



LICENSING AND REGISTRATION COMMITTEE

DATE:	Wednesday, 31 January 2024
TIME:	6.30 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor J Henderson
Councillor Wiggins
Councillor Casey
Councillor Codling
Councillor A Cossens

Councillor Davidson
Councillor Kotz
Councillor Land
Councillor Smith
Councillor Thompson

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DATE OF PUBLICATION: Tuesday, 23 January 2024

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 Monday, 16 October 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, 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 Miscellaneous Licensing Sub-Committee (Pages 5 - 6)

The Committee will formally receive and note, for its information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 11 December 2023.

6 Premises/Personal Licences Sub-Committee (Pages 7 - 16)

The Committee will formally receive and note, for its information only, the minutes of the Premises/Personal Licences Sub-Committee meetings held on Monday, 13 November 2023, Friday, 17 November 2023 and Friday, 24 November 2023.

7 Report of the Director (Operations & Delivery) - A.1 - Proposed Fees and Charges for Caravan Site Licensing - Housing & Environment (Pages 17 - 34)

To seek the Licensing Committee's concurrence to the proposed schedule of fees and charges 2024/25 for Operations & Delivery/Housing & Environment.

8 Report of the Director (Operations & Delivery) - A.2 - Operations & Delivery/Housing & Environment - Proposed Fees & Charges for Animal & Beauty Licensing 2024/25 (Pages 35 - 46)

To seek the Licensing & Registration Committee's concurrence to the proposed schedule of fees and charges 2024/25 for Operations & Delivery/Housing & Environment – Animal Licensing & Beauty Treatment Licensing.

9 Report of the Deputy Chief Executive - A.3 - Proposed Licensing Fees and Charges for 2024/25 (Pages 47 - 60)

To seek the Committee's approval to a schedule of fees and charges 2024/25 for licensing application etc within the responsibility of the Democratic Services and Elections, Governance – Licensing Section. The current fees and charges and proposals for fees and charges in 2024/25 are set out in Appendix A of the Officer report. Appendix A sets out those licensing fees where the Council has discretion over the level of fee, those where the Council must charge a nationally prescribed fee and those where the chargeable fee is subject to a nationally prescribed maximum.

10 Report of the Deputy Chief Executive - A.4 - Government Best Practice Guidance to Licensing Authorities Update - This Council's Taxi/Private Hire Licensing Policy (Pages 61 - 72)

This item is to advise the Committee that Cabinet approved the comprehensive and cohesive licensing policy for Taxi and Private Hire Services recommended by this Committee and to advise it that, since the adoption of that licensing policy, the Government had issued updated best practice guidance for this area of licensing. As such, through this Officer report, the Committee is advised of those elements of the updated best practice guidance that raise matters concerning this Council's policy and the implementation of it. Accordingly, the Committee is provided with this opportunity to review these matters and determine whether it is content with the proposed actions on those matters set out in this report.

This report also enables the Committee to receive an update on the implementation programme for of the Taxi/Private Hire Licensing Policy as prepared by Officers in accordance with the decision of Cabinet. This implementation plan is set out at Appendix B of this report.

11 Report of the Deputy Chief Executive - A.5 - Various Licensing Provisions - Applications Approved Under Delegated Powers (Pages 73 - 76)

This report seeks to provide the Committee with data on the number of licences, certificates and permits authorised by the Council in quarter 2 2023/24. The majority of these have been authorised by Officers in accordance with approved schemes of delegation. Data is provided to Committee on the most recent complete quarters (April to June, July to September, October to December and January to March) together with previous quarters so as to aid comparison between quarters and years. Enforcement figures will be reported on at the next Committee meeting.

12 Date of the Next Meeting of the Committee

To enable the Committee to discuss fixing the date of its next meeting which is likely to be held in March 2024.

13 Exclusion of Press and Public

The Committee is asked to consider passing the following resolution:-

“that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 14 and 15 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.”

14 Exempt Minutes - Miscellaneous Licensing Sub-Committee (Pages 77 - 80)

The Committee will formally receive and note, for its information only, the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 11 December 2023.

15 Exempt Minutes - Premises/Personal Licences Sub-Committee (Pages 81 - 88)

The Committee will formally receive and note, for its information only, the exempt minutes of the meetings of the Premises/Personal Licences Sub-Committee held on Monday, 13 November 2023 and Friday, 24 November 2023.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Licensing and Registration Committee is to be held in the at Time Not Specified on Date Not Specified.

Information for Visitors

FIRE EVACUATION PROCEDURE

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Public Document Pack Agenda Item 2

Licensing and Registration Committee

16 October 2023

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON MONDAY, 16TH OCTOBER, 2023 AT 6.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors J Henderson (Chairman), Casey, A Cossens, Davidson, Kotz, Smith and Thompson
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Michael Cook (Licensing Manager), Bethany Jones (Committee Services Officer) and Keith Durran (Committee Services Officer)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were given from Councillors Codling and Wiggins with no substitutes.

14. MINUTES OF THE LAST MEETING

It was moved by Councillor A Cossens, seconded by Councillor Smith and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Monday, 24 July 2023 be approved as a correct record and signed by the Chairman.

15. DECLARATIONS OF INTEREST

Councillor Smith declared for the public record that he was a London Taxi driver with 33 years' experience but that he had no ties in that capacity to the District of Tendring.

16. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

17. MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Smith, seconded by Councillor A Cossens and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meetings of the Miscellaneous Licensing Sub-Committee held on Monday, 10 July 2023 and Wednesday, 16 August 2023.

18. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

It was moved by Councillor Davidson, seconded by Councillor Kotz and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meeting of the Premises/Personal Licences Sub-Committee held on Tuesday, 8 August 2023.

19. **REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY**

The Committee was given a presentation by the Head of Democratic Services & Elections (KS) regarding the Taxi/Private Hire Policy, which covered the following:-

- (a) Overall Role;
- (b) Vehicles, Drivers & Operators;
- (c) Vehicles;
- (d) Drivers; and
- (e) Private Hire Operators.

Members were then given an oral presentation by the Council's Licensing Manager (MC), which reminded the Committee that, at the meeting on 24 July 2023, Members had authorised Officers to circulate the draft Statement of Taxi / Private Hire Policy to stakeholders and interested parties in respect of that area of licensing for consultation purposes and that the outcome of that consultation be considered at a future meeting of the Committee prior to formal adoption of the finalised Taxi / Private Hire Policy by Cabinet.

The Committee was told that, prior to the 24 July 2023 meeting, the initial element of the work in regard to the development of the policy had been to consider the Department for Transport's best practice guide to Councils in respect of that area of licensing, the 2022 consultation draft on an updated best practice guide and any amendments the Committee had suggested at its 8 March 2022 meeting. The Committee on 8 March itself considered comments received to an initial consultation exercise undertaken between December 2022 to February 2023. Further consultation on the policy had taken place between July and September 2023 and the survey results were attached to the Officer report.

It was reported to the Committee that a key impetus towards the development of a cohesive licensing policy in that area had 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, and also to the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

Officers informed Members that, in referenced licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire vehicle standards, it read:

"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 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 objections 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 in safeguarding failings."

Members finally heard that, if satisfied, the Committee was invited to recommend the proposed Statement of Taxi / Private Hire Policy for adoption by Cabinet as its meeting due to be held on 10 November 2023.

It was moved by Councillor Davidson, seconded by Councillor Casey and unanimously:-

RESOLVED that the Committee:

- a) notes the outcome of the consultation undertaken on a Statement of Taxi / Private Hire Policy, as set out in the report;
- b) recommends to Cabinet that the draft Statement of Taxi / Private Hire Policy, as set out at Appendix A to the report, be adopted for the period 2023 – 2028 (including those changes identified in the report and the separate sheet as part of Appendix A headed “Proposed amendments of Taxi Policy following the July 2023 meeting of the Committee”);
- c) requests authority from Cabinet for Officers to develop and implement a programme to bring the policy positions in the approved Statement (in (b) above) into operation over the coming months;
- d) endorses the approach to Disclosure and Barring Service Disclosures for Hackney Carriage and Private Hire Drivers through the Council’s existing contractor for staffing disclosures while more long term arrangements are investigated;
- e) requests Officers to examine the fee arrangements for Hackney Carriage and Private Hire Drivers and report thereon to a future meeting of the Committee with a view to assessing the impact on new applicants of the combined cost to them of the licence fee and training/tests for driving standards, child sexual exploitation prevention, topographical knowledge, medical and general suitability;
- f) notes that a review of the content of the topographical etc. test of new applicants for Hackney Carriage and Private Hire Driver Licences has commenced and would be the subject of a report to a future meeting of the Committee; and
- g) will hold another informal meeting in February/March 2024 with Taxi Licensees.

20. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Wednesday, 31 January 2024, commencing at 6.30 p.m..

21. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Thompson, seconded by Councillor A Cossens and:-

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Item 10 on

the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

22. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Thompson, seconded by Councillor A Cossens and:-

RESOLVED that the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Wednesday, 16 August be formally received and noted.

The meeting was declared closed at 6.54 pm

Chairman

Public Document Pack Agenda Item 5

Miscellaneous Licensing Sub-Committee

11 December 2023

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON MONDAY, 11TH DECEMBER, 2023 AT 9.30 AM
IN THE WHITELAW ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors J Henderson (Chairman), Smith (Vice-Chairman), A Cossens and Davidson
Also Present:	Councillor Lynda McWilliams
In Attendance:	Karen Hayes (Executive Projects Manager (Governance)), Mandi Wilson (Litigation Lawyer), Michael Cook (Licensing Manager), Bethany Jones (Committee Services Officer) and Emma King (Licensing Officer)

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Codling (with no substitution).

17. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Sub-Committee, held on Wednesday, 16 August 2023 were approved as a correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST

Councillor Smith (Vice-Chairman) declared for the public record that he was a London Taxi driver of 33 years' experience but that he had no ties in that capacity to the District of Tendring.

The Litigation Lawyer informed the Sub-Committee and declared for the public record that she personally knew the individual referred to in report B.2. She stated that in the interest of probity she would recuse herself from this matter and that therefore any legal advice that the Sub-Committee might require in this matter would instead be provided by the Executive Projects Manager (Governance).

19. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor A Cossens, seconded by Councillor Davidson, and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 5, 6, 7 and 8 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

20. EXEMPT MINUTES

It was moved by Councillor Smith, seconded by Councillor A Cossens and:-

RESOLVED that the Exempt Minutes of the last meeting of the Sub-Committee, held on Wednesday, 16 August 2023, be approved as a correct record and be signed by the Chairman.

21. **REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.3 - APPLICATION FOR THE GRANT/RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

RESOLVED – that the named individual's licence be re-instated in full subject to the receipt of a satisfactory DVLA check and Group 2 medical examination report.

22. **REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.1 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

RESOLVED – that the named individual's Hackney Carriage/Private Hire Driver's Licence be granted for one year.

23. **REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.2 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

RESOLVED – that the named individual's Hackney Carriage/Private Hire Driver's Licence be granted for one year with 6 points imposed under the Taxi Policy Enforcement Penalty Point System.

The meeting was declared closed at 10.53 am

Chairman

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 13TH NOVEMBER, 2023 AT 2.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Wiggins, Cossens and Kotz
Also Present:	Councillor Casey
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer) and Emma King (Licensing Officer)

6. CHAIRMAN FOR THE MEETING

It was moved by Councillor Kotz, seconded by Councillor Cossens and:

RESOLVED – That Councillor Wiggins be elected as Chairman for the meeting.

7. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions.

8. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Premises/Personal Licences Sub-Committee held on Tuesday 8 August 2023 be approved as a correct record.

9. DECLARATIONS OF INTEREST

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

10. EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor Kotz, seconded by Councillor Cossens and:

RESOLVED that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for the items of business to be considered below on the grounds that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. For the purposes of this decision, a party and any person assisting or representing a party shall not be treated as a member of the public.

11. REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 - APPLICATION FOR THE GRANT OF A PERSONAL LICENCE

In accordance with the written procedure for hearing the Sub-Committee heard representations from Essex Police and the case for the Applicant. After each had asked questions of the other and of the Sub-Committee, the Sub-Committee excluded all but

the Head of Democratic Services and Elections and the Committee Services Officer to deliberate on the case.

After a period of time the Sub-Committee, The Head of Democratic Services and Elections and the Committee Services Officer returned.

The Chairman of the Sub-Committee informed all parties that the Sub-Committee has **RESOLVED**:

Not to grant a licence to the applicant as to do so would undermine the Crime and Disorder objective. It weighed heavily on the minds of the Sub-Committee members that Essex Police had serious concerns in granting this Licence to the applicant with the convictions that had been set out. The Character statements received by the Sub-Committee as were considered but did not put the balance in favour of granting the licence in this case.

The meeting was declared closed at 2.59 pm

Chairman

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 17TH NOVEMBER, 2023 AT 10.00 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Casey, A Cossens, Kotz and Wiggins
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer), Emma King (Licensing Officer) and Chloe Blackwell (Licensing Enforcement Officer) Councillor I Henderson (Ward Councillor Representing), Steve Bennett, (Essex Police), Ray Dowsett (Landlord) and Alex Wick (License Holder)

12. CHAIRMAN FOR THE MEETING

It was moved by Councillor Cossens, seconded by Councillor Casey and:

RESOLVED – That Councillor Wiggins be elected as Chairman for the meeting.

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions.

14. DECLARATIONS OF INTEREST

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

15. REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) REVIEW OF PREMISES LICENCE - ENTERPRISE HARWICH BAR LTD

The Sub-Committee heard from the Head of Democratic Services and Elections, who, as the representative of the Licensing Authority, introduced the matter of a review application under Section 51 of the Licensing Act. The application pertained to the premises known as Wicks Bar, managed by Enterprise Harwich Bar Limited, with Mr. Wicks identified as the designated premises supervisor. The application, outlined in the provided documents, had been joined by various parties, including the Licensing Authority, Essex Police, and six additional representations from members of the public.

The Sub-Committee, having received and reviewed the relevant papers, was tasked with considering the application and the representations made. The Head of Democratic Services and Elections emphasized the importance of following the established procedure outlined in Appendix H, to guide the discussion and facilitate a decision regarding the approach to their powers following the review. The presentation concluded with the acknowledgment of the committee's awareness of the review and the expectation that they would proceed in accordance with the specified procedures and each interested party and the licence holder were encouraged to ask questions.

The Sub-Committee heard from Rebecca Duff Cole of the Environmental Protection team acting as a responsible authority who's representation, she then gave the representation. The representation sought to restrict the permission for live, recorded, and amplified music due to noise nuisance complaints. Wicks's Bar, licensed for alcohol sale and late-night refreshment, faced allegations of noise disturbances affecting nearby residential properties.

The review focused on the Licensing Act's Prevention of Public Nuisance objective. Mr. Alexander Wicks, the Designated Premises Supervisor, faced complaints of loud music with heavy bass, and disruptive behaviour. Despite multiple warnings, noise abatement notices, and breaches, Mr. Wicks failed to address the issues adequately.

The Environmental Protection team substantiated a statutory noise nuisance, and served a noise abatement notice. Breaches had occurred on three occasions, leading to the decision to review the premises licence. Complaints included loud music, anti-social behaviour, and operational violations, impacting residents' sleep, work, and safety.

Despite some initial improvements, subsequent breaches prompted the review application. The Environmental Protection team's efforts to work with Mr. Wicks proved unsuccessful, leading to the conclusion that permanent enforceable conditions were necessary to mitigate further noise nuisances. The team proposed restricting amplified, recorded, and live music at the premises.

Following investigations as a result of complaints about noise revealed seven formal and two anonymous complaints, with witness statements emphasizing the adverse impact on residents. Mr. Wicks's management of the amplified music raised concerns, as he failed to address complaints and implement promised changes, leading to the loss of confidence in his ability to manage noise issues effectively.

Members of the Committee and Interested parties asked questions that they felt relevant before moving on to the next part of the presentation which was from Steve Bennett (Essex Police).

Mr Bennett stated that there had been a significant number of calls and complaints from the public since the premises opened in May. The venue had failed to uphold crime and disorder and public nuisance objectives by repeatedly breaching relevant legislation. From Essex Polices' standpoint, the venue's management did not co-operate with the authorities and, disregarded advice and enforcement activities despite an action plan submitted on 24th July 2023. He expressed the view that the premises had been poorly managed for some time. On considering the concerns raised, Essex Police supported the Environmental Health Team's recommendation to revoke the licence. Although acknowledging circumstances appeared to be changing, Essex Police maintained their position in relation to revocation of the licence.

Presenting on behalf of Essex Police, Steve Bennett noted the issues around noise raised by Rebecca Duff Cole and highlighted significant crime and disorder instances, including 22 separate calls, mainly after midnight, involving fights, disorder, drug dealing, nuisance, and damage. Essex Police fully endorsed the revocation request and concluded the submission, inviting any further questions from members of the Committee and other parties present.

Chloe Blackwell (Licensing Enforcement Officer), representing the Licensing Authority, addressed the Sub-Committee, supporting the application for review submitted by Tendring District Council's Environmental Protection Team. The basis for this support was the failure to meet the licensing objectives, particularly those related to the prevention of public nuisance and crime and disorder.

Enterprise Harwich Bar Limited, the licence holder, and Mr. Wicks, the designated premises supervisor (DPS), held the current premises licence since May 2023. Ms. Blackwell reported receiving 35 complaints starting from 15th May 2023, citing issues such as loud music, unlicensed activities, and antisocial behaviour including fights, shouting, and drug misuse.

Despite several visits and a warning letter sent to Mr. Wicks on 19th June 2023, addressing unlicensed activities and playing music beyond 23:00 hours, issues persisted, including breaches of license conditions and ongoing problems with antisocial behaviour.

Ms. Blackwell noted that Mr. Wicks had consistently failed to heed relevant authorities advice throughout, and compliance efforts were only taken due to the ongoing review. Expressing her professional judgment, she highlighted the risk of allowing the premises to continue, emphasizing concerns about poor control in the running of the premises, late closing, and increasing antisocial behaviour. She lacked the necessary trust that Mr. Wicks would heed further advice.

Members of the Committee asked questions about revocation of the licence and the potential for conditions to be added if the licence was not revoked.

Ms. Blackwell whilst recommending revocation of the premises licence said that if the Committee disagreed, a list of conditions could be provided and discussions had already been had in relation to those conditions to support the licensing objectives.

Additionally, on 14th November 2023, Mr. Ray Dowsett the landlord of the property and Mr. Robert Beke, an associate of Mr Dowsett, had an appointment with the Licensing Authority. Mr. Wicks did not attend, and discussions proceeded in his absence. Following that meeting, Mr. Dowsett advised that they would be submitting a change of DPS with the view of transferring the licence to a new holder.

On 15th November 2023, Mr. Dowsett submitted the change of Designated Premises Supervisor (DPS) application and a transfer application in the name of Flying Trade Group PLC. At the review meeting they indicated no intention to withdraw these applications, stating the premises would remain closed until the New Year for rebranding. Mr Dowsett also submitted a list of amended conditions to be attached to the licence. During this period, a noise management plan would be implemented.

Members of the Committee were pleased to hear that discussions had been taking place and asked questions about the discussion and possible conditions if they were minded not to revoke the licence.

The Sub-Committee heard from Councillor Ivan Henderson, who served as Ward Councillor for the Harwich and Kingsway Ward, who was representing the residents in the review.

Councillor I Henderson began by noting the presence of several other establishments within his ward, emphasizing that he had not observed issues comparable to those reported by his residents concerning a specific establishment. In instances where problems had arisen in other premises, there had consistently been full cooperation with licensing offices and the police. Councillor I Henderson stressed that, until now, he had encountered no issues with other establishments operating under similar conditions.

Referring members to his statement on page 139 of the agenda, Councillor I Henderson expressed relief as a ward Councillor that the review was underway. He stated that over the last six months, his residents had experienced an unacceptable level of disturbance from the premises, resulting in frequent complaints, and that these complaints encompassed unbearable noise levels from loud music, incidents of antisocial behaviour, fights, shouting, drug misuse, and violations of licensing conditions.

Despite attempts to collaborate with the establishment, the issues persisted, significantly impacting the quality of life for residents. Witnesses provided comments highlighting the negative effects on their lives, such as lack of sleep, an inability to relax, and disruption of their weekends.

Councillor I Henderson urged the Sub-Committee to carefully consider the evidence presented, particularly emphasizing the repeated breaches of the noise abatement notice, disregard for council officers' contacts, and statements from Essex police. As a local Councillor, he underscored the importance of freeing up police resources to address other issues rather than being exclusively tied to one particular premises.

In conclusion, Councillor I Henderson appealed to the Sub-Committee to make a decision that would bring an end to his residents' nightmare. He strongly recommended revoking the license and considering a further application rather than a simple transfer. He believed that transferring the licence would not resolve the ongoing problems within the same time scales, and the nightmare for his residents would persist.

The Sub-Committee heard from Ray Dowsett (Landlord). He stated that he had provided a statement to Chloe Blackwell, Michael Cook, and Steve Bennett earlier this week.

He confirmed that on Wednesday, the 15th of November 2023, Flying Trade Group Limited had submitted an application and payment to transfer the premises licence of Wicks Bar at Midland House into the name of Flying Trade Group Limited, the owner of the premises. Copies of this transfer were sent to Essex Police, and it took immediate effect.

Additionally, Flying Trade Group PLC had submitted the application and payment to change the Designated Premises Supervisor (DPS) for the premises from Alex Wicks to himself, Raymond Dowsett. This change also took effect from that day. Importantly, Flying Trade Group PLC did not wish to withdraw these applications; they were being processed. The premises would remain closed until they proposed and agreed on a suitable DPS with both the Sub-Committee and Essex Police. Only then would the premises reopen in January 2024.

During this closure, their tenant would rebrand the premises and carry out all agreed and proposed works outlined in the attached conditions. Upon reopening, the premises will have a new identity as a bar and restaurant. The existing CCTV will be upgraded, and all relevant notices will be clearly displayed inside and outside of the premises. Appropriate works will be carried out within the public toilets to discourage and disrupt drug use on the premises, including the installation of a drug safe. Additionally, a noise management plan, already agreed upon by Rebecca Duff Cole, Technical Officer Environmental Protection at Tendring Council, will be implemented. The noise limiter will be fitted and calibrated.

Throughout this closed period, all relevant staff training, as recommended in the attached conditions, would be conducted. There were no intentions to reduce the operating hours for licensable activities or the opening hours. He stated it was essential to note that the concerns leading to this review were not associated with the hours but rather with the way the premises were managed.

The Sub-Committee were informed by Rebecca Duff Cole that the Council had not received anything from Mr. Dowsett prior to this review and that while Mr. Dowsett says that something had been agreed and accepted she would like to clarify that this was incorrect.

The Sub-Committee resolved to exclude the parties under regulation 14 in order for further enquiries to be made before resuming the meeting.

The Chairman of the Sub-Committee stated that the Sub-Committee had discussed the matter and in the mind of the Councillors there was a clear justification for revocation of the licence. However, the Sub-Committee had been informed that the owner of the premises was applying to transfer the premises licence, intending to close for several months for renovations and reopen as a new business early next year. With that in mind members of the Committee asked that what conditions were being discussed, which had and had not been agreed noting that although revocation was the likely outcome, the committee was willing to consider suspending the license, subject to the current conditions being amended and additional conditions being added.

The Chairman said that as the Sub-Committee had heard from Mr. Dowsett on behalf of the owners that new conditions had been proposed and were under discussion. However, the Sub-Committee had not seen the proposed conditions and wanted to review them before reaching a decision. The Sub-Committee requested a copy of both the agreed and proposed conditions to be provided promptly, and having heard further from both Mr Dowsett and Mr Cook, adjourned to consider their decision. At this point each of the parties were asked if they wished to say anything else to the Committee and to sum up their case before the Committee retired to make their decision.

Upon returning, the Head of Legal Services confirmed that she had given no legal advice on the matter as none was required by the Sub-Committee.

The Sub Committee confirmed upon their return that whilst a revocation is justified they had decided that to balance the wishes of the new licensee and the need to protect the residents from public nuisance and matters of crime and disorder, previously associated

with the venue and as evidenced at the meeting they had decided to suspend the licence and their decision is set out below.

The Sub-Committee **RESOLVED** that:

- a) The licence be suspended for three (3) months with the condition that further changes be added to the licence. These changes have, for the most part, been agreed upon between the two parties. The additional modifications decided by the Sub Committee include the following specific conditions in addition to those contained in the attached document (Ref: Midland House Review Conditions 17.11.23)
- b) Reduction of all opening hours from Monday to Sunday, with closure at midnight each day.
- c) Deployment of one door supervisor from 21:00 to 22:00 hours, followed by two supervisors until half an hour after closing time or until all customers have left the premises on Friday and Saturday evenings.
- d) Regarding outside usage, conditions are largely agreed upon, with the addition of a new condition prohibiting patrons from being admitted or readmitted into the premises after 23:30 hours on any given day. Furthermore, this condition includes random searching practices upon entry, dealing with and banning patrons suspected of using drugs on the premises, and a new condition for the licensee to be active in any Pub Watch or similar committee meeting in the area where a suitable scheme exists.
- e) In relation to noise management, the Sub Committee has endorsed the conditions recommended by the Environmental Protection Team and has added a fourth condition stipulating a 30-minute period of no music or quiet before the closing time of the license.

The Head of Democratic Services and Elections confirmed that the parties would be confirmed the decision in writing along with the rights of appeal.

The meeting was declared closed at 2.00 pm

Chairman

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 24TH NOVEMBER, 2023 AT 10.00 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Casey, J Henderson and Kotz
In Attendance:	Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer) and Emma King (Licensing Officer)

16. CHAIRMAN FOR THE MEETING

It was moved by Councillor Kotz, seconded by Councillor Casey and:

RESOLVED – That Councillor J Henderson be elected as Chairman for the meeting.

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions.

18. DECLARATIONS OF INTEREST

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

19. EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor Kotz, seconded by Councillor Casey and:

RESOLVED that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for the items of business to be considered below on the grounds that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. For the purposes of this decision, a party and any person assisting or representing a party shall not be treated as a member of the public.

20. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.1 - GRANT OF A PREMISES LICENCE

The Sub-committee had, after consideration, decided to **NOT** grant the Premises Licence with or without the proposed named DPS.

The meeting was declared closed at 12.30 pm

Chairman

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LICENSING AND REGISTRATION COMMITTEE

JANUARY 2024

REPORT OF THE CORPORATE DIRECTOR – OPERATIONS & DELIVERY

A.1 PROPOSED FEES AND CHARGES FOR CARAVAN SITE LICENSING – HOUSING & ENVIRONMENT

(Report prepared by Grant Fenton-Jones)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Licensing Committee's concurrence to the proposed schedule of fees and charges 2024/25 for Operations & Delivery / Housing & Environment.

To provide the Licensing Committee with the details of the proposed licensing fees and charges for the new financial year beginning April 2024, with regard to Residential Park Homes. The Mobile Homes Act 2013, amended Section 3(3) of the Caravan Sites and Control of Development Act 1960 and empowered Local Authorities to charge when issuing licences in respect of 'relevant protected sites' and to charge fees for the provision of other associated licensing functions. The purpose of the report is to endorse those fees and changes to those fees and charges to take effect for the new financial year 2024/25 (as soon as possible there after taking account of legislative requirements).

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2024/25 for Operations & Delivery / Housing & Environment. They continue to be considered against a number of key principles that form part of the long term financial forecast approach which are summarised later on in this report.
- Any amendments to income budgets that are required to reflect changes to fees and charges will be included in the detailed budget proposals for 2024/25 that will be considered by Cabinet / Full Council as appropriate.
- In respect of Full Council, the individual decisions agreeing fees and charges will be collated and presented as part of the overall budget setting process for 2024/25.

This report sets out the proposed fees and charges for the 2024/25 Licensing of Residential Parks (protected sites) and for charging fees as part of our inspection regime in accordance with the aforementioned legislation.

The proposed fees and charges associated with licensing of Residential Sites (relevant protected sites) have been increased using the projected rate of inflation for the next financial year, and approval is sought to better reflect cost recovery in relation to the administration of the licensing areas concerned. It is proposed that the amended fees and charges to take effect from the 1st April 2024.

The proposed fees and charges for 2024/25 along with the fees and charges for 2023/24 are set out within Appendix A to this report.

RECOMMENDATION(S)

That the Schedule of Fees and Charges 2024/25 for Operations & Delivery / Housing & Environment set out in Appendix A be agreed.

It is recommended that:

- 1) That the proposed fees and charges for 2024/25 set out in column B of Appendix A be approved with effect from April 2024; and,**
- 2) The Assistant Director for Housing & Environment be authorised to publish The Mobile Homes (Residential Protected Sites) fees and charges in accordance with the relevant legislative provisions.**

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of a revised fees and charges schedule for 2024/25.

The Council has made provision in its Constitution within the Committee's Terms of Reference (at Part 3.20) for the Committee to approve the setting of fees and charges for licences falling within its remit.

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. The recommendation is in order to comply with the provisions of the European Services Directive (2006/123/EC) which although following Brexit, is no longer applies to the UK, the requirements of such were incorporated into UK law by the Provision of Services Regulations 2009. The legal requirements of what could be and were not recoverable 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. These considerations have been taken into account in setting the proposed fees.

ALTERNATIVE OPTIONS CONSIDERED

Please see the considerations / reasons behind the proposed fees and charges later on in this report.

Where a discretion exists in relation to fees and charges for licences and other licensing provisions, 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 estimated inflation. The proposed increase reflects on-going general inflationary pressures experienced in 2023/24 and those estimated in 2024/25, and therefore, a 4% increase is proposed for 2024/25. This is to ensure that all relevant costs are lawfully recovered from the

income derived from the fees and charges for each distinct area of the licensing of Residential (Protected Mobile Home Sites), as well as charging annual fees and for other associated licensing provisions as necessary. If there is no increase in fees there is a risk that the Council will not recover all of the costs for statutory services or functions 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

The forecasting and budget setting process, including fees and charges, will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10 year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, including income raised from fees and charges, whilst limiting reductions in services provided to residents, businesses and visitors.

It is intended that the revised fees and charges would support the following themes from the Council's Corporate Plan 2024-28:

- Pride in our area and services to residents
- Championing our local environment
- Financial Sustainability and openness

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) determined 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, The Licensing of Caravan Sites 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.

Licence Type	Charging Power
Mobile Homes Site licensing (Residential Protected Sites)	<p>Local Authorities were afforded powers under The Caravan Sites and Control of Development Act 1960 (the Act), to grant caravan site licences for sites that have planning permission.</p> <p>The Act has now been amended by The Mobile Homes Act 2013 (the 2013 Act), that enables Local Authorities to charge for the issue of licences in respect of Residential Mobile Homes ('relevant protected sites'), and to charge fees for other associated licensing provisions for these type of sites.</p> <p>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)(England) Regulations 2020</p>

The Caravan Sites and Control of Development Act 1960 (the Act) was amended by the Mobile Homes Act 2013 (the 2013 Act). The changes introduced by the 2013 Act came into force on

1st April 2014. These included powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”.

Local authorities can charge:

- a licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence and;
- an annual licence fee for administering and monitoring licences

Before a local authority can charge a fee, it must prepare and publish a fees policy. (See section 10A of the Act). When fixing a fee the local authority:

- must act in accordance with their fees policy
- may fix different fees in different cases
- may determine that no fee is required in some cases.

Tendring District Council published its first fee policy in April 2019 following approval by Cabinet. It provides a framework for fee setting and the process for the granting, renewal, transfer, amendment of licences, the checking of site rules, and since the 1st October 2021, the requirement for accepting applications for a relevant person to be included on the Fit and Proper Person Register with regard to Mobile Home Protected Sites. The policy was updated and revised in 2021 in consultation with the Portfolio Holder for Environment & Public Spaces to include the fit and proper person provisions. The fee policy is attached as **Appendix B**.

This Schedule of Fees and charges include some non-executive functions, so therefore, the Committee is asked to endorse and approve these fees for the next financial year, 2024/25.

The setting of these proposed fees and charges is in accordance with the requirements of the Provision of Services Regulations 2009 and case law as referenced earlier in this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources

Fees and Charges have been reviewed against the key principles that underpin the long term forecast, which includes the generation of income whilst balancing strategic and external market conditions.

Given the significant on-going financial challenges faced by the Council from 2024/25, a key underlying principle is to consider inflationary increases wherever possible to support corresponding increases in the Council’s own costs in delivering the associated service(s). The current rate of inflation remains relatively high and it may not necessarily be practical / possible to ‘translate’ such an increase into the actual fee increase proposed. Therefore, set against this inflationary context, any proposed increases in fees and charges must be balanced against other considerations / market conditions, whilst also recognising the restrictions placed on local authorities in terms of setting fees and charges as set out within the legal section above. Further details relating to any proposed increases to fees and charges is set out below.

Any changes to income budgets resulting from any changes in the level of fees and charges agreed, will form part of the detailed budget setting process for 2024/25. It is also recognised that there may be advantages to allocate some or all of any additional income to associated investment / expenditure, which will also need to be considered as part of the detailed budget setting process for 2024/25.

Where possible, the Housing & Environment 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.

When setting the fees and charges for the new financial year, the responsible officer refers to the Fee Policy and the framework for setting the appropriate level of fee and charges. They carefully monitor the licensing fee income through the financial year, which can fluctuate depending on whether new applications are made and whether amendments are needed due to a change of ownership or a transfer of the licence. The income from the “Fit and Proper Person” applications is renewed every five years and a fee is only chargeable at this time. Therefore, 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, and implemented in the next financial year.

Local Authorities are not allowed to make a profit from fees and charges associated with licensing of Residential Mobile Homes (Protected Sites), and must reduce fees if it is found that a surplus of funds has been amassed. This is monitored and is unlikely to happen as fees and charges are set in accordance with the Fees Policy Framework which is time specific and based on the hourly rate of the responsible officer, whilst any increase is calculated in accordance with the annual CPI and inflation each year.

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;	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	It is important that fees are set by the correct decision making arm of the Council. Discussions between the Assistant Director for Housing and Environment 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.
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.	

MILESTONES AND DELIVERY

Fees and Charges for 2024/25 form part of the wider budget setting process, which culminates in the detailed estimates being presented to Full Council in February 2024. Fees and Charges must therefore be approved in advance of this date.

The report sets out the proposed fees and charges currently being charged and those to be set from April 2024 and invites the Committee to consider approving them.

ASSOCIATED RISKS AND MITIGATION	
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.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
The following Council Units or Officers and/or other organisations have been consulted in preparing this report: Assistant Director (Governance) Assistant Director (Finance & IT)	
EQUALITIES	
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. An Equality Impact Assessment has therefore not been completed as part of this process.	
SOCIAL VALUE CONSIDERATIONS	
Not Applicable	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
There are no direct implications for climate change. The Private Sector Housing service does, when appropriate, make use of remote digital inspection technology to reduce officer travel and associated carbon emissions.	
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.
Health Inequalities	There are no direct implications for public health although some of the licences these fees relate to are aimed at ensuring public safety.
Area or Ward affected	All Wards.
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
Income from fees and charges form an important element of the budget and the financial sustainability of the Council as set out in the long term forecast. Similarly to previous years, Departments have been asked to review their fees and charges on an individual basis as changes may need to be made to meet specific aims or strategic

objectives or in some cases in response to external factors such as market forces.

The review of fees and charges has been set against the following key principles:

- general inflationary increases where possible or lower where appropriate / justified
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.
- increases where market conditions allow
- to meet specific priorities or service delivery aims / objectives

As highlighted earlier in this report, the Council continues to face a number of significant financial challenges in 2024/25 and beyond. It is therefore important that fees and charges are considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Income budgets included in the detailed estimates will reflect any required changes from the proposed fees and charges set out in this report.

Set against the current fees and charges for 2023/24, **Appendix A** includes the schedule of fees and charges proposed for 2024/25, which have been developed by applying the key principles highlighted above.

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.

Where possible, the Housing & Environment 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.

In proposing the fees for 2024/25 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.

The Environmental Health Manager monitors fees and charges set by other Local Authorities as a bench marking exercise and the service always has due regard to this when setting fees.

The basis in setting such fees is generally to ensure cost recovery. 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 a significant surplus is created. Should a surplus be accrued, the following years fees and charges will be reduced to bring it back to zero profit.

Many licensing schemes fall within the definition of 'services', under the EU Services Directive, as incorporated into UK law 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 continue to monitor the fees and charges for licensing Residential Mobile Homes (Protected Sites) in accordance with TDC’s Fees Policy which includes a comprehensive breakdown of the services activity in this matter

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

The Licensing & Registration Committee previously agreed the proposed Fees & Charges for 2023/24 on the 24th July 2023

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

- The Caravan Sites and Control of Development Act 1960
- The Mobile Homes Act 2013
- The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)(England) Regulations 2020
- European Services Directive (2006/123/EC)
- Local Government (Miscellaneous Provisions) Act 1982

APPENDICES

Attached – Detailed fees and charges 2024/25 for Operations & Delivery / Housing & Environment

Appendix A – List of current fees and the proposed increases

Appendix B – Fee Policy

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	Grant Fenton-Jones
Job Title	Environmental Health Manager
Email/Telephone	gfenton-jones:@tendingdc.gov.uk 01255 686783

Appendix A

VAT is not applicable	A	B
LICENSING OF MOBILE HOME SITES (PROTECTED SITES)- MOBILE HOME ACT 2013	2023/24 £	2024/25 £
Application for New Site Licence		
Number of Caravans		
200+	812.00	844.00
100 to 199	690.00	717.60
25 to 99	561.00	583.00
6 to 24	478.00	498.00
1 to 5	453.00	471.00
Annual Site Licence Fees (Every April)		
Number of Caravans		
200+	613.00	638.00
100 to 199	490.00	510.00
25 to 99	337.00	350.00
6 to 24	235.00	244.00
1 to 5	173.00	180.00
Transfer of Site Licence	239.00	249.00
Amendment of Site Licence	239.00	249.00
Checking and Registering Site Rules	239.00	249.00
NEW - Application for the Fit & Proper Person Register	239.00	249.00

Tendring District Council Fees Policy

Mobile Home Site Licensing

1.0 Introduction

- 1.1** Tendring District Council ('the Council') has powers under the Caravan Sites and Control of Development Act 1960 (the Act) to grant caravan site licences for sites that have planning permission. The Act has now been amended by the Mobile Homes Act 2013 (the 2013 Act) to enable the Council to issue licences in respect of 'relevant protected sites' and to charge fees for the provision of their licensing functions.
- 1.2** A 'relevant protected site' is defined as any land to be used as a caravan site other than one where a licence is:
- Granted for holiday use only
 - In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).
 - It does not include sites that are owned by the local authority.
- 1.3** Relevant protected sites will include residential parks, mobile home parks and Gypsy and Traveller sites.
- 1.4** Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:
- must act in accordance with their fees policy
 - may fix different fees in different cases
 - may determine that no fee is required in some cases.
- 1.5** It is recommended that a local authority take into account the following matters on which costs are incurred (or likely to be incurred) (by whichever department, including costs incurred by contracting out) when determining its fee policy for consideration of applications for the grant or transfer of a site licence:
- Considering applications for the issue or transfer of a site licence
 - Initial enquiries
 - Letter writing/ telephone calls, etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process
 - Sending out forms
 - Updating hard files/ computer systems
 - Updating the EU Directive website if appropriate
 - Processing the licensing fee
 - Land registry searches

- Time for reviewing necessary documents and certificates
- Downloading photographs
- Preparing reports on contraventions
- Preparing draft and final licences
- Review by manager or lawyers; review any consultation responses from third parties
- Updating public register
- Carrying out any risk assessment process considered necessary
- Reviews of decisions or in defending appeals.

1.6 In addition a local authority will need to make such inquiries as are necessary in connection with the application, such as those relating to:

- Management and financial standing
- Outstanding licensing issues and debts; and
- Undertakings.

1.7 All time taken in establishing the information required to make an informed decision will be allowed to be included in the licence fee, whether or not the transfer or new licence is allowed.

1.8 The fee levels have been calculated based on an estimate of the time and costs involved in undertaking the various activities involved; the fee scales have been based on a 'banding' of sites according to the number of pitches.

1.9 Sites of fewer than 5 pitches that are occupied by members of the same family are exempted from the fees.

1.10 The proposed fees for the period 1st April 2024 to 31st March 2025 for each band are shown below:

	Band A	Band B	Band C	Band D	Band E
Number of pitches	1 to 5	6 to 24	25-99	100-99	200+
Annual Fee	£180.00	£244.00	£350.00	£510.00	£638.00
New site licence application fee	£471.00	£498.00	£583.00	£718.00	£844.00
Transfer of site licence fee	£249.00	£249.00	£249.00	£249.00	£249.00
Amendment of site licence fee	£249.00	£249.00	£249.00	£249.00	£249.00
Checking & Registering Site Rules	£249.00	£249.00	£249.00	£249.00	£249.00
Fit & Proper Application	£249.00	£249.00	£249.00	£249.00	£249.00

2.0 Charging arrangements

- 2.1** This policy comes into effect on 1st April 2019 and the date annual charges will be due is 1st April 2019. Subsequent year's fees will be due on the 1st April at the beginning of the new financial year.
- 2.2** Where an annual site licence is payable, the request for payment of site licence fees will be made in April each year and must be paid to the Tendring District Council within 28 days from the date of issue.
- 2.3** Payment in full of all fees shall be made with any application for a new site licence, or for amending or transferring a site licence.
- 2.4** Where a payment due to the Council has not been made, the Council may apply to the Residential Property Tribunal, for an order requiring the licence holder to pay the Council the amount due by the date specified in the Order.
- 2.5** Where a licence holder fails to comply with such an Order within the period of 3 months from the date of the Order, the Council may apply to the Tribunal for an Order revoking the site licence.
- 2.6** A licence holder has the right to apply to the Tribunal where they disagree with the licence fee being charged.
- 2.7** The Fee Policy will be kept under review and a new policy will be published when revisions are made.
- 2.8** Any fees charged must fairly cover the costs (or part of the costs) incurred by a local authority under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.
- 2.9** The fee scales have been calculated for this year on the basis of the predicted time taken to carry out the relevant administrative and inspection duties multiplied by an hourly rate. Each year the Council will assess its previous costs to check that they were accurate. Where a deficit appears because expenditure was more than anticipated the shortfall will be reflected in the fee charged to the site owner in the next year. Similarly, where a surplus is made the fee for the following year will be reduced by that amount.
- 2.10** The legislation allows the site owner to pass the annual licence fee on each year to residents through their annual 'pitch fees'. If the Council's annual licence fees increase in subsequent years the proportion of the charge that can be passed on is limited to the amount of the charge imposed in the first year and any subsequent Retail Price Index increases will be applied to it. Only the annual fees can be passed on to site residents.

3.0 Charges for Enforcement action

3.1 Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice. The Council is able to make a charge to cover the cost of taking the enforcement action and this will apply to all sites, including those exempted from other fees. A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges would be based on the hourly rate detailed below, in addition to any other costs incurred.

Hourly rate for enforcement costs (Based on the rate for the Environmental Health Manager) = £26.70

3.2 If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

3.3 If any prosecution were successfully taken, the Council would have the power to carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.

4.0 Breakdown of Costs

4.1 The following tables show the time allocations for each activity identified for the licensing functions and the total fees to be charged.

Process	Annual Site Licence - Fee Structure				
	200+	100 to 199	25 to99	6 to 24	1 to 5
Number of Caravans					
Programme visits send appointment letters and request certain info (mins)	15	15	15	15	15
Check documentation requested/chase (mins)	15	15	15	15	15
Input on CAPS (mins)	5	5	5	5	5
Check history and recent correspondence (mins)	20	15	10	10	10
Site inspection (mins)	420	300	180	90	30
Travel time (mins)	40	40	40	40	40
Download photos; put file notes on CAPS (mins)	60	40	30	20	15
Prepare report of contraventions (mins)	60	50	40	30	30
letter to site owner, cc to RA confirming satisfactory or agreed works over time (mins)	15	15	15	15	15
Add details to CAPS (mins)	5	5	5	5	5
Programme revisit date; inform site owner (mins)	10	10	10	10	10

E mail and telephone enquiries with residents/ site owner (mins)	60	50	40	30	20
Re -visit (mins)	120	90	60	40	30
Travel time (mins)	40	40	40	40	40
Prepare report of contraventions (mins)	40	40	30	20	20
Letter to site owner, cc to RA confirming satisfactory or outstanding works. If o/s continue towards enforcement (mins)	15	15	15	15	15
Update CAPS (mins)	10	10	10	10	10
routine monitoring visits (mins)	120	90	30	0	0
Travel time for routine visits (mins)	30	30	30	45	15
Download photos from monitoring visits; put file notes on MVM3 (mins)	40	30	10	0	0
letter to site owner following monitoring visits, cc to RA confirming satisfactory or agreed works over time (mins)	60	45	15	0	0
Add details to CAPS following monitoring visits (mins)	20	15	5	0	0
Total time (mins)	1220	965	650	455	340
Total time (hours)	20	16	11	7.5	5.6
Hourly rate (£)	25.42	25.42	25.42	25.42	25.42
Total annual charge to site owner (£)	638.00	510.00	350.00	244.00	180.00

Process	Application For New Site Licence- Fee Structure				
	200+	100 to 199	25 to 99	6 to 24	1 to 5
Enquiry received re-application process and forms sent out with covering letter inviting site visit (mins)	30	30	30	30	30
Create licensing worksheet on CAPS (mins)	10	10	10	10	10
Check planning status and any conditions (mins)	30	30	30	30	30
Check any previous history to new site/ adjacent land (mins)	15	15	15	15	15
Update CAPS (mins)	5	5	5	5	5
Appointment arranged to visit site (mins)	10	10	10	10	10
Meet site owner on site and carry out inspection; give advice re conditions and application form and documents required (mins)	210	180	120	90	60
Travel time (mins)	40	40	40	40	40

Update CAPS file notes and download photos (mins)	60	40	30	20	15
Application form received update CAPS (mins)	5	5	5	5	5
check application is full and proper; signed; fee included; documents included (mins)	40	40	40	40	40
Process the fee and send out receipt to owner (mins)	20	20	20	20	20
Update fields on CAPS and attach application form and docs. to worksheet (mins)	10	10	10	10	10
Check certificates for gas, electricity, fire risk assessment (mins)	30	20	20	20	20
Check Land Registry- owner details (mins)	10	10	10	10	10
Review documentation; check suitability of site and site owner :management and financial standing; outstanding licensing issues and debts; undertakings (as set by new Regs)	90	90	90	90	90
carry out a credit check and review	20	20	20	20	20
Clarification of any matters with new owner	20	20	20	20	20
Report to manager recommending approval or refusal or accept undertaking - notify owner	30	30	30	30	60
Update licensing sheet on CAPS ; attach all documents (mins)	20	15	15	15	15
Produce draft licence and site licence conditions (slc) with cover letter detailing works identified as necessary following site inspection (mins)	90	60	60	60	45
Update CAPS (mins)	10	10	10	10	10
Discussions with site owner re works/ conditions, including any requests to amend. (mins)	60	60	45	45	30
Review case with manager, discuss requests for any amendments and redraft if necessary (mins)	30	20	10	10	10
Draft new site licence with slc attached, (mins)	15	15	15	15	15
Manager checks document with file, signed and dated (mins)	50	40	30	20	20
Send site licence and slc to owner; update CAPS and attach documents (mins)	15	15	15	15	15

Update site licence register on system and hard file (mins)	10	10	10	10	10
When site is occupied arrange full site inspection with owner (mins)	10	10	10	10	10
Inspect site against slc, note breaches (mins)	420	300	180	90	30
Travel time	40	40	40	40	40
Update CAPS ; download photos (mins)	40	30	20	15	15
Prepare report of contraventions (mins)	60	60	45	30	30
Letter to site owner (mins)	15	15	15	15	15
Update CAPS and record next inspection date (mins)	15	15	15	15	15
Letter to site owner advising of procedure for annual inspections and next programmed visit (mins)	10	10	10	10	10
total time (mins)	1595	1350	1100	940	845
total time (hours)	26.5	22.5	18.3	15.6	14.8
hourly rate (£)	25.42	25.42	25.42	25.42	25.42
total charge to site owner (£)	844.00	718.00	583.00	498.00	471.00

Process	Application to Transfer Site Licence - Fee Structure				
	200+	100 to 199	25 to 99	6 to 24	1 to 5
Enquiry received and application form sent out with cover letter	30	30	30	30	30
Create worksheet on CAPS and update licensing file on CAPS	15	15	15	15	15
Application form received; check it is a full and proper application, complete, signed and fee included	40	40	40	40	40
Process the fee and send out receipt to owner; request standard documentation	20	20	20	20	20
Update fields on CAPS worksheet and licensing file on MVM3; attach application form and docs.	30	30	30	30	30
Check Land Registry- confirm applicant is the owner of the land; update MVM3	10	10	10	10	10
Review documentation; check suitability of site and site owner :management and financial standing; outstanding licensing issues and debts; undertakings (as set by new Regs)	90	90	90	90	90
carry out a credit check and review	20	20	20	20	20
Clarification of any matters with new owner	20	20	20	20	20

Report to manager recommending approval or refusal or accept undertaking - notify owner	60	60	60	60	60
Re -draft the site licence	20	20	20	20	20
Manager checks draft site licence and authorised officer to sign and date.	20	20	20	20	20
Check details of last site inspection and note any outstanding breaches/ outstanding Compliance Notices	20	20	20	20	20
Send new site licence to the site owner with details of outstanding breaches, copies of Compliance Notices with timescales for compliance. Advise of next programmed site inspection date.	50	50	50	50	50
Add new licence to electronic folder and update MVM3; attach all docs	15	15	15	15	15
Update site licence register on system and hard file	10	10	10	10	10
total time (mins)	470	470	470	470	470
total time (hours)	7.83	7.83	7.83	7.83	7.83
hourly rate	25.42	25.42	25.42	25.42	25.42
total charge	249.00	249.00	249.00	249.00	249.00

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LICENSING & REGISTRATION COMMITTEE

January 2024

REPORT OF CORPORATE DIRECTOR OF OPERATIONS & DELIVERY

A.1 Operations & Delivery / Housing & Environment – Proposed Fees & Charges for Animal & Beauty Licensing 2024/25

(Report prepared by Grant Fenton-Jones)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Licensing & Registration Committee's concurrence to the proposed schedule of fees and charges 2024/25 for Operations & Delivery / Housing & Environment – Animal Licensing & Beauty Treatment Licensing.

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 the proposed fees and charges for the new financial year to take effect from 1 April 2024 (or as soon as possible thereafter taking account of legislative requirements).

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2024/25 for Operations & Delivery / Housing & Environment. They continue to be considered against a number of key principles that form part of the long term financial forecast approach which are summarised later on in this report.
- Any amendments to income budgets that are required to reflect changes to fees and charges will be included in the detailed budget proposals for 2024/25 that will be considered by Cabinet / Full Council next year.
- In respect of Full Council next year, the individual decisions agreeing fees and charges will be collated and presented as part of the overall budget setting process for 2024/25.
- This report sets out the current schedule of fees and charges is presented for approval along with the proposed fees and charges to take effect from April 2024.
- The fees and charges payable for applications are within the remit of the Committee and, where a discretion exists, it is proposed 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 2024/25 along with the fees and charges for 2023/24 are set out within Appendix A to this report.

RECOMMENDATION(S)

It is recommended that:

That the Schedule of Fees and Charges 2024/25 for Operations & Delivery / Housing & Environment set out in Appendix A be agreed.

It is recommended that:

- 1) The current fees and charges in place since April 2023 are set out in column A of Appendix A;**
- 2) That the proposed fees and charges for 2024/25 set out in column B of Appendix A be approved with effect from April 2024; 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)

To enable the implementation of a revised fees and charges schedule for 2024/25.

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 estimated inflation. The proposed increase reflects on-going general inflationary pressures experienced in 2023/24 and those estimated in 2024/25, and therefore, a 4% increase is proposed for 2024/25. 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

The forecasting and budget setting process, including fees and charges, will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10 year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, including income raised from fees and charges, whilst limiting reductions in services provided to residents, businesses and visitors.

It is intended that the revised fees and charges would support the following themes from the Council's Corporate Plan 2024-28:

- Pride in our area and services to residents
- Championing our local environment
- Financial Sustainability and openness

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.

Licence Type	Charging Power
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.

This Schedule of Fees and charges include some non-executive functions, so therefore, the Committee is asked to endorse and approve these fees for the next financial year, 2024/25.

The setting of these proposed fees and charges is in accordance with the requirements of the

Provision of Services Regulations 2009 and case law as referenced earlier in this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Fees and Charges have been reviewed against the key principles that underpin the long term forecast, which includes the generation of income whilst balancing strategic and external market conditions.

Given the significant on-going financial challenges faced by the Council from 2024/25, a key underlying principle is to consider inflationary increases wherever possible to support corresponding increases in the Council's own costs in delivering the associated service(s). The current rate of inflation remains relatively high and it may not necessarily be practical / possible to 'translate' such an increase into the actual fee increase proposed. Therefore, set against this inflationary context, any proposed increases in fees and charges must be balanced against other considerations / market conditions, whilst also recognising the restrictions placed on local authorities in terms of setting fees and charges as set out within the legal section above. Further details relating to any proposed increases to fees and charges is set out below.

Any changes to income budgets resulting from any changes in the level of fees and charges agreed, will form part of the detailed budget setting process for 2024/25. It is also recognised that there may be advantages to allocate some or all of any additional income to associated investment / expenditure, which will also need to be considered as part of the detailed budget setting process for 2024/25.

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.

A full review of all licensing fees and charges including reviewing the amount of officer time taken to process each type of licence has been undertaken and can be found in Appendix B of this report. As part of this process fees have been increased taking into account the whole process with regard to all Licensing functions associated with Animal Licensing.

**Cost of the Environmental Health Service including Licence income is as follows:
*Licensing Committee (Animal Licensing increase in fees)***

The total fee income is based on 2023 with the estimated impact of inflation for 2024.

Item	2023/24	2024/25*	Change
Cost of service	205,980	213,570	7,590
Total Fee Income	10,480	11,000	520
Difference	195,500	202,570	7,070

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;	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	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.
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.	
MILESTONES AND DELIVERY	
The report sets out the proposed fees and charges currently being charged and those to be set from April 2024 and invites the Committee to consider approving them.	
ASSOCIATED RISKS AND MITIGATION	
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.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
The following Council Units or Officers and/or other organisations have been consulted in preparing this report: Assistant Director (Governance) Assistant Director (Finance & IT)	
EQUALITIES	
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. An Equality Impact Assessment has therefore not been completed as part of this process.	
SOCIAL VALUE CONSIDERATIONS	
Not Applicable	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
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.	

OTHER RELEVANT IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	No direct implications for crime and disorder.
Health Inequalities	There are no direct implications for public health although some of the licences these fees relate to are aimed at ensuring public safety.
Area or Ward affected	All wards.
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>Income from fees and charges form an important element of the budget and the financial sustainability of the Council as set out in the long term forecast.</p> <p>Similarly to previous years, Departments have been asked to review their fees and charges on an individual basis as changes may need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.</p> <p>The review of fees and charges has been set against the following key principles:</p> <ul style="list-style-type: none"> • general inflationary increases where possible or lower where appropriate / justified • amounts rounded for ease of application, which may result in a slightly above inflation increase. • on a cost recovery basis as necessary • reflect statutory requirements. • increases where market conditions allow • to meet specific priorities or service delivery aims / objectives <p>As highlighted earlier in this report, the Council continues to face a number of significant financial challenges in 2024/25 and beyond. It is therefore important that fees and charges are considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.</p> <p>Income budgets included in the detailed estimates will reflect any required changes from the proposed fees and charges set out in this report.</p> <p>Set against the current fees and charges for 2023/24, Appendix A includes the schedule of fees and charges proposed for 2024/25, which have been developed by applying the key principles highlighted above.</p> <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</p>

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.

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.

In proposing the fees for 2024/25 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.

The Essex Environmental Health Mangers Group annually runs a bench marking exercise on fees and charges and the service always has due regard to this matrix when setting fees.

The basis in setting such fees is generally to ensure cost recovery. 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 a significant surplus is created. Surpluses may be carried forward to future years to be redistributed (within the ring fenced licensing budget), or 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.

Details of the review of licensing fees and charges can be found at Appendix B of this report.

A full review of all licensing fees and charges including reviewing the amount of officer time taken to process each type of licence has been undertaken and can be found in Appendix B of this report. As part of this process fees have been increased taking into account the whole process with regard to all Licensing functions associated with Animal Licensing and Beauty Treatment Licensing.

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

The Licensing & Registration Committee previously agreed the proposed Fees & Charges for 2023/24 on the 8th March 2023

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Attached – Detailed fees and charges 2024/25 for Operations & Delivery / Housing & Environment

Appendix A – List of current fees and proposed increases

Appendix B - Details of the review of licensing fees and charges

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	Grant Fenton-Jones
Job Title	Environmental Health Manager
Email/Telephone	gfenton-jones@tendringdc.gov.uk 01255 686783

Appendix A - List of Current Fees and Proposed Increases

	A	B
	2023/24	2024/25
VAT is not applicable		
LICENSING AND REGISTRATION		
Annual Fees:	£	£
Hiring Out Horses		
Hiring out Horses (1-15) – Licence Application Fee	170.00	219.52
Hiring out Horses (1-15) – Grant Fee	85.00	109.76
Hiring out Horses (16+) – Licence Renewal Fee	170.00	256.12
Hiring out Horses (16+) – Grant Renewal Fee	85.00	128.06
Dangerous Wild Animals (Minimum Cost)	255.00	380.00
Boarding Kennels		
Boarding Kennels - Licence Application Fee	144.00	207.32
Boarding Kennels - Grant Fee	70.00	103.66
Boarding Kennels - Licence Renewal Fee	144.00	170.74
Boarding Kennels - Grant Renewal Fee	70.00	85.37
Selling Animals as Pets		
Selling Animals as Pets - Licence Application Fee	144.00	207.33
Selling Animals as Pets - Grant Fee	70.00	103.66
Selling Animals as Pets - Licence Renewal Fee	144.00	176.74
Selling Animals as Pets - Grant Renewal Fee	70.00	88.37
Home Boarding of Dogs		
Home Boarding of Dogs - Licence Application Fee	115.00	158.54
Home Boarding of Dogs - Grant Fee	58.50	79.27
Home Boarding of Dogs - Licence Renewal Fee	115.00	134.16
Home Boarding of Dogs - Grant Renewal Fee	58.50	67.08
Dog Breeders		
Dog Breeding - Licence Application Fee	144.00	207.33
Dog Breeding - Grant Fee	70.00	103.66
Dog Breeding - Licence Renewal Fee	144.00	176.74
Dog Breeding - Grant Renewal Fee	70.00	88.37
Zoos (Minimum Cost - Price on Application)	561.00	671.00
Keeping Animals for Exhibition		
Keeping Animals for Exhibition - Licence Application Fee	144.00	207.33
Keeping Animals for Exhibition - Grant Fee	70.00	103.66
Keeping Animals for Exhibition - Licence Renewal	144.00	182.94
Keeping Animals for Exhibition - Grant Renewal Fee	70.00	91.47
Cat Boarding Establishments		
Cat Boarding Establishments - Licence Application	144.00	207.33
Cat Boarding Establishments - Grant Fee	70.00	103.66
Cat Boarding Establishments - Licence Renewal	144.00	176.74
Cat Boarding Establishments - Grant Renewal Fee	70.00	88.37
...Continued on the next page		

Joint Cat and Dog Boarding		
Combined Cat and Dog Boarding - Licence Application Fee	144.00	256.12
Combined Cat and Dog Boarding - Grant Fee	70.00	128.06
Combined Cat and Dog Boarding - Licence Renewal	144.00	231.72
Combined Cat and Dog Boarding - Grant Renewal Fee	70.00	115.86
Dog Day Care		
Dog Day Care - Licence Application Fee	144.00	207.33
Dog Day Care - Grant Fee	70.00	103.66
Dog Day Care - Licence Renewal Fee	144.00	176.74
Dog Day Care - Grant Renewal Fee	70.00	88.37
Home Boarding Arranger Service		
Home Boarding Arranger - Licence Application Fee	115.00	256.11
Home Boarding Host (New) - (Fee per Host)	58.50	73.17
Home Boarding Arranger - Licence Renewal Fee	45.00	134.16
Home Boarding Host - Renewal (Fee per Host)	25.00	67.08
Additional Licensable Activity		
Additional Licensable Activity Licence Application Fee	80.00	121.96
Additional Licensable Activity Grant Fee	40.00	60.98
Variation to Licence	95.00	109.76
Re-evaluating Risk Rating	120.00	109.76
Transfer Due to Death	75.00	86.00
Variation to Licence - Additional Horses	NEW	35.00
Acupuncturist	138.00	140.40
Tattooist / Skin Piercing	194.00	201.76
Electrolysis	138.00	140.40
Ear Piercing	138.00	140.40
Amendment to Acupuncturist, Tattooist, Skin Piercing, Electrolysis or Ear Piercing Licence	97.00	100.88
The following conditions apply:		
a) Hiring out of Horses and Dangerous Wild Animals are inspected by a vet.		
b) New Dog Breeding establishments are inspected by a vet		
c) All other establishments inspected by a vet where necessary.		
d) Where veterinary inspections are deemed necessary, all costs will be charged to the Licence Holder		
These Fees and Charges are determined on the basis of cost recovery.		

Appendix B- Review of Animal Licensing Fees & Charges

Activity	Review Application Form & Book	Average Travel Time	Inspection Visit	Follow Up Including Procedures	Licence Admin	Average Travel Interim	Interim Inspection	Follow Up To Interim	No. Minutes	No. Hours	Cost
Hiring out Horses - 1-15 horses (New)	90	40	240	300	150	40	180	60	1100	18.33	329.28
Hiring out Horses - 16 + horses (New)	90	40	330	300	180	40	240	60	1280	21.33	384.17
Hiring out Horses - 1-15 horses (renewal)	15	40	240	180	90	40	180	60	845	14.08	256.11
Hiring out Horses - 16 + horses (renewal)	15	40	330	180	120	40	240	60	1025	17.08	310.99
Dog Boarding - (New)	90	40	240	240	120	40	180	60	1010	16.83	310.99
Dog Boarding - (Renewal)	15	40	240	180	90	40	180	60	845	14.08	265.11
Cat Boarding - (New)	90	40	240	240	120	40	180	60	1010	16.83	310.99
Cat Boarding - (Renewal)	15	40	240	180	90	40	180	60	845	14.08	265.11
Combined Dog and cat Boarding (New)	90	40	330	330	120	40	240	90	1280	21.33	384.17
Combined Dog and cat Boarding (Renewal)	15	40	330	240	120	40	240	90	1115	18.58	347.58
Home Boarding (New)	90	40	180	180	90	40	120	60	800	13.33	237.82
Home Boarding (Renewal)	15	40	180	120	60	40	120	60	635	10.58	201.23
Home Boarding Arranger (New)	90	40	180	180	120	40	120	60	830	13.83	256.11
Home boarding host (New) (Fee per host)		40	90	30	0	40	60	0	260	4.33	73.17
Home Boarding Arranger (Renewal)	15	40	180	120	90	40	120	60	665	11.08	134.16
Home boarding host (Renewal) (Fee per host)		40	90	30	0	40	60	0	260	4.33	67.08
Dog Day Care (New)	90	40	240	240	120	40	180	60	1010	16.83	310.99
Dog Day Care (Renewal)	15	40	240	180	90	40	180	60	845	14.08	265.11
Exhibiting Animals (New)	90	40	240	240	120	40	210	60	1040	17.33	310.99
Exhibiting Animals (Renewal)	15	40	240	180	90	40	210	60	875	14.58	274.40
Selling animals as pets (New)	90	40	240	240	120	40	180	60	1010	16.83	310.99
Selling Animals as Pets (Renewal)	15	40	240	180	90	40	180	60	845	14.08	265.11
Dog breeding (New)	90	40	240	240	120	40	180	60	1010	16.83	310.99
Dog breeding (Renewal)	15	40	240	180	90	40	180	60	845	14.08	265.11
Additional Licensable Activity (New)	15	0	180	180	60	0	120	60	600	10.00	182.94
Variation of Licence	60	40	120	60	60		0	0	340	5.67	109.76
Re-evaluation of Risk Rating Score	60	40	120	60	60		0	0	340	5.67	109.76
Variation of Licence - Additional Horses											36.40
Transfer due to death											89.44

Dangerous Wild Animals Licence From £380.00 – Fees based on Cost Recovery (Minimum Cost – Accurate price on application)
 Zoo Licence From £671.00 – Fees based on Cost Recovery (Minimum Cost – Accurate price on application)

The following conditions apply:

a) All licence applications for Hiring out Horses and Dangerous Wild Animals are inspected by a vet

- b) All new dog breeding licence applications are inspected by a vet
- c) All other establishments are inspected by a vet where necessary
- d) All vets fees will be payable by the licence applicant and are charged on a cost recovery basis.

LICENSING AND REGISTRATION COMMITTEE

31 JANUARY 2024

REPORT OF THE DEPUTY CHIEF EXECUTIVE

A.3 Proposed Licensing Fees and Charges for 2024/25
(Report prepared by Michael Cook and Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Committee's approval to a schedule of fees and charges 2024/25 for licensing applications etc within the responsibility of the Democratic Services and Elections, Governance – Licensing Section. The current fees and charges and proposals for fees and charges in 2024/25 are set out at Appendix A to this report. Appendix A sets out those licensing fees where the Council has discretion over the level of fee, those where the Council must charge a nationally prescribed fee and those where the chargeable fee is subject to a nationally prescribed maximum.

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2024/25 for licensing applications etc within the responsibility of the Democratic Services and Elections, Governance – Licensing Section. These are within Appendix A to this report.
- Any amendments to income budgets that are required to reflect changes to fees and charges will be included in the detailed budget proposals for 2024/25 that will be considered by Cabinet/Council.
- The Council needs to demonstrate that the fees it charges for such licences have been set in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible.
- Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.
- This report sets out the revised fees and charges for licences and associated items, which it is proposed should take effect from April 2024.

RECOMMENDATION(S)

It is recommended that:

- 1) the proposed licensing fees and charges set out in Appendix A be approved with effect from April 2024 (Note: this recommendation only applies to those fees and charges where the Council has the discretion to determine the said fee);**
- 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.

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of a revised fees and charges schedule for 2024/25. The Council has made provision in its constitution for the setting of fees for Licences falling within the remit of this Committee to be determined by it.

ALTERNATIVE OPTIONS CONSIDERED

As alternative options, where discretion exists for the Council, consideration has been given to setting fees and charges that did not recover the Council's costs in administering the relevant licensing functions. These were discounted as to do so would either leave Council Tax payers to meet costs of licensing that legally may be recovered or otherwise lead to a surplus and this would have meant that that the Council was acting contrary to law.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The forecasting and budget setting process, including fees and charges, will have direct implications for the Council's ability to deliver on its objectives and priorities. At its heart, the 10-year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, including income raised from fees and charges, whilst limiting reductions in services provided to residents, businesses and visitors.

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.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	No	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the	Not applicable

Council (must be 28 days at the latest prior to the meeting date)

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

Trading and the power to charge are set out in the Local Authorities (Goods and Services) Act 1970 and the Local Government Act 2003 – Section 93 respectively. The latter also requires that charges for discretionary services should be on a cost recovery basis.

The express legislative powers in respect of the various district areas of licensing are set out below:

Licence Type	Charging Power
Scrap Metal Dealers	Paragraph 6 of Schedule 1 to the Scrap Metal Dealers Act 2013
Pleasure Boats and Boatmen	Section 94 of the Public Health Acts Amendment Act 1907
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

There is no power to charge for Street Collection and House to House Collection Permits. In respect of authorisations under the Licensing Act 2003, the fees and charges are set nationally by central Government. Fees and charges in respect of authorisations under the Gambling Act 2005 are subject to a maximum rate prescribed by central Government. The Council may set fees for such authorisations, having had regard to its costs, up to the prescribed maximums.

The legislative provisions set out in the above table have been considered in the preparation of this report. Where discretion exists for licensing authorities to set the fee to be charged, they must have regard to the decision in R v Manchester City Council, ex Parte King. By virtue of that case, it would not be lawful to seek any more than to recover the costs of administering the particular licensing function and be used for generating income. More recently, the Supreme Court determined the case of R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council 2015 where the restrictions on licensing authorities to charge fees related to licensing functions was updated in respect of charging for the procedural formalities of a licensing application.

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 than the administrative costs of the Authority relevant to the licensing activities.

The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

The comments of the Monitoring Officer have been reflected in the report as it has been prepared.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources

Where the Council has a discretion over fees and charges, these have been reviewed against the key principles that underpin the long-term forecast. Fees should be set so as to avoid either a surplus or a subsidiary where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

Given the significant on-going financial challenges faced by the Council from 2024/25, a key underlying principle is to consider inflationary increases wherever possible to support corresponding increases in the Council's own costs in delivering the associated service(s). The current rate of inflation remains relatively high and it may not necessarily be practical / possible to 'translate' such an increase into the actual fee increase proposed. Therefore, set against this inflationary context, any proposed increases in fees and charges must be balanced against other considerations / market conditions, whilst also recognising the restrictions placed on local authorities in terms of setting fees and charges as set out within the legal section above. Further details relating to any proposed increases to fees and charges is set out below.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

Beyond the general content of this report there are no further comments to be set out here.

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 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.	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 charged from April 2024 (or as soon as is practicable thereafter) and invites the Committee to consider approving these as set out in Appendix A. Several fees and charges are set by Government nationally and therefore the Council has no discretion to alter those fees.	
ASSOCIATED RISKS AND MITIGATION	
The risk in setting any fee and charge is that it does not provide, due to change in usage, for the projected income. Apart from the comments in Legal Implications that it would be unlawful if certain fees were increased by more than the cost of administering the function and be used for generating income, a significant increase in charges may in any event discourage the public from using a service resulting in an overall reduction in income. The income received by the Council is regularly monitored and any significant variation would be reported to the Cabinet/Portfolio Holder.	
EQUALITY IMPLICATIONS	
In preparing this report, due consideration has been given to the Borough 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.	
No direct equality implications have been identified and, accordingly, an Equality Impact Assessment has not been completed as part of this process.	
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 CONSIDERATIONS OR 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

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Income from fees and charges form an important element of the budget and the financial sustainability of the Council as set out in the long-term forecast.

Similarly to previous years, Departments have been asked to review their fees and charges on an individual basis as changes may need to be made to meet specific aims or strategic objectives or in some cases in response to external factors.

Where the Council has a discretion over fees, the review of those fees and charges has been set against the following key principles:

- general inflationary increases where possible or lower where appropriate / justified
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.
- to meet specific priorities or service delivery aims / objectives

The Council continues to face a number of significant financial challenges in 2024/25 and beyond. It is therefore important that fees and charges are considered against this context to balance the various issues highlighted above.

Income budgets included in the detailed estimates will reflect any required changes from the proposed fees and charges set out in this report.

The costs referred to in this report that may be recovered through licence fees include:

- Administration –basic office administration to process the licence application, including photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.
- Initial visit/s – The officer time of premises visits as part of the authorisation process; including travel time and ‘on costs’.
- Third party costs – Some licensing processes will require third party input from experts, such as qualified vehicle testing engineers
- Liaison with interested parties – Engaging with responsible authorities and other stakeholders both in time and resources.
- Management costs – to reflect the cost of reviewing applications etc by the Head of Service.

- Local democracy costs – The necessary expenditure in arranging committee meetings or hearings to consider applications, review existing licences or respond to problems..
- On costs – including recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions.
- Development, determination and production of licensing policies – The cost of consultation and publishing policies.
- Web material – The cost for this work.
- Advice and guidance – This includes advice in person, production of leaflets or promotional tools, and online advice.
- Setting and reviewing fees – This includes the cost of time associated with the review, as well as the cost of taking it to this Committee for approval.
- Additional monitoring and inspection visits – The cost of visits to premises in between licensing inspections and responding to complaints.
- Registers and national reporting – where relevant, the cost of producing registers and providing submissions to central government etc.

The charge for Enhanced Disclosure & Barring Service Checks (DBS) is determined by the Disclosure & Barring Service is set by the current provider.

The Committee is advised that the Cabinet (on 26 January 2024) is considering the recommended reduced income of £25,000 in the current year and 24/25 (onwards) in view of the comparative cost of undertaking taxi / private hire tests in house and (as now) through an external provider.

An assessment of the costs of the administration of the various Licences for which this Committee is responsible has been undertaken using staff time data related to 2022/23.

PROPOSED FEES AND CHARGES 2024/25

Set against the current fees and charges for 2023/24, **Appendix A** includes the schedule of fees and charges proposed for 2024/25, which have been developed by applying the key principles highlighted above and, amongst other matters, the new Hackney Carriage and Private Hire Licensing Policy.

Where the Council has discretion over fees, it will seek to recover the costs associated with processing applications for licences as well as the administration and monitoring of compliance with conditions. The fees charged should be capable of withstanding legal challenge, should the need arise.

It is not permitted to make a surplus, nor to subsidise, and so where such situations have arisen, fees and charges are adjusted in succeeding years to achieve and maintain the correct balance.

Decisions regarding the Licensing Fees and Charges are for the Licensing and Registration Committee to consider and determine.

PREVIOUS RELEVANT DECISIONS

The fee schedule for 2023/24 was determined by the Licensing and Registration Committee on 8 March 2023 – Minute 141 refers.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

No background papers were used in the preparation of this report

APPENDICES**Appendix A – Detailed fees and charges 2024/25 for Democratic Services and Elections, Licensing Section.****REPORT CONTACT OFFICER(S)**

Name	Michael Cook Keith Simmons
Job Title	Licensing Manager Head of Democratic Services & Elections
Email/Telephone	mcook@tendringdc.gov.uk (01255) 686593 ksimmons@tendringdc.gov.uk (01255) 686580

LIST OF CURRENT FEES AND THE PROPOSED INCREASES

Key to Notes	
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.

Vehicles

Current Vehicle Grant Fee which includes two mechanical tests	£370.00
Proposed Vehicle Grant Fee excluding mechanical tests following changes to the Taxi Policy	£297.00*
Current Vehicle Renewal Fee which includes two mechanical tests	£358.00
Proposed Vehicle Renewal Fee excluding mechanical tests following changes to the Taxi Policy	£285.00*
Temporary Plate (Insurance) – Current includes mechanical test	£86.00
Proposed Temporary Plate (Insurance) excluding mechanical test following changes to the Policy	£57.00*
Current Change of Vehicle which includes mechanical test	£67.00
Proposed Change of Vehicle excluding mechanical test following changes to the Policy	£57.00*
Proposed Change of Owner	£20.00

* Mechanical Tests at cost paid directly to the garage.

Drivers

Current Grant (Three Years) – (full process includes tests)	£293.00
Current Grant (Two Years) – (full process includes tests)	£246.00
Current Grant (One Years) – (full process includes tests)	£210.00
Current Renewal (Three Years)	£160.50
Current Renewal (Two Years)	£135.00
Current Renewal (One Years)	£105.00

Appendix A

Proposed Driver Grant / Renewal application (Three years)	£175.00**
Proposed Driver Grant / Renewal application (Two years)	£145.00**
Proposed Driver Grant / Renewal application (One years)	£115.00**
**Suitability Test and application pack	£35.00
**Knowledge Test (per test)	£25.00

Medical, Passenger Assistance Training, Disability Awareness Training, Child Sexual Exploitation Training, Disclosure Barring Service Application are at additional cost which is at cost price via third party.

Best Practice Guidance:

Duration of driver licences 6.1 The Local Government (Miscellaneous Provisions) Act 1976 (as amended), the Private Hire Vehicles (London) Act 1998 and the Plymouth City Council Act 1975 set a standard length of three years for taxi and private hire vehicle driver licences. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, where the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration or the licence is only required to meet a short-term demand. Taxi and private hire vehicle licences should not be issued on a 'probationary' basis.

Private Hire Operators Licence

Current Grant / Renewal for five years, includes one vehicle	£393.00
Current additional vehicle	£164.00
Proposed Grant / Renewal for five years, includes up to three vehicles	£425.00
Proposed Grant / Renewal for five years, includes four or more vehicles	£600.00

Brackets & Other

Mogo Plate Brackets	£12.00
Plate Pegs	£2.00
Replacement Plate	£12.00

Appendix A

Replacement ID Card	£15.00
Replacement / Reissue Licence	£15.00
Change of Name or Address	£15.00

STREET TRADING CONSENT	Current Fee £	Proposed Fee £	% Increase	Notes
Grant/Renewal	567.00	615.00	8	Local Set
Dovercourt Market Grant/Renewal	80.00	87.00	8	Local Set
SEX SHOP LICENCE	Current Fee £	Proposed Fee £	% Increase	Notes
Grant / Renewal	1058.00	1142.00	8	Local Set
Transfer	403.00	435.00	8	Local Set
FILM CLASSIFICATIONS	Current Fee £	Proposed Fee £	% Increase	
Set fee for Committee	300	300	0	Local Set
Officer Viewing Footage (60 mins)	30	30	0	Local Set
BOATS	Current Fee £	Proposed Fee £	% Increase	Notes
Boat Grant/Renewal	58.00	63	8	Local Set
Boatman Grant / Renewal	58.00	63	8	Local Set
SCRAP METAL	Current Fee £	Proposed Fee £	% Increase	Notes
Scrap Metal Site Licence (Grant)	342.00	369	8	Scoped fees
Scrap Metal Site Licence (Renewal)	203.00	219	8	Scoped fees
Scrap Metal Site Licence (Variation)	32.00	35	8	Scoped fees
Scrap Metal Collectors Licence (Grant)	214.00	231	8	Scoped fees
Scrap Metal Collectors Licence (Renewal)	139.00	150	8	Scoped fees
Scrap Metal Collectors Licence (Variation)	32.00	35	8	Scoped fees
ADULT GAMING CENTRE LICENCE	FEE £	Proposed Fee £	% Increase	Notes
Grant	702.00	761	8	Scoped fees
Annual Fee	401.00	433	8	Scoped fees
Vary Licence	338.00	365	8	Scoped fees
Transfer Licence	102.00	110	8	Scoped fees
Reinstatement of Licence	90.00	97	8	Scoped fees
Provisional Statement	702.00	761	8	Scoped fees
Change of Circumstances	25.00	27	8	Scoped fees
Copy of Licence	15.00	15	0	Scoped fees

Appendix A

BETTING PREMISES [OTHER] LICENCE	FEE £	Proposed Fee £	% Increase	Notes
Grant	702.00	761	8	Scoped fees
Annual Fee	401.00	433	8	Scoped fees
Vary Licence	338.00	365	8	Scoped fees
Transfer Licence	102.00	110	8	Scoped fees
Reinstatement of Licence	90.00	97	8	Scoped fees
Provisional Statement	702.00	761	8	Scoped fees
Change of Circumstances	25.00	27	8	Scoped fees
Copy of Licence	15.00	15	0	Scoped fees
BINGO PREMISES LICENCE	FEE £	Proposed Fee £	% Increase	Notes
Grant	702.00	761	8	Scoped fees
Annual Fee	401.00	433	8	Scoped fees
Vary Licence	338.00	365	8	Scoped fees
Transfer Licence	102.00	110	8	Scoped fees
Reinstatement of Licence	90.00	97	8	Scoped fees
Provisional Statement	702.00	761	8	Scoped fees
Change of Circumstances	25.00	27	8	Scoped fees
Copy of Licence	15.00	15	0	Scoped fees
FAMILY ENTERTAINMENT CENTRE PREMISES LICENCE	FEE £	Proposed Fee £	% Increase	Notes
Grant	702.00	761	8	Scoped fees
Annual Fee	401.00	433	8	Scoped fees
Vary Licence	338.00	365	8	Scoped fees
Transfer Licence	102.00	110	8	Scoped fees
Reinstatement of Licence	90.00	97	8	Scoped fees
Provisional Statement	702.00	761	8	Scoped fees
Change of Circumstances	25.00	27	8	Scoped fees
Copy of Licence	15.00	15	0	Scoped fees
UNLICENSED FAMILY ENTERTAINMENT CENTRE	FEE £	Proposed Fee £	% Increase	Notes
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

Appendix A

PRIZE GAMING	FEE £	Proposed Fee £	% Increase	Notes
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
CLUB GAMING AND CLUB MACHINE PERMIT	FEE £	Proposed Fee £	% Increase	Notes
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
LICENSED PREMISES (PUBS)	FEE £	Proposed Fee £	% Increase	Notes
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
SMALL SOCIETY LOTTERIES	FEE £	Proposed Fee £	% Increase	Notes
Grant	40.00	40.00	N/A	Set Fees
Annual Fee	20.00	20.00	N/A	Set Fees
TEMPORARY USE NOTICE	FEE £	Proposed Fee £	% Increase	Notes
Grant	230.00	230.00	0	Scoped fees

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LICENSING AND REGISTRATION COMMITTEE

31 JANUARY 2024

REPORT OF THE DEPUTY CHIEF EXECUTIVE

A.4 GOVERNMENT BEST PRACTICE GUIDANCE TO LICENSING AUTHORITIES UPDATE – THIS COUNCIL’S TAXI/PRIVATE HIRE LICENSING POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This item is to advise the Committee that Cabinet approved the comprehensive and cohesive licensing policy for Taxi and Private Hire Services recommended by this Committee and to advise it that, since the adoption of that licensing policy, the Government had issued updated best practice guidance for this area of licensing. As such, through this report, the Committee is advised of those elements of the updated best practice guidance that raise matters concerning this Council’s policy and the implementation of it. Accordingly, the Committee is provided with this opportunity to review these matters and determine whether it is content with the proposed actions on those matters set out in this report. .

This report also enables the Committee to receive an update on the implementation programme for of the Taxi/Private Hire Licensing Policy as prepared by Officer in accordance with the decision of Cabinet. This implementation plan is set out at Appendix B.

EXECUTIVE SUMMARY

The Committee, at its meeting on 16 October 2023, authorised the new Taxi/Private Hire Licensing Policy to be submitted to Cabinet for adoption. The licensing Policy submitted was approved and adopted by Cabinet on 10 November 2023 and remains in effect for five years (subject to review in response to changes in regulation or guidance).

The decision of Cabinet on the Taxi/Private Hire Licensing Policy (at Minute 51 of Cabinet’s meeting on 10 November 2023) was as follows:

- a) *approves the final draft statement of Taxi/Private Hire Policy, as set out in Appendix A to item A.6 of the Report of the Portfolio Holder for Housing & Planning, for adoption and publication;*
- b) *authorises Officers to develop (over the coming months), and implement, a programme to bring the policy positions in the approved Statement into operation; and*
- c) *authorises Officers to make minor amendments to the Taxi/Private Hire Policy in order to take account of such matters as legislative changes and Government Guidance on taxi and private hire licensing.*

Since the decision referred to, the Department for Transport issued its new Best Practice Guidance on 17 November 2023. This new guidance is available using the following link:

<https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-best-practice-guidance/outcome/taxi-and-private-hire-vehicle-best-practice-guidance-government-response>

The Council, in preparing its Taxi/Private Hire Licensing Policy, had regard to a consultation by Government on an updated Best Practice Guidance. However, as referred to, Government had not issued its response to the consultation (and the new Best Practice Guidance) until after this Council had approved its new Policy.

Three matters, (i) daily licensed vehicle checks, (ii) age policy for licensed vehicles (iii) the review period for Taxi Ranks and (iv) penalty point schemes for licensed drivers and operators are highlighted as matters this Committee's view would be greatly appreciated (prior to any decisions (by Officers/Cabinet) in respect of those matters.

RECOMMENDATION(S)

- (a) **It is recommended that the Committee receives the report and considers the approach set out in Part 3 (Background) section of (and Appendix B to) this report to the following matters identified in the recently updated published Government Best Practice Guidance:**
- (i) **Daily licensed vehicle checks;**
 - (ii) **Age policy for licensed vehicles;**
 - (iii) **Review period for Taxi Ranks;**
 - (iv) **Penalty Point Scheme; and**
- (b) **That, if satisfied, record that the Committee agrees to the course of action set out in Part 3 (Background) section of this report to the matters referenced above and otherwise agrees to the implementation programme for the Taxi/Private Hire Licensing Policy as set out at Appendix A to this report.**

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations set out above seek to support Officers and the Committee in good decision making in this area of licensing and, in this regard, seek the views of the Committee prior to decisions of Officers/Cabinet on the matters covered in this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

While recognising that the primary and overriding objective of the licensing framework for hackney carriage (“taxi”) and private hire services must be to protect the public, the recently approved comprehensive Taxi/Private Hire Policy would support the following themes from the Council's Corporate Plan 2024-28:

- **Pride in our area and services to residents**
- **working with Partners to improve quality of life**
- **Promoting our heritage offer, attracting visitors and encouraging them to stay longer**

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The legislative framework in which the Council considers applications for Taxi and Private Hire Driver, Vehicle and Operator Licences 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 the new guidance 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 the implementation of the recently approved comprehensive Taxi/Private Hire Policy 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:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The cohesive policy for this area of licensing seeks to ensure the allocation of resources to required policy positions of the Council (having had regard to new best practice guidance).</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>The whole purpose of this report is to support informed decision-making having regard to the recently issued new Government best practice guidance.</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.	Reporting on the implementation of the Council's policy will take place to support good resource management.
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MILESTONES AND DELIVERY

This Taxi/Private Hire Licensing Policy was approved by Cabinet on the 10 November 2023 and remains in effect for a five-year period. In approving the policy, Cabinet also authorised Officers to develop (over the months following), and implement, a programme to bring the policy positions in the approved policy into operation.

This report provides details of the implementation programme developed by Officers.

The Policy will be reviewed at the end of the five-year period but may also be subject to review in response to changes in regulation or guidance or other relevant significant issues that necessitate a review of Policy. As stated earlier in this report, the publication by Government of new Best Practice Guidance for licensing authorities in respect of this area of licensing is the first such prompt to the Council to review its own policy.

The Implementation Plan for the Taxi/Private Hire Licensing Policy is set out at Appendix B and, itself, sets out key milestones in that process.

ASSOCIATED RISKS AND MITIGATION

To not undertake a review of the Council's adopted policy position in respect of Taxi/Private Hire Licensing following the issuing of the Government's new Best Practice Guidance for licensing authorities in this area of licensing would put the Council at risk of challenge solely on the basis that the Council had not considered that new Best Practice Guidance.

EQUALITIES

In reviewing its Taxi/Private Hire Licensing Policy Statement, the Council will have due regard to its public sector equality duty to:

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

There is nothing in respect of the proposals for implementation plan for the Taxi and Private Hire Licensing Policy (Appendix A) or in proposals set out in Part 3 (Background) section of this report that is considered to adversely impact on individuals/groups with particular protected characteristics.

SOCIAL VALUE CONSIDERATIONS

Well-regulated activities should, of themselves, contribute to the overall economic and social wellbeing of the District. The cohesive Taxi 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.	
Crime and Disorder	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).
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Committee, at its meeting on 16 October 2023, recommended the new Taxi/Private Hire Licensing Policy to Cabinet. This was approved and adopted by Cabinet on 10 November 2023 and remain in effect for five years but may be subject to review in response to changes in regulation or guidance. Cabinet also authorised officers to adopt a programme of implementation for the new policy.</p> <p>Since the decision referred to, the Department for Transport have issued a further update to its Best Practice Guidance on 17 November 2023. This new Best Practice Guidance is available using the following link:</p> <p>https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-best-practice-guidance/outcome/taxi-and-private-hire-vehicle-best-practice-guidance-government-response</p> <p>Officers have reviewed the Government’s new Best Practice Guidance and below identifies a number of matters where there may be a difference between the Council’s own policy and the Government’s Best Practice Guidance:</p> <hr/> <p>(i) Daily licensed vehicle checks; Section 24.4 of the Taxi/Private Hire Licensing Policy – Routine Daily Vehicle Condition Checks</p> <p>The Government’s response to the consultation includes the following –</p> <p><i>“Given the safety benefits and the relative ease with which these checks can be completed the recommendation is that such checks are made before the vehicle is driven for hire. It is noted that many of the checks should be made by all motorists every time a vehicle is driven...”</i></p>

The **Council's own policy** includes the following:

"The licensed driver driving the vehicle is responsible for its condition while in use. Drivers are therefore responsible for carrying out daily routine vehicle inspections with a walkaround check. Checks must include lights, tyres, wipers, mirrors, seatbelts and taxi plates to ensure the safety of the vehicle and carrying passengers."

Currently, the Council does not provide a form for the routine daily vehicle condition checks and, given the Government's response to its consultation (including issuing of an updated checklist), it is **proposed (i) that the checksheet at Appendix B to this report be adopted as this Council's requirement for checks on licensed vehicles. This will form part of the implementation plan of the Taxi/Private Hire Policy and the implementation plan will be updated to reflect the new checksheet's introduction.**

**(ii) Age policy for licensed vehicles;
Section 26.0 of the Taxi/Private Hire Licensing Policy –
Type of Vehicle and Age.**

The **Government's response** to the consultation includes the following –

"Licensing authorities should not refuse to license a vehicle purely because it has reached a specified age."

The **Council's own policy** includes the following:

"Vehicle will only be licensed until they are (15) fifteen years old, from the date of first vehicle registration in accordance with the Vehicle log book."

As such, in implementing the Policy, it is **proposed (ii)(a) that the 15-year age limit in the Council's own policy be deleted.**

The Council has a requirement for licensed vehicles to meet, as a minimum, the Euro 6 emission standard (as applicable for petrol and diesel engines as relevant).

Granting of new vehicles must meet the minimum requirements of Euro 6 Emissions standards. The Euro 6 standard (for most new registrations) was 1 September 2015 (8.5 years ago at the time of this report). The comparable date for the previous Euro 5 standard was 1 January 2011 (12 years ago at the time of this report) and for Euro 5 it was 1 January 2006 (17 years ago). As such, it is **proposed (ii)(b) that the Euro 6 standard apply to all NEW applications for a vehicle licence and, until 1 January 2026 renewals of vehicles that currently achieve Euro 5 emission standards be permitted (15 years after the implementation date for new registration vehicles).**

**(iii) Review period for Taxi Ranks;
Section 36.2 of the Taxi/Private Hire Licensing Policy –
Taxi Rank Provisions**

The **Government's response** to the consultation includes the following –

"The [Government] recommends that taxi rank provision is considered at least every 5 years and, where possible for consideration in formulating local transport plans."

The **Council's own policy** includes the following:

"Provisions are reviewed every three years in consultation with Essex County Council Highways as the majority of roads with taxi ranks are adopted by Essex County Council."

In view of the fact that a review of Taxi Ranks has not been conducted in the recent past, it is proposed that a review be undertaken in the lifetime of the Council's current policy (2023-2028). A second review utilising a three-year review timeframe would be a matter for the next version of the Policy and, as such, no change is proposed at this stage. However, as **proposed (iii) the duration between reviews of Taxi Ranks can be considered as a part of the development of that next version of the Policy.**

(iv) Penalty Point Scheme

Section 41.1 of the Taxi/Private Hire Licensing Policy – Penalty Point System

The **Government's response** to the consultation includes the following –

"It is [...] appropriate that details of infringements should remain on the record from the date of the incident for at least 3 years for drivers and 5 years for private hire vehicle operators, regardless of the length that an individual licence may be issued for, so that a reasonable assessment of long-term compliance can be considered."

The **Council's own policy** includes the following:

"Points will be imposed on the appropriate licences by either Licensing Officers for minor breaches or by the Miscellaneous Licensing Sub Committee for more serious breaches regarding Public Safety. If a driver acquires more than 12 penalty points in 2 years, the Committee will determine whether the person is fit and proper to hold the relevant licence."

The taxi and private hire vehicle licensing enforcement points scheme for the District of Tendring commenced in December 2023. As **proposed (iv) it is recommended that the Council adopt the national recommendation for penalty points under the scheme such that they remain on a driver's taxi or private hire vehicle driver licence for 3 years and a private hire vehicle operator licence for 5 years. As such, if a driver/operator acquires more than 12 points in a 3-year period the Miscellaneous Licensing Sub Committee will determine whether they retain that licence. However, the duration of taxi and private hire vehicle licensing enforcement points shall be reviewed as we approach December 2025 (2 years after its introduction).**

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

Cabinet – 10 November 2023

Licensing and Registration Committee – 16 October 2023

Licensing and Registration Committee – 24 July 2023

Licensing and Registration Committee – 8 March 2023, Minute 142

Licensing and Registration Committee – 3 November 2022, Minute 134

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

Appendix A – Programme of Implementation set by Officers

Appendix B – Proposed Vehicle Daily Check form

REPORT CONTACT OFFICER(S)	
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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

PROGRAMME OF IMPLEMENTATION

Sub-Section	Heading	Implementation Date
6.2/21.0	CSE Training (Grants and Existing Licences upon renewal)	April 2024
8.1 & Appendix I	Suitability Test	January 2024
8.2 & Appendix J	Knowledge Test	January 2024
13.0	DBS Update Services	April 2024
22.5	Roof Signs	April 2024
22.5	Front Licence Plates	April 2024
24.3	Mechanical Tests for Vehicles over 10 Years Old	April 2024
24.4	Routine Daily Condition Checks	January 2024
26.0	Type of Vehicles and Age	TBC
41.1	Penalty Point System – Enforcement and Compliance	December 2023
Appendix B	Condition Changes	December 2023
Appendix C	Condition Changes	December 2023
Appendix D	Condition Changes	December 2023
Appendix E	Condition Changes	December 2023
Appendix F	Condition Changes	December 2023
Appendix L	Condition Changes	December 2023

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APPENDIX M – ROUTINE DAILY VEHICLE CONDITION CHECKS

Tendring District Council

Daily Taxi Visual Inspection for All Vehicles

Completed by

Date Time

Vehicle Reg No Plate No

Driver Badge No Mileage

Area	Requirement	Faulty	Correct
Windscreen, Windows and Mirrors	<ul style="list-style-type: none"> • Mirrors are fitted and properly aligned and secure • All windows are clean and not obscured/damaged • All windows operational 		
Washers and Wipers	<ul style="list-style-type: none"> • Wipers move when switched on • Wiper blade must clear the windscreen • Washers are operational • Washer fluid is topped up 		
Lights	<ul style="list-style-type: none"> • All lights and indicators work correctly • All senses are present, clean and in good condition and are the correct colour • Stop lamps come on when then service brake is applied and goes out when released 		
Seats and Seatbelts	<ul style="list-style-type: none"> • All seats are secure • All seatbelts must operate correctly and must be free from damage 		
Brakes	<ul style="list-style-type: none"> • Foot/service brake works correctly • Hand/parking brake works correctly 		
Bodywork and Doors	<ul style="list-style-type: none"> • All doors must shut securely and stay open when required • No sharp edges or excess corrosion • No loose bodywork 		
Tyes and Wheels	<ul style="list-style-type: none"> • Minimum tread depth of 1.6mm • Correctly inflated • No visible damage 		
Licence Plates and other identifiers	<ul style="list-style-type: none"> • All plates and mandatory signs displayed, clean and secure • Roof Light is safe and operational (if fitted) • Taxi Meter (if fitted) seal is intact and correct • Fare Tariff (if required) displayed 		

Notes

I confirm that the vehicle has been visually inspected. If no faults have been identified and reported, I confirm the vehicle is found to be satisfactory at the time of check. If any faults have been identified and reported within this form, I confirm the faults will be rectified prior to the vehicle conducting any licensed work.

Warning: Drivers found to be using a defective vehicle will be in breach of their driver licence condition and could be at the risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.

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LICENSING AND REGISTRATION COMMITTEE

31 JANUARY 2024

REPORT OF THE DEPUTY CHIEF EXECUTIVE

A.5 VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS

(Report prepared by Michael Cook)

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 in quarter 2 2023/24. The majority of these have been authorised by Officers in accordance with approved schemes of delegation. Data is provided to Committee on the most recent complete quarters (April to June, July to September, October to December and January to March) together with previous quarters so as to aid comparison between quarters and years. Enforcement figures will be reported on at the next Committee.

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			
	January to March 2023 (Q4 2022/23)	April to June 2023 (Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Premises Licences/Club Premises Certificates - Approved	26	15	16	10

(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			
	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Personal Licences	2381	2409	2436	2456

(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.

Type of Licence	Number of Licences as at			
	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Adult Gaming Centres	19	19	17	17
Betting Premises	11	11	11	11
Bingo Premises	15	15	15	15
Family Entertainment Centres	2	2	0	0
Unlicensed Family Entertainment Centres	29	29	27	27
Prize Gaming Permits	2	1	1	1
Club Gaming & Club Machine Permits	23	23	22	22
Licensed Premises Gaming Machine Permits	21	22	21	21
Licensed Premises Machine Notifications	116	116	116	122

Small Society Lottery Permits	117	116	114	122
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(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.

Type of Licence	Number of Licences as at			
	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Hackney Carriage Driver	280	279	285	287
Private Hire Driver	6	6	6	6
Hackney Carriage Vehicle	200	198	200	202
Private Hire Vehicle	27	27	28	29
Private Hire Operator	18	19	20	19
Temporary Insurance Vehicles	3	2	1	2

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).

In addition to the above, the Committee is advised that, at its next meeting, it will receive a report on the progress undertaken against the routine inspection position agreed at this point in 2023 and will be invited to determine the routine inspection position for 2024/25.

RECOMMENDATION

That the Committee notes the information set out in this report.

APPENDIX

None

REPORT CONTACT OFFICER(S)

Name	Michael Cook
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