

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON MONDAY, 20TH JANUARY, 2025 AT 6.30 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors J Henderson (Chairman), Wiggins (Vice-Chairman), Bray, Casey, Codling, A Cossens, Davidson, Skeels Jnr. and Smith (except items 35 and 36)
In Attendance:	Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Michael Cook (Licensing Manager), Grant Fenton-Jones (Environmental Health Manager) (except items 37 - 42), Bethany Jones (Committee Services Officer), Alfie Smith (Licensing Enforcement Officer) and Katie Koppenaal (Committee Services Officer)

29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Thompson (with no substitute).

30. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the previous meeting of the Committee, held on Wednesday, 2 October 2024 be approved as a correct record and be signed by the Chairman.

31. DECLARATIONS OF INTEREST

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

Councillor Smith also declared an interest in relations to agenda items 7 and 8 (report A.1 - Operations & Delivery / Housing & Environment - Proposed Fees and Charges for Animal Licensing & Beauty Treatment Licensing 2025/26 and report A.2 - Housing & Environment - Caravan Site Licensing - Proposed Fees and Charges for 2025/26) insofar as they both related to the Environment portfolio for which he was the Portfolio Holder for the Environment and ICT. Councillor Smith informed the Committee that he would withdraw from the meeting at the appropriate time.

32. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

33. MISCELLANEOUS LICENSING SUB-COMMITTEE

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

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 27 September 2024.

34. PREMISES/PERSONAL LICENCES 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 Premises/Personal Licences Sub-Committee held on Friday 27 September and Monday 25 November 2024.

35. REPORT OF THE ASSISTANT DIRECTOR (HOUSING AND ENVIRONMENT) - A.1 - OPERATIONS & DELIVERY / HOUSING & ENVIRONMENT - PROPOSED FEES AND CHARGES FOR ANIMAL LICENSING & BEAUTY TREATMENT LICENSING 2025/26

Councillor Smith, in his capacity as the Council's Portfolio Holder for the Environment & ICT, declared an Interest in this item as the contents of the report A.1 concerned matters related to the Environment portfolio. Councillor Smith thereupon withdrew to the public gallery whilst this matter was deliberated and decided upon by the Committee.

The Committee considered a report of the Assistant Director (Housing and Environment) (A.1) that sought its approval of the proposed schedule of fees and charges 2025/26 for Operations & Delivery / Housing & Environment – Animal Licensing & Beauty Treatment Licensing.

That report also submitted 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 were non-executive functions, and which sought Members' approval for the proposed fees and charges for the new financial year to take effect from 1 April 2025 (or as soon as possible thereafter taking account of legislative requirements).

It was reported that similarly to previous years, Departments had been asked to review their fees and charges on an individual basis as changes might need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

That review of fees and charges had 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 requirement;*
- *increases where market conditions allowed; and*
- *to meet specific priorities or service delivery aims / objectives.*

The Committee was aware that the Council continued to face several significant financial challenges in 2025/26 and beyond. It was therefore important that fees and charges were considered against this context and maximised income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Generally, overall, Officers had applied a 2.3% inflationary increase to the fees and charges, as most of the fees related to commercial activities and not the delivery of direct services to individuals. This increase reflected the estimated 2.3% published CPI figure for April 2025.

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

RESOLVED that the Schedule of Fees and Charges 2025/26 for Operations & Delivery / Housing & Environment, as set out in Appendix A to report A.1, be agreed as follows namely that:-

- 1) the current fees and charges in place since April 2024, as set out in column A of Appendix A, be noted;
- 2) the proposed fees and charges for 2025/26, as set out in column B of Appendix A, be approved with effect from 1 April 2025; and
- 3) the Assistant Director (Housing & Environment) be authorised to publish the Animal Licensing and Beauty Treatment Licensing fees in accordance with the relevant legislative provisions.

36. REPORT OF THE ASSISTANT DIRECTOR (HOUSING AND ENVIRONMENT) - A.2 - HOUSING & ENVIRONMENT - CARAVAN SITE LICENSING - PROPOSED FEES AND CHARGES FOR 2025/26

Councillor Smith, in his capacity as the Council's Portfolio Holder for the Environment & ICT, declared an Interest in this item as the contents of the report A.2 concerned matters related to the Environment portfolio. Councillor Smith thereupon withdrew to the public gallery whilst this matter was deliberated and decided upon by the Committee.

The Committee considered a report of the Assistant Director (Housing and Environment) (A.2) which sought its approval to the proposed schedule of fees and charges 2025/26 for Housing & Environment – Caravan Site Licensing.

That report provided Committee with the details of the proposed licensing fees and charges for the new financial year beginning April 2025, regarding Residential Park Homes. Members were reminded that the Mobile Homes Act 2013 had amended Section 3(3) of the Caravan Sites and Control of Development Act 1960 and had 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.

It was reported that, similarly to previous years, Departments had been asked to review their fees and charges on an individual basis as changes might need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

That 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 allowed;*
- *to meet specific priorities or service delivery aims / objectives;*

The Council continued to face a number of significant financial challenges in 2025/26 and beyond. It was therefore important that fees and charges were considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Generally, overall, Officers had applied a 2.3% inflationary increase to the fees and charges, as most of the fees related to commercial activities and not the delivery of direct services to individuals. This increase reflected the estimated 2.3% published CPI figure for April 2025.

Where possible, the Housing & Environment service aimed to recover all reasonable costs. In several areas, statute dictated whether a fee could be charged and the level of any charge.

When setting the fees and charges for the new financial year, the responsible officer referred to the Fee Policy and the framework for setting the appropriate level of fee and charges. They carefully monitored the licensing fee income through the financial year, which could fluctuate depending on whether new applications were made and whether amendments were needed due to a change of ownership or a transfer of the licence. The income from the "Fit and Proper Person" applications was renewed every five years and a fee was only chargeable at that 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.

Members were reminded that Local Authorities were 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 was found that a surplus of funds had been amassed. This was monitored and was unlikely to happen as fees and charges were set in accordance with the Fees Policy Framework which was time specific and based on the hourly rate of the responsible officer, whilst any increase was calculated in accordance with the annual CPI and inflation each year.

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

RESOLVED that the Schedule of Fees and Charges for 2025/26 for Housing & Environment – Licensing of Residential Mobile Homes, as set out in Appendix A, be agreed, insofar as:-

- 1) the proposed fees and charges for 2025/26, as set out in column B of Appendix A, be approved with effect from 1 April 2025; 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.

37. **REPORT OF THE DIRECTOR (GOVERNANCE) - A.3 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS**

The Committee was provided with data on the number of licences, certificates and permits processed by the Council in quarter 3 2024/25 (October to December 2024) in relation to functions related to the Licensing Act 2003, the Gambling Act 2005 and to hackney carriage and private hire driver and vehicle licensing.

That data was provided both within the Officer report (A.3) and via a presentation given at the meeting by the Licensing Manager.

Members were made aware that the licensing service had also started sending out a "How did we do?" survey to all licence holders upon issuing the licence and any feedback received was being reviewed. To date seven survey returns had been received. The contents of the survey had been based on the Best Value User Satisfaction Surveys which provided a national standard for the quality of the questions.

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

RESOLVED that the contents of the report (A.3) be noted.

38. **REPORT OF THE DIRECTOR (GOVERNANCE) - A.4 - LICENSING ENFORCEMENT SCHEDULE OF ROUTINE LICENSING INSPECTIONS FOR 2025**

The Committee considered a report of the Director (Governance) (A.4) which updated it on the Schedule of Inspections carried out in 2023 and 2024 and which invited the Committee to consider the arrangements for routine inspections of licences, permits, consents etc within the scope of the Committee's work. The Committee was asked to consider approving an initial Schedule for Inspections to be undertaken in 2025.

Members were aware that the Committee had, within its remit, a range of licences, permits, consents etc and it was appropriate that the Committee indicated to Officers the extent to which time and resource was applied to different licences etc on a routine basis to monitor, encourage and enforce compliance with the legislative requirements and Council policies for those respective licences. The schedule set out at Appendix A represented a draft schedule in relation to 2025 with an overview of the last two years set out in Appendix B.

It was reported that, in addition to the activity identified in the schedule at Appendix A Officers also routinely checked publicly available information in local publications and the internet for evidence to inform pro-active compliance activity. Officers also received information from a variety of other sources that assisted intelligence for the Council's licensing function. The action taken would depend upon the nature of the information and the extent to which it identified non-compliance/offences and offenders and the risk of harm to the public and consumers. Some of this information could be through complaints about the activities of individuals/organisations that were undertaking unauthorised licensable activity or activity that was contrary to the basis on which a licence was held. Such pro-active and responsive compliance activity would constitute the majority of the time resource available within the team concerned.

It was moved by Councillor Codling, seconded by Councillor Bray and:-

RESOLVED that the Committee –

- (a) notes the inspections carried out in 2023/24, as set out in Appendix B;
- (b) having considered the need and frequency for routine inspections with a view to achieving compliance with licensing requirements within the remit of this Committee, formally endorses the schedule of such inspections as set out at Appendix A to this report (A.4); and
- (c) notes that the Licensing Manager will make arrangements, within the available resource, to implement the endorsed routine inspection arrangements in 2025 and report on progress to this Committee in time for it to inform consideration of a revised schedule for 2026.

39. REPORT OF THE DIRECTOR (GOVERNANCE) - A.5 - PROPOSED LICENSING FEES AND CHARGES FOR 2025/26

The Committee considered a report of the Director (Governance) (A.5) that sought its approval to a schedule of fees and charges 2025/26 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 2025/26 were set out at Appendix A to the report.

That Appendix set out those licensing fees where the Council had discretion over the level of fee, those where the Council must charge a nationally prescribed fee and those where the chargeable fee was subject to a nationally prescribed maximum.

Members were reminded that the Council needed to demonstrate that the fees it charged for such licences had been set in accordance with the law and best practice, to recover its allowable costs in administering the various licensing regimes for which it is responsible. Fees should be set to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

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

RESOLVED that -

- 3) the proposed licensing fees and charges, as set out in Appendix A, be approved with effect from 1 April 2025 (Note: this resolution only applies to those fees and charges where the Council has the discretion to determine the said fee);
- 4) the Licensing Manager be authorised to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions (should any changes be applicable to advertise); and
- 5) that, further to 2) above, the Head of Democratic Services and Elections, be authorised to consider any objections received and to determine the final fees payable in consultation with the Chairman of this Committee.

40. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Wednesday 7 May 2025, commencing at 6.30 p.m.

41. EXCLUSION OF PRESS & PUBLIC

It was moved by Councillor Wiggins, seconded by Councillor Bray 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 Item 14 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.

42. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Smith, seconded by Councillor Casey and:-

RESOLVED that the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 27 September 2024 be formally received and noted.

The meeting was declared closed at 7.18 pm

Chairman