "Annex A – documents which demonstrate entitlement to work in the UK"

Section 4 of the Licensing Act 2003 provides that, in carrying out its functions, a licensing authority must 'have regard to' the s.182 guidance and it is therefore binding on all licensing authorities to that extent.

### **Martyn's Law**

On 19 December, the Government announced details for the Protect Duty, now to be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017. A fact sheet was released with the following

details:

### **Why do we need Martyn's Law?**

There have been 14 terror attacks in the UK since 2017. These tragic attacks have caused deaths and casualties amongst people going about their everyday lives.

The terrorist threat we currently face is multifaceted, diverse, and continually evolving. As such, it remains difficult to predict which locations could be targeted by terrorists with attempts being harder to spot and harder to stop.

We need to improve security and ensure robust, proportionate, and consistent measures at public places to make sure we can better prepare and improve public security, in light of possible future attacks.

We are aware through engagement with industry that, without legal compulsion, counter terrorism security efforts often fall behind legally required activities. The prioritisation, consideration and application of security processes and measures is currently inconsistent.

### **What will Martyn's Law do?**

Martyn's Law will keep people safe, enhancing our national security and reducing the risk to the public from terrorism by the protection of public venues.

It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.

### **Who will be in scope?**

Premises will fall within the scope of the Duty where "qualifying activities" take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, Places of Worship, health, and education.

It is proposed that the Duty will apply to eligible locations which are either: a building (including collections of buildings used for the same purposes, e.g., a campus); or location/event (including a temporary event) that has a defined boundary, allowing capacity to be known. Eligible locations whose maximum occupancy meets the above specified thresholds will be then drawn into the relevant tier.

Therefore, premises will be drawn into the scope of the Duty if they meet the following three tests:

- That the premises is an eligible one – i.e., building or event with a defined boundary.
- That a qualifying activity takes place at the location; and
- That the maximum occupancy of the premises meets a specified threshold – either 100+ or 800+

## How will it work?

The Bill will impose a duty on the owners and operators of certain locations to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place there.

Proportionality is a fundamental consideration for this legislation. It will therefore establish a tiered model, linked to the activity that takes place at a location and its capacity:

- **A standard tier** will drive good preparedness outcomes. Duty holders will be required to undertake simple yet effective activities to improve protective security and preparedness. This will apply to qualifying locations with a maximum capacity of over 100. This could include larger retail stores, bars, or restaurants.
- **An enhanced tier** will see additional requirements placed on high-capacity locations in recognition of the potential catastrophic consequences of a successful attack. This will apply to locations with a capacity of over 800 people at any time. This could include live music venues, theatres, and department stores.

## Who will it apply to?

Premises will fall within the scope of Martyn's Law where "qualifying activities" take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, Places of Worship, health and education.

## When will this important legislation be introduced?

The Government will introduce the Protect Duty as soon as parliamentary time allows.

## When will the Protect Duty become law?

It is not possible to give a date. There will be a lead in time allowing for those captured by the Duty to prepare for commencement, and as soon as the parliamentary timetable is known this will be set out.

Considering the amendments to the section 182 Guidance and the changes introduced through "Martyn's" Law Officers do not consider that there is a requirement (at this stage) to initiate an interim review of the statement of Licensing Policy adopted in 2022.

## PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Licensing and Registration Committee of 3 November 2022 recommended to Council the adoption of the Statement of Licensing Policy.

## BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/section-182-guidance)

[Martyn's Law Factsheet - Home Office in the media \(blog.gov.uk\)](https://www.blog.gov.uk/2022/03/01/martyns-law-factsheet/)



**APPENDICES**

None

**REPORT CONTACT OFFICER(S)**

*Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*

**Name****Michael Cook  
Keith Simmons****Job Title****Licensing Manager  
Head of Democratic Services and Elections****Email/Telephone****[licensingsection@tendingdc.gov.uk](mailto:licensingsection@tendingdc.gov.uk)  
01255 686565**

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## LICENSING AND REGISTRATION COMMITTEE

08 MARCH 2023

### REPORT OF THE CORPORATE DIRECTOR – OPERATIONAL SERVICES

#### A6. REVIEW OF THE FEES AND CHARGES FOR ANIMAL AND BEAUTY TREATMENT LICENSING

(Report prepared by Carol Archibald Tim R Clarke and Ashley Wood)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To submit to the Committee details of the current licensing fees and charges for the issuing and renewal of licenses issued by the Environmental Health service, that are non-executive functions, and to seek approval for those fees for the current financial year and changes to those fees and charges to take effect from 1 April 2023 (or as soon as possible thereafter taking account of legislative requirements).

##### EXECUTIVE SUMMARY

This is the first occasion for a number of years that fees and charges have been placed before this committee for Animal Licensing and Beauty Treatment Licensing. Fees and charges for this work have been set as part of the corporate fees and charges setting process and it has been identified that these fees, relating to non-executive function, should in fact be set by this Committee. Fees were most recently set in consultation with the portfolio holder for Environment & Public Space on 9<sup>th</sup> February 2022.

The current schedule of fees and charges is presented for approval along with the proposed fees and charges to take effect from April 2023.

As in previous years Officers have reviewed the fees and charges payable for applications within the remit of the Committee and, where a discretion exists, propose that increases be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned. The proposed fees and charges for 2023/24 along with the fees and charges for 2022/23 are set out within Appendix A to this report.

##### RECOMMENDATION(S)

It is recommended that:

- 1) The current fees and charges in place since April 2022 as set out in column A of Appendix A be approved;
- 2) That the proposed fees and charges for 2023/24 set out in column B of Appendix A be approved with effect from April 2023; and,

**3) The Assistant Director for Housing & Environment be authorised to publish the Animal and Beauty Treatment Licensing fees in accordance with the relevant legislative provisions.**

**REASON(S) FOR THE RECOMMENDATION(S)**

The Council has made provision in its Constitution (at part 3.20) for the setting of fees for licences falling within the remit of this Committee to be determined by it.

The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals. 3.2 The recommendation is in order to comply with the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009. The legal requirements were considered by the Supreme Court in the case of R (on the application of Hemming and others) v Westminster City Council [2015] UKSC 25 and [2017] UKSC 50.

**ALTERNATIVE OPTIONS CONSIDERED**

Where a discretion exists in relation to fees and charges for licences, etc. consideration has been given to not increasing the fees payable. However, the costs associated with providing the service have increased over the past year and it is necessary for the service to be, so far as possible, cost neutral and increase fees in line with inflation and therefore a 15% is proposed for 2023/24. That is to say that all relevant costs are recovered from the income derived from the fees and charges for each distinct area of licensing.

If there is no increase in fees there is a risk that the Council will not recover all of the costs for services or activities for which it is permitted to charge and increase the burden on the Council's general fund.

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

It is intended that the revised fees and charges would support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) determine in Regulation 2, which functions are not to be the responsibility of the executive, as set out in column 1 of Schedule 1 of the Regulations. For the purposes of this report, animal licensing and beauty treatment licences are contained within column 1 and

therefore sit within the terms of reference of the Licensing and Registration Committee as set out in Part 3.21 of the Council's Constitution. Any fees set in accordance with the licensing regime under this legislation are to be approved by the Committee.

<b>Licence Type</b>	<b>Charging Power</b>
Animal Licensing	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Regulation 13,1&2 European Services Directive (2006/123/EC) Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 Paragraph 19 of the Local Government (Miscellaneous Provisions) Act 1982
Beauty Licenses for Acupuncture, Tattooing, Ear Piercing and Electrolysis	Schedule 3 Paragraph 19 of the Local Government (Miscellaneous Provisions) Act 1982

The animal licensing service operates in accordance with the *Animal Activity Licensing Process: Statutory Guidance for Local Authorities* that was most recently updated on 17 January 2023. The guidance provides a framework for fee setting and process for the granting, inspection and renewal, etc. of licences.

An Officer decision was made and published, in consultation with the Environment Portfolio Holder for the Environmental Health Service for the 2022/23 fees, however it has recently become apparent that this Schedule of Fees and charges included some non-executive functions. Therefore, the Committee is asked to endorse and approve those fees for the current year. Prior to the current year fees and charges were either set by Full Council as part of the budget setting process or by officers in consultation with the Portfolio Holder.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

Where possible, the Environmental Health service aims to recover all reasonable costs. In a number of areas, statute dictates whether a fee may or may not be charged and the level of any charge.

The Environmental Health service and their Lead Finance Partner carefully monitor licensing fee income through the financial year. If at any time, it was considered there would be a short fall between income and expenditure the fees could be reconsidered and increased, subject to notice and consultation, implemented at any time (including mid-year).

Over the course of the next six months the service proposes to undertake a full review of all licensing fees and charges, reviewing the amount of officer time taken to process each type of licence. It may be that in light of this exercise some fees are increased.

Licence fee income received by the Environmental Health Service is as follows:

2022/23

Income to date: £11,146.11

Expenditure to date: £142,430.00

2023/24

<p>Est Income: £13,196.11  Est Expenditure: £124,650.00</p>	
<p><b>USE OF RESOURCES AND VALUE FOR MONEY</b></p>	
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>It is important that fees are set by the correct decision making arm of the Council. Discussions between the Assistant Director for Housing and Environmental and Governance have recently taken place to ensure the service is fully aware of these requirements. The Monitoring Officer is satisfied that suitable assurances have been given and improvements identified.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	
<p><b>MILESTONES AND DELIVERY</b></p>	
<p>The report sets out the proposed fees and charges currently being charged and those to be set from April 2023 and invites the Committee to consider approving them.</p>	
<p><b>ASSOCIATED RISKS AND MITIGATION</b></p>	
<p>If the Committee determined that no increases in fees are appropriate, this could place a financial burden on licensing budgets that may require support from the General Fund. This in turn may mean that other Teams or Services see their budgets reduced.</p>	
<p><b>OUTCOME OF CONSULTATION AND ENGAGEMENT</b></p>	
<p>The following Council Units or Officers and/or other organisations have been consulted in preparing this report:  Assistant Director (Governance)  Assistant Director (Finance &amp; IT)</p>	
<p><b>EQUALITIES</b></p>	
<p>There are no direct equality implications. The fees are calculated on a cost recovery basis and will not disproportionately affect those with a protected characteristic.</p> <p>An Equality Impact Assessment has therefore not been completed as part of this process.</p>	
<p><b>SOCIAL VALUE CONSIDERATIONS</b></p>	
<p>Not Applicable</p>	

<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
There are no direct implications for climate change. The Environmental Health service does when appropriate make use of remote digital inspection technology to reduce officer travel and associated carbon emissions.	
<b>OTHER RELEVANT IMPLICATIONS</b>	
<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	There are no direct implications for crime and disorder.
<b>Health Inequalities</b>	There are no direct implications for public health although some of the licences these fees relate to are aimed at ensuring public safety.
<b>Area or Ward affected</b>	All
<b>ANY OTHER RELEVANT INFORMATION</b>	
None	

### **PART 3 – SUPPORTING INFORMATION**

<b>BACKGROUND</b>
<p>The Licensing Authority may charge a fee for the issuing or renewal of various licences for which they have a statutory duty to issue. Certain fees are set either by Statute or Regulations, but some fees can be set by Local Authorities to cover the cost of administration, compliance, and some elements of enforcement; Locally Set Fees. The Council is not able to make a profit from licensing fees and cannot support the General Fund from licensing fees.</p> <p>Where possible, the Environmental Health service aims to recover operating costs and where the Council has the discretion to set the fees, they are subject to review which can take into account operating costs, inflation, and purchase costs etc.</p> <p>In proposing the fees for 2023/24 we have been mindful of the current cost of living increases, the continued effect of the economy post pandemic on the licensed trade, and the increases in costs to the Council caused by current inflation rates.</p> <p>The Essex Environmental Health Managers Group annually runs a bench marking exercise on fees and charges and the service always has due regard to this matrix when setting fees.</p> <p>The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous 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 annually to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed (within the ring fenced licensing budget), or</p>

recouped, as applicable.

Many licensing schemes fall within the definition of 'services', under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must "be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities". This principle was affirmed by the courts in R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council. Fees must reflect administrative, policy and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.

Details of the proposed fee structure is attached at Appendix A.

As mentioned in the Finance section above, the service will undertake a full review of both the Animal and Beauty Treatment Licencing fees over the next six months and will explore the development of a written policy on the licensing of these activities. It is therefore proposed that a further report be presented to this committee once this work is complete.

#### **PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.**

None

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- European Services Directive (2006/123/EC)
- Local Government (Miscellaneous Provisions) Act 1982

#### **APPENDICES**

Appendix A – List of current fees and the proposed increases

#### **REPORT CONTACT OFFICER(S)**

*Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*

<b>Name</b>	<b>Carol Archibald Tim R Clarke</b>
<b>Job Title</b>	<b>Carol – Environmental Health Team Leader Tim – Assistant Director – Housing &amp; Environment</b>
<b>Email/Telephone</b>	<a href="mailto:carchibald@tendringdc.gov.uk">carchibald@tendringdc.gov.uk</a> <a href="mailto:trclarke@tendringdc.gov.uk">trclarke@tendringdc.gov.uk</a>



## Appendix A

	A	B
<b>VAT is not applicable</b>		
	<b>2022/23</b>	<b>2023/24</b>
	£	£
<b>LICENSING AND REGISTRATION</b>		
Annual Fees:		
Hiring out Horses - Licence Application Fee	170.00	196.00
Hiring out Horses - Grant Fee	85.00	98.00
Dangerous Wild Animals	255.00	293.00
Boarding Kennels - Licence Application Fee	144.00	166.00
Boarding Kennels - Grant Fee	70.00	81.00
Selling Animals as Pets - Licence Application Fee	144.00	166.0
Selling Animals as Pets - Grant Fee	70.00	81.00
Home Boarding of Dogs - Licence Application Fee	115.00	132.00
Home Boarding of Dogs - Grant Fee	58.50	67.00
Dog Breeding - Licence Application Fee	144.00	166.00
Dog Breeding - Grant Fee	70.00	81.00
Zoos	561.00	645.00
Keeping Animals for Exhibition - Licence Application Fee	144.00	166.00
Keeping Animals for Exhibition - Grant Fee	70.00	81.00
Cat Boarding Establishments - Licence Application Fee	144.00	166.00
Cat Boarding Establishments - Grant Fee	70.00	81.00
Combined Cat and Dog Boarding - Licence Application Fee	200.00	230.00
Combined Cat and Dog Boarding - Grant Fee	101.00	116.00
Dog Day Care - Licence Application Fee	144.00	166.00
Dog Day Care - Grant Fee	70.00	81.00
Home Boarding Arranger Service - Licence Application	115.00	132.00
Home Boarding Arranger Service - Grant Fee	58.50	67.00
Home Boarding Arranger - Licence Application Fee per <b>host</b>	45.00	52.00
Home Boarding Arranger - Grant Fee per <b>host</b>	25.00	29.00
<b>Additional Licensable Activity Licence Application Fee</b>	96.00	110.00
<b>Additional Licensable Activity Grant Fee</b>	47.00	54.00
Variation to Licence / Re-evaluation of Risk Score	95.00	109.00
Inspection appeal of a risk rating score	120.00	138.00
Transfer Due to Death	75.00	86.00
Acupuncturist	138.00	159.00
Tattooist / Skin Piercing	194.00	223.00
Electrolysis	138.00	159.00
Ear Piercing	138.00	159.00
Amendment to Acupuncturist, Tattooist, Skin	97.00	112.00
Piercing, Electrolysis or Ear Piercing Licence		
The following conditions apply:		

b)New Dog Breeding establishments are inspected by a vet			
c)All other establishments inspected by a vet where necessary.			