



LICENSING AND REGISTRATION COMMITTEE

DATE:	Monday, 20 January 2025
TIME:	6.30 pm
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor J Henderson (Chairman)
Councillor Wiggins (Vice-Chairman)
Councillor Bray
Councillor Casey
Councillor Codling

Councillor A Cossens
Councillor Davidson
Councillor Skeels Jnr.
Councillor Smith
Councillor Thompson

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DATE OF PUBLICATION: Friday, 10 January 2025

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 7 - 18)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 2 October 2024.

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 19 - 20)

The Committee will formally receive and note, for its information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 27 September 2024.

6 Premises/Personal Licences Sub-Committee (Pages 21 - 28)

The Committee will formally receive and note, for its information only, the minutes of the Premises/Personal Licences Sub-Committee meetings held on Friday 27 September and Monday 25 November 2024.

7 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 (Pages 29 - 44)

To seek the Licensing & Registration Committee's concurrence to the proposed schedule of fees and charges 2025/26 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 2025 (or as soon as possible thereafter taking account of legislative requirements).

8 Report of the Assistant Director (Housing and Environment) - A.2 - Housing & Environment - Caravan Site Licensing - Proposed Fees and Charges for 2025/26 (Pages 45 - 60)

To seek the Committee's approval to the proposed schedule of fees and charges 2025/26 for Housing & Environment – Caravan Site Licensing.

To provide the Licensing and Registration Committee with the details of the proposed licensing fees and charges for the new financial year beginning April 2025, regarding 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 2025/26 (as soon as possible there after taking account of legislative requirements).

9 Report of the Director (Governance) - A.3 - Various Licensing Provisions - Applications Approved under Delegated Powers (Pages 61 - 64)

To provide the Committee with data on the number of licences, certificates and permits authorised by the Council in quarter 4 2024/25. 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.

10 Report of the Director (Governance) - A.4 - Licensing Enforcement Schedule of Routine Licensing Inspections for 2025 (Pages 65 - 78)

To update Committee on the Schedule of Inspections carried out in 2023 and 2024 and invite the Committee to consider the arrangements for routine inspections of licences, permits, consents etc within the scope of the Committee's work. The Committee is asked to consider approving an initial Schedule for Inspections to be undertaken in 2025.

11 Report of the Director (Governance) - A.5 - Proposed Licensing Fees and Charges for 2025/26 (Pages 79 - 90)

To seek the Committee's 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 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.

12 Date of the Next Meeting of the Committee

To enable the Committee to discuss fixing the date of its next meeting.

13 Exclusion of Press & 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 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."

14 **Exempt Minutes - Miscellaneous Licensing Sub-Committee (Pages 91 - 96)**

The Committee will formally receive and note, for its information only, the exempt minutes of the Miscellaneous Licensing Sub-Committee held on Friday, 27 September 2024.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the room and follow the exit signs out of the building.

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON WEDNESDAY, 2ND OCTOBER, 2024 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), Casey, Codling, A Cossens, Davidson and Smith
In Attendance:	Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Michael Cook (Licensing Manager), Bethany Jones (Committee Services Officer) and Emma King (Licensing Officer)

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

16. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the previous meeting of the Committee, held on Wednesday, 24 July 2024 be approved as a correct record and be signed by the Chairman.

17. 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.

18. 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.

19. MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Wiggins, seconded by Councillor A Cossens 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 Tuesday, 9 July 2024.

20. 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

Monday 17 June, Wednesday 31 July, Monday 2 September and Monday 9 September 2024.

21. **REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.1 - LICENSING ENFORCEMENT AND INSPECTION POLICY 2024 - 2028**

Further to Minute 8 (24.7.24), the Committee considered the revised Licensing Enforcement and Inspection Policy following a 5-week period of consultation on a draft revised policy. The report (A.1) set out both the proposed policy to be adopted and the outcome of the public consultation which had been conducted for a period of 5 weeks from 30 July 2024 to 3 September 2024.

The Committee was reminded that the draft revised Licensing Enforcement and Inspection Policy, as set out at Appendix A to the report (A.1), was intended to 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*
- *Financial sustainability and openness*

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

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

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

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

It was reported that, in addition to a page created for the consultation on the Council's website and a public notice displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea., the below had been written to inviting them to comment on the draft policy:-

- *All Tendring District Councillors*
- *All Parish Councils*
- *Responsible Authorities as defined in the Licensing Act 2003 (including Essex Police)*
- *Institute of Licensing*

- *A number of licensing solicitors*
- *A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)*

In addition to those consultation letters the Licensing Team had also visited a number of licence holders within the District handing out consultation postcards to encourage the trader to voice their opinions.

The Committee was made aware that two members of the public had sent in responses to the consultation. Their comments were as follows:-

- *“The policy itself is fine - but without effective enforcement it is just empty words. In my experience, TDC’s enforcement, whether in relation to illegal traders or bylaws is woeful. Unless your enforcement capability is seriously improved, no amount of policy wording will make any difference”.*
- *“We must acknowledge the income licenced premises bring to the locality however they must adhere to licencing rules to protect the community and the most vulnerable persons in the locality”.*

The Head of Democratic Services & Elections informed the Committee that the first comment referred to the Council’s resource allocation which was not within the Policy but would be kept under review. In relation to the second comment this referred to the need for balance and the Head of Democratic Services & Elections confirmed that the Policy was intended to apply a balancing act between proportional enforcement action and the public good.

Members were informed that the Council had had due regard with reference to the Human Rights Act 1998 in ensuring no right was unreasonably compromised by the way in which the Council made enforcement decisions and that enforcement was considered proportionately, balancing the public need with the need of the individual or organisation concerned.

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

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

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

It was considered overall that the implementation of a consistent and staged approach to compliance and enforcement matters would assist Officers when engaged in any enforcement process. This would lead to more robust and defensible decisions in

relation to action concerning breaches of the legislation, conditions and unlicensed traders. In adopting a compliance and enforcement policy, the Courts would understand the rationale and reason behind Officers' actions and where public / customer safety was at serious risk the Council would act swiftly and robustly.

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

RESOLVED that –

- (a) the revised draft Licensing Enforcement and Inspection Policy be recommended to Cabinet for its formal adoption; and
- (b) once adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to that Policy in order to ensure that it reflected the operational positions of the Council and legislative / case law relevant to the Policy.

22. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.2 - SEX ESTABLISHMENT POLICY

Further to Minute 9 (24.7.24), the Committee considered recommending to Cabinet a revised Sex Establishment Policy following a 5-week period of public consultation on a draft revised policy. The report (A.2) set out both the revised proposed policy to be adopted and the outcome of the consultation which had been conducted from 30 July 2024 to 3 September 2024. The draft policy, as set out at Appendix A to the report (A.2), was intended to 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*

It was reported that, in addition to a page created for the consultation on the Council's website and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea, the below had been written to inviting them to comment on the draft policy:-

- *Licensed Sex Establishment Premises*
- *All Tendring District Councillors*
- *All Parish Councils*
- *Responsible Authorities (including Essex Police)*
- *Institute of Licensing*
- *A number of licensing solicitors*
- *A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)*

In addition to those consultation letters the Licensing Team had also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader and to invite them to voice their opinions.

Members were made aware that one member of the public had sent in a response to the consultation. Their comments were as follows:-

“Although, there are only one such premises within the locality it is essential that the policy framework exists to ensure should there be an increase in such venues wishing to establish themselves that the local authority has the tools available to ensure adherence to their rules and to maintain the King's peace without causing intentional outrages of public decency. On the other hand, there must also be provision made to ensure the welfare of those employed in these premises to protect them from any abuses from employers due to the taboo nature of sex establishments”.

The Licensing Manager considered that the above response was a generalised comment that did not require any amendment to the Policy as presented.

The Committee was reminded that the current policy on licensing Sex Establishments had been published in 2018 and that this Council currently had one licensed sex shop and this was located within Clacton-on-Sea. There were no Sexual Cinemas or Sexual Entertainment Venues currently operating within the District.

Members were aware that since November 2005, the Licensing Act 2003 (the 2003 Act) had required a wide range of regulated entertainment to be licensed by the Council acting as the Licensing Authority.

Members were familiar with the restrictions in the 2003 Act which meant that any representation against a premises licence could only be based on the four licensing objectives. Whilst licences could be subject to the review procedure they otherwise continued in force for the life of the business.

The Committee recalled that Sex Shops and Sex Cinemas were licensed under the Local Government (Miscellaneous Provisions) Act 1982. This regime gave a licensing authority a wider discretion in determining whether to grant or refuse a licence than was provided for in the 2003 Act, e.g. a power to set a limit on the number of premises that might be suitable for a particular location, greater flexibility of applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop and sex cinema licences were only valid for one year at a time.

Members were advised that Schedule 3 of the 1982 Act amended through Section 27 of the Policing and Crime Act 2009 had extended the definition of Sex Establishments from sex shops and sex cinemas to include sexual entertainment venues. Consequently, from that point on, lap dancing venues and similar premises had required licensing under the 1982 Act provisions and the Licensing Act 2003 for alcohol sales etc.

The now proposed Policy had been developed taking full account of the requirements of the legislation and guidance.

The Policy provided that each application would be judged on its own merits but taking into account the various criteria laid out within the policy document. In this way each application would be considered as to whether it was suitable given the nature of the particular locality in question.

The Committee was notified that, in preparing the report (A.2), due consideration had been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

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

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

A member and the Head of Democratic Services & Elections highlighted a small number of formatting errors and a textual amendment.

The Committee felt that having a policy which was clearly detailed and compliant with the legislation, fit for purpose and clear to applicants would assist in implementing rules whilst also being a key document in the event of a legal challenge by way of an appeal or judicial review.

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

RESOLVED that –

- (a) the Committee recommends to Cabinet that the revised draft Sex Establishment Policy, as attached to this report (A.2) but subject to the amendments highlighted at the meeting, be adopted; and
- (b) once adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to that Policy to ensure that it reflects the operational positions of the Council and legislative / case law relevant to the Policy.

23. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.3 - GAMBLING ACT 2005 POLICY

Further to Minute 10 (24.7.24), the Committee considered the revised Statement of Policy (Gambling Act 2005) following a recent 5-week period of consultation on a draft revised policy. The report (A.3) set out both the proposed policy to be adopted and the outcome of the consultation which had been conducted from 30 July 2024 to 3 September 2024.

The Committee recalled that the Council was required to review and renew its Statement of Gambling Policy every three years in accordance with Section 349 of the Gambling Act 2005. The review and renewal of the Policy was subject to public consultation and must be adopted by Full Council upon a recommendation from both the Licensing and Registration Committee and Cabinet.

Members were reminded that a Review had been last undertaken three years ago and that no significant issues had arisen through use of the current policy since that last review. The proposed changes were considered minor and an internal consultation had been undertaken with the Council's Corporate Enforcement Group through this review process.

The Committee was aware that then Government had introduced a Gambling White Paper in April 2023. Should the recently elected Government pursue those proposals it was likely that there would be changes to the Gambling Commission's Guidance issued to Local Authorities, which in turn would have an impact on the Council's Gambling Policy. This, therefore, could require a further "mid-term" review of the Gambling Policy. Regrettably, however, the Council was unable to extend the term of its existing Gambling Act policy and must review its existing policy within the statutory time period.

It was reported that, in addition to a page created for the consultation on the Council's website and a public notice displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea, the below had been written to inviting them to comment on the draft Policy:-

- *All Tendring District Councillors*
- *All Parish Councils*
- *Responsible Authorities under the Gambling Act 2005 (including Essex Police)*
- *Institute of Licensing*
- *A number of licensing solicitors*
- *A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)*

In addition to the consultation letters, the Licensing Team had also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader to voice their opinions. One licensing solicitor (Gosschalks, acting on behalf of the Betting and Gaming Council) had sent in responses to the consultation. Their comments were attached as Appendix B to the report (A.3). The Head of Democratic Services & Elections highlighted that Gosschalks had requested amendments to paragraphs 15.11 and 24.2 of the Policy and he asked Members to give consideration to those requests in making their decision.

The Committee was reminded that the Policy must be based on the three licensing objectives as set out in the Gambling Act 2005, which were:-

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

Members noted that this proposed draft of the Policy would be the sixth that had taken place since the first Policy had been adopted in 2006. The framework of this Policy had been originally initiated and designed by the Essex Licensing Officers' Forum so that applicants and existing businesses in the betting and gaming industry that had outlets across Essex would have a template to recognise and work with across a wide range of different Local Authorities in Essex. It also ensured a framework of generic best practice amongst all Essex Authorities and ensured that any necessary regulatory requirements did not unnecessarily burden businesses who had applications to make for licensed outlets across Essex such as a chain of betting shops for example.

This had also enabled the development of a robust and practical policy through partnership for how the Gambling Act 2005 would be administered and compliance was managed for applicants and licence and permit holders alike.

It was reported that the draft revised policy, as set out at Appendix A to the report (A.3) was intended to 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*

It was also recognised that the Betting and Gaming industry in the District provided significant direct and indirect employment, skills and training for local people and particularly in the family friendly and family orientated seaside resort areas of Clacton, Dovercourt and Walton-on-the-Naze. It also offered some welcome leisure attractions for visitors to the District.

In preparing the report (A.3), due consideration had been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

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

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

Members acknowledged that the Council's reviewed and revised Gambling Policy must be adopted, published and in place by 31 January 2025. Failure to comply or meet with this deadline would mean that the Council could not lawfully accept or process Gambling Act 2005 applications after that date which would have a significant negative impact on the Council being able to recover its reasonable costs in relation to operating its licensing service for this function.

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

RESOLVED that the Committee recommends the revised Gambling Licensing Policy Statement 2025 - 2028, as attached as Appendix A to the report (A.3), to Cabinet and thence Full Council for its formal adoption.

24. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - A.4 - PAVEMENT LICENSING POLICY

Further to Minute 11 (24.7.24), the Committee considered the Pavement Licensing Policy following a 5-week period of public consultation on a draft revised policy. The

report (A.4) set out both the proposed revised policy to be adopted and the outcome of the consultation which had been conducted from 30 July 2024 to 3 September 2024.

Members recognised that the Policy was required following the passing of the Levelling Up and Regeneration Act 2023 which had come into force on Sunday 31 March 2024. The draft revised Policy, as set out at Appendix A to the report (A.4) was intended to 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*

It was reported that, in addition to a page created for the consultation on the Council's website and a public notice displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea, the below had been written to inviting them to comment on the draft policy:-

- *All Tendring District Councillors*
- *All Parish Councils*
- *Responsible Authorities under the Licensing Act 2003 (including Essex Police)*
- *Institute of Licensing*
- *A number of licensing solicitors*
- *A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)*

In addition to the consultation letters the Licensing Team had also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader and to invite them to voice their opinions. As a result, 5 members of the public, 2 businesses, 1 Town Council and 1 Responsible Authority (ECC Highways) had sent in responses to the consultation. Their comments were set out in Appendix B to the report (A.4). The Head of Democratic Services & Elections drew the Committee's attention to those comments and that several suggestions had been incorporated into the Policy, now presented.

The Committee was notified that, in preparing the report (A.4), due consideration had been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

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

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

Having acknowledged the new legislation that had come into force on 31 March 2024 that had made changes to the previously temporary pavement licensing regime introduced under the Business & Planning Act 2020 and the related changes including a new capped level fee structure for new and renewal applications:-

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

RESOLVED that –

- (a) the Committee recommends the Pavement Licensing Policy, as attached as Appendix A to the report (A.4), to Cabinet for its formal adoption; and
- (b) once the Policy is formally adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to the Policy to ensure that it reflects the operational positions of the Council and legislative / case law relevant to the Policy.

25. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Monday 20 January 2025, commencing at 6.30 p.m.

26. EXCLUSION OF PRESS & PUBLIC

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

RESOLVED that –

- (a) under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 13 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; and
- (b) under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting during consideration of Agenda Item 14 on the grounds that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public.

27. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

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

RESOLVED that the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Tuesday, 9 July 2024 be formally received and noted.

28. EXEMPT MINUTES - PREMISES/PERSONAL LICENCES SUB-COMMITTEE

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

RESOLVED that the exempt minute of the meeting of the Premises/Personal Licences Sub-Committee held on Wednesday, 31 July 2024 be formally received and noted.

The meeting was declared closed at 7.06 pm

Chairman

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**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,
HELD ON FRIDAY, 27TH SEPTEMBER, 2024 AT 10.00 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors J Henderson (Chairman), Smith (Vice-Chairman) and A Cossens
In Attendance:	Linda Trembath (Head of Legal Services), Michael Cook (Licensing Manager), Sarah Opene (Litigation Lawyer), Bethany Jones (Committee Services Officer), Emma King (Licensing Officer) and Alfie Smith (Licensing Enforcement Officer)

45. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was given on behalf of Councillor Casey.

46. 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 Sub-Committee, held on Tuesday, 9 July 2024 be approved as a correct record and be signed by the Chairman.

47. DECLARATIONS OF INTEREST

Councillor Smith (Vice-Chairman) 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.

48. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Smith, seconded by Councillor J Henderson, 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 and 6 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.

49. EXEMPT MINUTES

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

RESOLVED that the Exempt Minutes of the last meeting of the Sub-Committee, held on Tuesday, 9 July 2024, be approved as a correct record and be signed by the Chairman.

**52. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) - B.1 (PART 2) -
REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE AND
HACKNEY CARRIAGE VEHICLE LICENCE**

RESOLVED that the Sub-Committee impose 6 Enforcement Penalty Points for unacceptable behaviour and 4 Enforcement Penalty Points for not displaying the Taxi Licence Plate on the individual's Hackney Carriage/Private Hire Driver's Licence as well

as 4 Enforcement Penalty Points on the individual's Hackney Carriage Vehicle Licence for failure to display the Taxi Licence Plate, and that the individual concerned be informed that if they was to come back to the Sub-Committee within 3 years with those points still on the licences then a harsher action may be required.

The meeting was declared closed at 12.20 pm

Chairman

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 27TH SEPTEMBER, 2024 AT 11.00 AM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors J Henderson, Smith and Wiggins
Also Present:	Councillor A Cossens (Standby)
In Attendance:	Linda Trembath (Head of Legal Services), Michael Cook (Licensing Manager), Maddie Adger (Leadership Support Manager), Sarah Opene (Litigation Lawyer), Bethany Jones (Committee Services Officer), Emma King (Licensing Officer) and Alfie Smith (Licensing Enforcement Officer)

26. ELECT A CHAIRMAN FOR THE MEETING

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

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

27. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Sub-Committee held on Monday, 9 September 2024, be approved as a correct record and be signed by the Chairman.

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Sub-Committee was informed that Councillor Casey, who had originally been due to have attended this meeting as the fourth 'standby' Member, had had to submit his apologies due to another engagement that Councillor Casey needed to attend in his civic capacity as Chairman of the Council. Councillor A Cossens had agreed to attend in his place.

29. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

30. REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 - APPLICATION FRO THE GRANT OF PERMISSION TO SHOW UNCLASSIFIED FILM

The Sub-Committee heard that The Electric Palace at Harwich gave the opportunity to local film makers to show their films to the public through various public events. The Electric Palace, Harwich wanted to support local and regional talent and, as an exhibitor of films, the best way they felt that could be achieved was to provide an opportunity for Essex based creatives to show their films to new audiences. However, one of the major difficulties facing short film makers was the cost of obtaining a BBFC classification.

Members were told that, the film submitted by The Electric Palace, Harwich on behalf of the Harwich International Shanty Festival would be shown as part of the festival in October 2024.

The Sub-Committee was made aware that, the Harwich International Shanty Festival had been set up in 2006 to organise and co-ordinate an annual sea shanty festival over a weekend in October. Through concerts, sing-rounds, pub sessions, talks and workshops, the history and heritage of Harwich as part of the British seafaring nation was celebrated, promoted and perpetuated by local people and groups. That was unique for the county of Essex and was attracting audiences countrywide and beyond.

The Licensing Manager went on to state that, by assisting the cinema in providing the classification service at a cost neutral fee, the Council through its Premises/Personal Licences Sub-Committee was helping to promote and support the town, the District, the local tourist and leisure industries, and the work of local independent filmmakers.

In addition, The Electric Palace, Harwich was a special venue locally and provided for a diverse range of film and entertainment that was not always catered for by mainstream venues and which attracted and brought visitors into Harwich as a result. The theatre was therefore always an important destination and venue for Tendring's tourist and leisure industry.

QUESTIONS FROM MEMBERS:-	APPLICANT'S ANSWERS:-
<i>Is there anything you would like to speak to the Sub-Committee on?</i>	<i>I have seen the film as much as everyone else has seen it, so I am coming from a viewer's perspective. I think it is a really nice film. It has historical interest, regional interest and I think it is exactly the kind of film that falls between the cracks within the licensing, which is why we have come to you today to ask to be able to screen it. I think partnering with Harwich International Shanty Festival and showing it at The Electric Palace, Harwich gives it the best chance of it being viewed and it will make us put a lot of hard work into putting it together, so we are really keen for it to reach an audience and that is why I am here today to ask you to grant licensing.</i>

The Chairman (Councillor J Henderson) adjourned the meeting at this time whilst the Sub-Committee retired to deliberate. The Head of Legal Services (Linda Trembath), Litigation Lawyer (Sarah Opene) and the Committee Services Officer (Bethany Jones) retired with the Sub-Committee in case they were asked to assist Members in those deliberations.

Upon resuming the meeting, the Sub-Committee unanimously **RESOLVED** that the film should be classified as Universal (U) in accordance with BBFC guidelines.

The meeting was declared closed at 11.10 am

Chairman

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Premises / Personal Licences Sub-Committee

25 November 2024

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON MONDAY, 25TH NOVEMBER, 2024 AT 10.00 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Davidson, J Henderson and Smith
Also Present:	Councillor Casey (Standby)
In Attendance:	Linda Trembath (Head of Legal Services), Michael Cook (Licensing Manager), Sarah Opene (Litigation Lawyer), Emma King (Licensing Officer), Emma Haward (Leadership Support Officer), and Christopher Bailey (Elections and Leadership Support Officer)

31. ELECT A CHAIRMAN FOR THE MEETING

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

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

32. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

33. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Sub-Committee held on Friday, 27 September 2024, be approved as a correct record and be signed by the Chairman.

34. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

35. REPORT OF THE DIRECTOR (GOVERNANCE & LEGAL) - A.1 - GRANT OF A PREMISES LICENCE - WESTBROOKS BREWERY LTD, UNIT 1 GRANGE FARM, GRANGE ROAD, LAWFORD, MANNINGTREE, CO11 2ND

The Sub-Committee was informed that an application had been received for the Grant of a Premises Licence under the Licensing Act 2003 from Ms Jessica Westbrook of Westbrooks Brewery Ltd to sell alcohol off the premises at Westbrooks Brewery Ltd, Unit 1 Grange Farm, Grange Road, Lawford, Manningtree, Essex and further that an objection notice to the proposed licensable activity had been received from Tendring District Council's Planning Authority.

The Licensing Manager stated that the applicant described Westbrooks Brewery Ltd as a cold-storage unit, situated inside a larger storage facility on a farm. The exterior of the building had stone walls, metal cladding, roller shutter doors and a concrete floor.

Alcohol (kegs and cans of beer) would be stored in a cold store inside the main storage unit. All alcohol would be stored here, packed for delivery and collected via DPD. No alcohol would be consumed on site. It would be for personal consumption at home by people who ordered from them, or in pubs/restaurants covered by their own licenses.

Members were advised that, since scheduling the meeting of the Sub-Committee, Tendring District Council's Planning Officers had met with the applicant who had advised that there were no intentions for the shop to be open to the public. The Licensing Manager had assured Members of the Sub-Committee that the applicant was able to answer all questions to satisfy the Planning Authority. Therefore, Tendring District Council's Planning Authority had withdrawn their objection. The application would therefore be granted in full subject to the conditions on the operating schedule.

The Chairman (Councillor J Henderson) then adjourned the meeting until 11:30 a.m. for the next agenda item as scheduled.

The Sub-Committee resumed at 11:30a.m.

36. REPORT OF THE DIRECTOR (GOVERNANCE & LEGAL) - A.2 - GRANT OF A PREMISES LICENCE - WYVERNWOOD LIMITED, ST OSYTH ROAD, ALRESFORD, CO7 8ES

The Sub-Committee heard that an application had been received for the Grant of a Premises Licence under the Licensing Act 2003 from Wyvernwood Limited to sell alcohol only on the premises at Wyvernwood Limited, St Osyth Road, Alresford and further that objections to the proposed licensable activity had been received from members of the public.

The Licensing Manager advised Members that the applicant had described Wyvernwood Limited as an open, outdoor family adventure park set over 30 acres. Wyvernwood was a 'magical kingdom' with play equipment with some covered areas, tipis and pergolas. It was a secluded and quiet setting on the outskirts of Alresford Village with on-site free car parking. There were food and drink outlets at the north-east side of the park in the castle grounds.

The application proposal was for licensable activities and the sale of alcohol on the premises every day between the operating hours of 09:00 and 21:00. The applicant had outlined steps in the application to promote the full licensing objectives.

Susie Marsden, the applicant spoke on behalf of the application.

James Fulger, a member of the public, objected to the application.

Dave Wendham, a member of the public, objected to the application.

Ernie Osbourne, representative of Alresford Parish Council, objected to the application.

QUESTIONS FROM MEMBERS:-	APPLICANT'S & OBJECTORS' ANSWERS:-
<i>From the boundary line, how far is the boundary to the park?</i>	<i>The objector advised that the dragon trail's closest point is approximately 15 meters, and the initial site is approximately 250 meters from the</i>

	<i>boundary line.</i>
<i>The objector suggested screening the catering area however, this was not proposed. Would the applicant like to respond to the objectors' points raised?</i>	<i>The applicant advised that the containers for catering purposes included covered seating and were not shown accurately, nor was recent imaging on Google Maps.</i>
<i>Could the objector confirm, was there a playing field nearby their property?</i>	<i>The objector confirmed that there was a playing field near the objector's property.</i>
<i>The objector raised concerns regarding the proposed operating hours during the school holidays, and the entrance of the premises on the B1027, a z-bend where parts of the road are narrow. The objector also raised concerns regarding increased anti-social behaviour with the sale of alcohol. Would the applicant like to respond to the objector?</i>	<i>The applicant reiterated their steps outlined previously and advised that they would take full responsibility, as a result of selling alcohol on the premises.</i>
<i>Had ECC Highways made any objections to the application?</i>	<i>The Licensing Manager confirmed that no objections had been received from ECC Highways.</i>

The Chairman (Councillor J Henderson) adjourned the meeting at this time whilst the Sub-Committee retired to deliberate and reach its decision. The Head of Legal Services (Linda Trembath), Litigation Lawyer (Sarah Opene) and Leadership Support Officer (Emma Haward) retired with the Sub-Committee in case they were asked to assist Members in those deliberations.

The Sub-committee heard from the applicant, Susie Marsden on behalf of Wyvernwood Limited and from three objectors, James Folger, Dave Wendham and Ernie Osborne. Having heard the parties, and listened to both the applicant and the objectors, the Sub-committee were pleased to note that the applicant had spoken to a number of the objectors and has modified the application in ways that have re-assured the majority of the objectors, addressing those objections that related to the four licensing objectives.

Other objections had been raised however, did not relate to the licensing objectives and were therefore not within the remit of the Sub-committee.

Upon resuming the meeting following deliberations, the Sub-Committee unanimously:-

RESOLVED that, accordingly, and bearing in mind the promotion of the four licensing objectives, the premises licenses be granted subject to the following conditions: -

1. to grant a premises' licence for the specified area of the park known and described as "the Castle Grounds" with the following conditions;
2. that except for named events, the opening hours will be those of the "normal trading hours" namely 10.00 am to 5 pm;
3. For Hallowe'en, i.e. 25 October to 1 November annually, to be open for the sale of alcohol between the hours of 10.00 am and 9 pm;

4. And for the Christmas period, i.e. between the 23 November and 25 December annually to open for the sale of alcohol between the hours of 9 am and 9 pm.

These conditions would be confirmed to the parties in writing within seven days.

There is a right of appeal to the Magistrates' Court and further details will be provided with the decision referred to above.

The meeting was declared closed at 12.54 pm

Chairman

LICENSING & REGISTRATION COMMITTEE

20 JANUARY 2025

REPORT OF THE ASSISTANT DIRECTOR FOR HOUSING & ENVIRONMENT

A.1 OPERATIONS & DELIVERY / HOUSING & ENVIRONMENT - PROPOSED FEES AND CHARGES FOR ANIMAL LICENSING & BEAUTY TREATMENT LICENSING 2025/26

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Licensing & Registration Committee's concurrence to the proposed schedule of fees and charges 2025/26 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 2025 (or as soon as possible thereafter taking account of legislative requirements).

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2025/26 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 2025/26 that will be considered by Cabinet / Full Council next year.
- In respect of Full Council next year, these individual decisions agreeing fees and charges will be collated and presented as part of the overall budget setting process for

2025/26.

- 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 2025.
- 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 2025/26 along with the fees and charges for 2024/25 are set out within Appendix A to this report.

RECOMMENDATION(S)

That the Schedule of Fees and Charges 2025/26 for Operations & Delivery / Housing & Environment, as set out in Appendix A 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 for Housing & Environment be authorised to publish the Animal Licensing 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 2025/26.

ALTERNATIVE OPTIONS CONSIDERED

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

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 where maximising income, including income raised from fees and charges, will continue to be an important element of this approach.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Councillor Adrian Smith, Portfolio Holder for these service areas has been consulted and has agreed with the proposed increase in fees and charges.

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

These decisions are to record the Schedule of Fees and Charges for Executive functions only.

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.

The general power to charge is 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. Trading powers can only be exercised through a separate company and are not relied upon for the purposes of this report.

Under Schedule 3 of the Council's Constitution - Responsibility For Executive Functions - Para 4.4: Delegation of Executive Functions to Officers - General Responsibilities Delegated To Officers 4.4.1 (8) Part 3.45 of the Council's Constitution, all Assistant Directors, in consultation with the relevant Portfolio Holder, Management Team Member and the Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges. Following the above consultation, an Officer decision must be published.

Under Para 4.4.1 (8) Part 3.4 of the Council's Constitution, all Assistant Directors, in consultation with the relevant Portfolio Holder (for executive functions), Management Team Member and the Assistant Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges. Following the above consultation, an Officer decision must be published.

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.

Fee and Charge	Legislative Power Being Relied Upon
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 Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

Reports have been seen by the Monitoring Officer.

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 2025/26, 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). Although set against the current inflationary environment, 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 2025/26. 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 2025/26.

A summary of the main changes proposed are as follows:

- Generally, overall, we have applied a 2.3% inflationary increase to the fees and charges, as most of the fees relate to commercial activities and not the delivery of direct services to individuals. This increase reflects the estimated 2.3% published CPI figure for April 2025.

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

Although there are no further comments over and above those set out elsewhere in the report, it is important to highlight that the demand / volumes used to calculate any estimated total income figures included within this report are based on those held by the Service. The estimated additional income highlighted above will be incorporated within the budget proposals for 2025/26 as necessary.

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.	Please see relevant comments elsewhere in this report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	It is important that fees are set by the correct decision-making arm of the Council. Discussions between the Assistant Director

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.	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.
--	--

MILESTONES AND DELIVERY

Fees and Charges for 2025/26 form part of the wider budget setting process, which culminates in the detailed estimates being presented to Full Council in February 2025. 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

There is a risk that businesses will chose not to pay the fees. With payment of the fees being a requirement for obtaining the service or statutory licence required to run their business it is not anticipated that many will take this route.

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.

EQUALITY IMPLICATIONS

Fees will apply equally to all businesses in accordance with the type of activity the fee is levied for.

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.

SOCIAL VALUE CONSIDERATIONS

The charging of fees enables the Council to undertake the statutory function for which the fee relates. Overall, the service seeks to improve the economic, social and environmental wellbeing of the area through the work undertaken.

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

The proposed decision is neutral in relation to the Council's emissions ambitions.

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	The changes introduced do not have implications on these considerations and apply equally to transactions irrespective of the area or ward in which the matter is located.
Health Inequalities	
Area or Ward affected	

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 highlighted earlier.</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 2025/26 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>

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 2024/25, **Appendix A** includes the schedule of fees and charges proposed for 2025/26, 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 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 2025/26 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 Managers Group annually runs a bench marking exercise on fees and charges and the service always has due regard to this matrix when setting fees.

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.

Housing & Environment – Environmental Health Statutory Functions - PROPOSED FEES AND CHARGES 2025/26

Set against the current fees and charges for 2024/25, **Appendix A** includes the schedule of fees and charges proposed for 2025/26, which have been developed by applying the key principles highlighted above.

In finalising the proposed fees and charges for 2025/26, the table below sets out a summary of the associated review:

As part of this review, a comparison of licencing fees was undertaken with other Councils in Essex using benchmarking data. In general, we have applied an inflationary increase of 2.3%.

Environmental Health – Fees & Charges for Licensing as performed by the Service

Element of This Year's Review	Comments
1. Background to the annual review process and reasoning behind the fees and charges proposed.	
	These are statutory fees, so the only consideration is cost recovery.
2. Is the Associated Service Subsidised in 2024/25. (i.e. is there a budgeted deficit for the service the fee and charge relates to)	
Yes	

3. Expected impact of the proposed fees and charges on the budgeted income position.

Increase of £210.

4. Is it proposed to use of any additional income raised?

[Please set out if any of the additional income highlighted above is proposed on being spent to offset any cost pressures e.g. repairs]

No. Any surplus accrued must be offset against the following years Fees & Charges. Local Authorities are not allowed to make a profit from their Licensing functions.

5. Impact on the Net Budget

2025/26 budget assumes a 5% uplift for salaries.

Budget Line	2024/25	2025/26
Expenditure	£162,770	£170,910
Income	£10,480	£10,690
Net Position	£152,290	£160,220

6. Other important issues to highlight.

PREVIOUS RELEVANT DECISIONS

Decision of the Licensing & Registration Committee to accept Fees & Charges for 2024/25 – 31st January 2024

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Attached – Detailed fees and charges 2025/26 for Housing & Environment-

Environmental Health statutory functions.

REPORT CONTACT OFFICER(S)	
Name	Grant Fenton-Jones
Job Title	Environmental Health Manager
Email/Telephone	gfenton-jones@tendringdc.gov.uk 01255 686783

A.1 Appendix A - List of Current Fees and Proposed Increases

VAT is not applicable	A	B
LICENSING AND REGISTRATION	2024/25	2025/26
Annual Fees:	£	£
Hiring Out Horses		
Hiring out Horses (1-15) – Licence Application Fee	219.52	224.57
Hiring out Horses (1-15) – Grant Fee	109.76	112.28
Hiring out Horses (16+) – Licence Renewal Fee	256.12	262.02
Hiring out Horses (16+) – Grant Renewal Fee	85.00	262.02
Dangerous Wild Animals (Minimum Cost)	380.00	388.74
Boarding Kennels		
Boarding Kennels - Licence Application Fee	207.32	212.09
Boarding Kennels - Grant Fee	103.66	106.44
Boarding Kennels - Licence Renewal Fee	170.74	174.67
Boarding Kennels - Grant Renewal Fee	85.37	87.33
Selling Animals as Pets		
Selling Animals as Pets - Licence Application Fee	207.33	212.10
Selling Animals as Pets - Grant Fee	103.66	106.04
Selling Animals as Pets - Licence Renewal Fee	176.74	180.81
Selling Animals as Pets - Grant Renewal Fee	88.37	90.40
Home Boarding of Dogs		
Home Boarding of Dogs - Licence Application Fee	158.54	162.19
Home Boarding of Dogs - Grant Fee	79.27	81.09
Home Boarding of Dogs - Licence Renewal Fee	134.16	137.25
Home Boarding of Dogs - Grant Renewal Fee	67.08	68.62
Dog Breeders		
Dog Breeding - Licence Application Fee	207.33	212.10
Dog Breeding - Grant Fee	103.66	106.04
Dog Breeding - Licence Renewal Fee	176.74	180.81

Dog Breeding - Grant Renewal Fee	88.37	90.40
Zoos (Minimum Cost - Price on Application)	671.00	686.43
Keeping Animals for Exhibition		
Keeping Animals for Exhibition - Licence Application Fee	207.33	212.10
Keeping Animals for Exhibition - Grant Fee	103.66	103.66
Keeping Animals for Exhibition - Licence Renewal	182.94	187.15
Keeping Animals for Exhibition - Grant Renewal Fee	91.47	93.57
Cat Boarding Establishments		
Cat Boarding Establishments - Licence Application	207.33	212.10
Cat Boarding Establishments - Grant Fee	103.66	106.04
Cat Boarding Establishments - Licence Renewal	176.74	180.81
Cat Boarding Establishments - Grant Renewal Fee	88.37	90.40
Joint Cat and Dog Boarding		
Combined Cat and Dog Boarding - Licence Application Fee	256.12	262.01
Combined Cat and Dog Boarding - Grant Fee	128.06	131.01
Combined Cat and Dog Boarding - Licence Renewal	231.72	237.05
Combined Cat and Dog Boarding - Grant Renewal Fee	115.86	118.52
Dog Day Care		
Dog Day Care - Licence Application Fee	207.33	212.10
Dog Day Care - Grant Fee	103.66	106.04
Dog Day Care - Licence Renewal Fee	176.74	180.81
Dog Day Care - Grant Renewal Fee	88.37	90.40
Home Boarding Arranger Service		
Home Boarding Arranger - Licence Application Fee	256.11	262.01
Home Boarding Host (New) - (Fee per Host)	73.17	74.85
Home Boarding Arranger - Licence Renewal Fee	134.16	137.25
Home Boarding Host - Renewal (Fee per Host)	67.08	68.62
Additional Licensable Activity		

Additional Licensable Activity Licence Application Fee	121.96	124.77
Additional Licensable Activity Grant Fee	60.98	62.38
Variation to Licence	109.76	112.28
Re-evaluating Risk Rating	109.76	112.28
Transfer Due to Death	86.00	87.98
Variation to Licence - Additional Horses	35.00	35.80
Acupuncturist	140.40	143.63
Tattooist / Skin Piercing	201.76	206.40
Electrolysis	140.40	143.63
Ear Piercing	140.40	143.63
Amendment to Acupuncturist, Tattooist, Skin Piercing, Electrolysis or Ear-Piercing Licence	100.88	103.20
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 based on cost recovery.		

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LICENSING & REGISTRATION COMMITTEE

20 JANUARY 2025

REPORT OF THE ASSISTANT DIRECTOR FOR HOUSING & ENVIRONMENT

A.2 HOUSING & ENVIRONMENT – CARAVAN SITE LICENSING - PROPOSED FEES AND CHARGES FOR 2025/26

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Committee's approval to the proposed schedule of fees and charges 2025/26 for Housing & Environment – Caravan Site Licensing.

To provide the Licensing and Registration Committee with the details of the proposed licensing fees and charges for the new financial year beginning April 2025, regarding 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 2025/26 (as soon as possible there after taking account of legislative requirements).

EXECUTIVE SUMMARY

- This report sets out the proposed fees and charges for 2025/26 for Housing & Environment – Environmental Health statutory functions. They continue to be considered against several key principles that form part of the long-term financial forecast approach which are summarised later 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 2025/26 that will be considered by Cabinet / Full Council next year.

- In respect of Full Council next year, these individual decisions agreeing fees and charges will be collated and presented as part of the overall budget setting process for 2025/26.
- 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 2025.
- The proposed fees and charges for 2025/26 along with the fees and charges for 2025/26 are set out within Appendix A to this report.

RECOMMENDATION(S)

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 that:-

- 1) the proposed fees and charges for 202526, 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.**

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of a revised fees and charges schedule for 2025/26.

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 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 2024/25 and those estimated in 2025/26, and therefore, a 2.3% increase is proposed for 2025/26. 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 where maximising income, including income raised from fees and charges, will continue to be an important element of this approach.

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

OUTCOME OF CONSULTATION AND ENGAGEMENT

Councillor Adrian Smith, Portfolio Holder for the service areas has been consulted and has agreed with the proposed increase in fees and charges.

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

These decisions are to record the Schedule of Fees and Charges for Executive functions only.

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.

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.

The general power to charge is 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. Trading powers can only be exercised through a separate company and are not relied upon for the purposes of this report.

Under Schedule 3 of the Council's Constitution - Responsibility For Executive Functions - Para 4.4: Delegation of Executive Functions to Officers - General Responsibilities Delegated To Officers 4.4.1 (8) Part 3.45 of the Council's Constitution, all Assistant Directors, in consultation with the relevant Portfolio Holder, Management Team Member and the Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges. Following the above consultation, an Officer decision must be published.

Under Para 4.4.1 (8) Part 3.4 of the Council's Constitution, all Assistant Directors, in consultation with the relevant Portfolio Holder (for executive functions), Management Team Member and the Assistant Director (Finance & IT), are authorised to decide the level of the annual discretionary fees and charges for their service (including any in-year changes that may be required) for inclusion within the Council's corporate schedule of fees and charges. Following the above consultation, an Officer decision must be published.

Fee and Charge	Legislative Power Being Relied Upon
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.

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, 2025/26.

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.

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

Report has been seen by the Monitoring Officer.

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 2025/26, 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). Although set against the current inflationary environment, 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 2025/26. 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 2025/26.

A summary of the main changes proposed are as follows:

- Generally, overall, we have applied a 2.3% inflationary increase to the fees and charges, as most of the fees relate to commercial activities and not the delivery of direct services to individuals. This increase reflects the estimated 2.3% published CPI figure for April 2025.

Where possible, the Housing & Environment service aims to recover all reasonable costs. In several 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.

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

Although there are no further comments over and above those set out elsewhere in the report, it is important to highlight that the demand / volumes used to calculate any estimated total income figures included within this report are based on those held by the Service. The estimated additional income highlighted above will be incorporated within the budget proposals for 2025/26 as necessary.

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.	Please see relevant comments elsewhere in this report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	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 2025/26 form part of the wider budget setting process, which culminates in the detailed estimates being presented to Full Council in February 2025. 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 2025 and invites the Committee to consider approving them.

ASSOCIATED RISKS AND MITIGATION

There is a risk that businesses will chose not to pay the fees. With payment of the fees being a requirement for obtaining the service or statutory licence required to run their business it is not

anticipated that many will take this route.

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.

EQUALITY IMPLICATIONS

Fees will apply equally to all businesses in accordance with the type of activity the fee is levied for.

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.

SOCIAL VALUE CONSIDERATIONS

The charging of fees enables the Council to undertake the statutory function for which the fee relates. Overall, the service seeks to improve the economic, social and environmental wellbeing of the area through the work undertaken.

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

The proposed decision is neutral in relation to the Council's emissions ambitions.

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	The changes introduced do not have implications on these considerations and apply equally to transactions irrespective of the area or ward in which the matter is located.
Health Inequalities	
Area or Ward affected	

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 highlighted earlier.

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 2025/26 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 2025/26 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

Set against the current fees and charges for 2024/25, **Appendix A** includes the schedule of fees and charges proposed for 2025/26, which have been developed by applying the key principles highlighted above.

In finalising the proposed fees and charges for 2025/26, the table below sets out a summary of the associated review:

As part of this review, a comparison of licencing fees was undertaken with other Councils in Essex using benchmarking data. In general, we have applied an inflationary increase of 2.3%.

Environmental Health – Fees & Charges for the Licensing of Residential Mobile Homes Sites

Element of This Year's Review	Comments
1. Background to the annual review process and reasoning behind the fees and charges proposed.	These are statutory fees so the only consideration is cost recovery.
2. Is the Associated Service Subsidised in 2024/25. (i.e. is there a budgeted deficit for the service the fee and charge relates to)	Yes
3. Expected impact of the proposed fees and charges on the budgeted income position.	£100
4. Is it proposed to use of any additional income raised?	

No. Any surplus accrued must be offset against the following years Fees & Charges. Local Authorities are not allowed to make a profit from their Licensing functions.

5. Impact on the Net Budget

Expenditure increase is estimated a 5% due to salary increases. Income varies from year to year so is not currently budgeted, therefore, the estimate is based on a 3 year average.

Budget Line	2024/25	2025/26
Expenditure	£74,370	£78,090
Income	£5,000	£5,100
Net Position	£69,370	£72,990

6. Other important issues to highlight.

When a site licence is issued it stays in place until there is a material change, for example, a change to the lawful Planning Permission or a change in ownership. Should this stays the same there is no renewal.

The only guaranteed annual income is from Annual Site Licence Fees for Residential Protected Sites. Therefore, some years there may be income from site licensing, whereas other years there may be none.

Fees for the Fit & Proper Person Register are collected every five years unless there is a change to the responsible person in charge of the site in question.

PREVIOUS RELEVANT DECISIONS

Decision of the Licensing & Registration Committee to accept the Fess & Charges for 2024/25 – 31st January 2024

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES
Attached – Detailed fees and charges 2025/26 for Housing & Environment- Licensing of Residential Mobile Home Sites.

REPORT CONTACT OFFICER(S)	
Name	Grant Fenton-Jones
Job Title	Environmental Health Manager
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A.2 Appendix A

VAT is not applicable	A	B
LICENSING OF MOBILE HOME SITES (PROTECTED SITES)- MOBILE HOME ACT 2013	2024/25 £	2025/26 £
Application for New Site Licence		
Number of Caravans		
200+	844.00	863.41
100 to 199	717.60	734.51
25 to 99	583.00	596.41
6 to 24	498.00	509.45
1 to 5	471.00	481.83
Annual Site Licence Fees (Every April)		
Number of Caravans		
200+	638.00	652.67
100 to 199	510.00	521.73
25 to 99	350.00	358.05
6 to 24	244.00	249.61
1 to 5	180.00	184.14
Transfer of Site Licence	249.00	254.73
Amendment of Site Licence	249.00	254.73
Checking and Registering Site Rules	249.00	254.73
NEW - Application for the Fit & Proper Person Register	249.00	254.73

LICENSING AND REGISTRATION COMMITTEE

20 JANUARY 2025

REPORT OF THE DIRECTOR - GOVERNANCE

A.3 VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS

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 4 2024/25. 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.

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 quarter periods. For comparison, the following also shows the numbers approved for the periods shown:

Type of Licence	Number of Licences as at			
	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)	July to Sept 2024 (Q2 2024/25)	Oct to Dec 2024 (Q3 2024/25)
Premises Licences/Club Premises Certificates - Approved	21	15	18	16

(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			
	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)	July to Sept 2024 (Q2 2024/25)	Oct to Dec 2024 (Q3 2024/25)
Personal Licences	2456	2479	2490	2503

(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			
	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)	July to Sept 2024 (Q2 2024/25)	Oct to Dec 2024 (Q3 2024/25)
Adult Gaming Centres	17	17	16	16
Betting Premises	11	11	11	11
Bingo Premises	15	15	15	15
Family Entertainment Centres	0	0	0	0
Unlicensed Family Entertainment Centres	26	26	26	26
Prize Gaming Permits	1	1	1	1
Club Gaming & Club Machine Permits	21	21	22	20
Licensed Premises Gaming Machine Permits	21	20	20	20
Licensed Premises Machine Notifications	120	119	124	122
Small Society Lottery Permits	118	117	122	118

(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			
	Jan to March 2024 (Q4 2023/24)	April to June 2024 (Q1 2024/25)	July to Sept 2024 (Q2 2024/25)	Oct to Dec 2024 (Q3 2024/25)
Hackney Carriage Driver	290	289	292	279
Private Hire Driver	7	8	7	6
Hackney Carriage Vehicle	208	202	194	191
Private Hire Vehicle	30	28	26	28
Private Hire Operator	19	19	17	11
Temporary Insurance Vehicles	0	1	1	1

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).

A presentation slide will be presented to Members at the Committee outlining the number of applications that have been dealt with over the last quarter.

The licensing service have also started sending out a "How did we do?" survey to all licence holders upon issuing the licence and any feedback received is being reviewed.

RECOMMENDATION

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

APPENDIX

None

REPORT CONTACT OFFICER(S)

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LICENSING AND REGISTRATION COMMITTEE

20 JANUARY 2025

REPORT OF THE DIRECTOR - GOVERNANCE

A.4 LICENSING ENFORCEMENT SCHEDULE OF ROUTINE LICENSING INSPECTIONS FOR 2025

(report prepared by Michael Cook & Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The purpose of this report is to update Committee on the Schedule of Inspections carried out in 2023 and 2024 and invite the Committee to consider the arrangements for routine inspections of licences, permits, consents etc within the scope of the Committee's work. The Committee is asked to consider approving an initial Schedule for Inspections to be undertaken in 2025.

EXECUTIVE SUMMARY

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

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

RECOMMENDATION(S)

It is recommended that the Committee:

- (a) takes note of the inspections carried out in 2023/24 (Appendix B);
- (b) considers the need and frequency for routine inspections with a view to achieving compliance with licensing requirements within the remit of this Committee and, if satisfied, endorse the schedule of such inspections as set out at Appendix A to this report; and
- (c) notes that the Licensing Manager will then 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 2025.

REASON(S) FOR THE RECOMMENDATION(S)

The Committee has, within its remit, a range of licences, permits, consents etc and it is appropriate that the Committee indicates to the Council Officers the extent to which time and

resource is applied to different licences etc on a routine basis to monitor, encourage and enforce compliance with the legislative requirements and Council policies for those respective licences. The schedule set out at Appendix A represents a draft schedule in relation to 2025 with an overview of the last two years set out in Appendix B.

ALTERNATIVE OPTIONS CONSIDERED

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

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Proposed Schedule of Routine Licensing Inspections for 2025 set out at Appendix A is intended to 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
- Financial sustainability and openness

LEGAL REQUIREMENTS (including legislation & constitutional powers)

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

Licence Type	Powers to Inspect
Street Collections	Section 5 of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916 provides for Councils to adopt Regulations concerning Street Collections. Section 6 of the Tendring District Council Regulations requires Street Collectors to produce written authority to a duty officer. The regulation also sets out a range of requirements on collectors and a breach of requirements is an offence under regulation 18.
House to House Collections	There are no express powers in the House to house Collections Act 1939. There are though powers in that Act that are exercisable by a Police Constable.
Private Hire and Hackney Carriage Vehicles	Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an (6)(3) Vehicles Licences offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required. Section 50(1) – proprietors of licensed vehicles shall present for inspection their vehicle upon a notice from the Council (up to three times a year). Section 50(4) – the insurance

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

	believe that premises are being/to be used for a licensable activity, he may enter the premises to check authorisation.
Club Permits under Gambling Act 2005	An authorised officer may undertake activities for the purpose of assessing compliance with the Act. They may enter premises: (a) to discover whether facilities for gambling other than private and non-commercial gaming or betting are being provided, are about to be provided or have been provided on the premises, (b) to determine whether an operating licence or premises licence is held in respect of the provision of facilities for gambling on the premises, and (c) to determine whether facilities are being, will be or have been provided in accordance with the terms and conditions of an operating licence or premises licence.
Gaming Machine Permits under Gambling Act 2005	See above
Premises Licences under Gambling Act 2005	See above
Gaming Notifications under Gambling Act 2005	See above
Boats and Boatman	There are no express powers in Section 94 of the Public Health Acts, Amendment Act 1907.
Pavement Licences	Powers under the Levelling up and Regeneration Act 2023.

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

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

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

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

FINANCE AND OTHER RESOURCE IMPLICATIONS

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

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

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

USE OF RESOURCES AND VALUE FOR MONEY

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

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

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

MILESTONES AND DELIVERY

The report sets out the proposed enforcement activity to be undertaken in 2024/25 and invites the Committee to consider approving this Schedule for Inspections with a view to reviewing this in early 2025 based on experience of applying the schedule.

ASSOCIATED RISKS AND MITIGATION

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

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

OUTCOME OF CONSULTATION AND ENGAGEMENT	
<p>The following Council Units or Officers and/or other organisations have been consulted in preparing this report: Management Team</p> <p>The comments received have been taken into account in the preparation of the report.</p>	
EQUALITIES	
<p>In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.</p> <p>The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act); • advance equality of opportunity between people who share a relevant characteristic and people who do not; • foster good relations between people who share a protected characteristic and people who do not. 	
SOCIAL VALUE CONSIDERATIONS	
<p>Well regulated activities should, of themselves, contribute to the overall economic, social and environmental well-being of the District. The adoption of the proposed schedule of routine inspections seeks to support well regulated licensable activities.</p>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
<p>There are no environmental implications arising directly from the content of this report.</p>	
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	The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area. The schedule of routine inspections seeks to support this duty.
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

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

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

Not Applicable

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – Proposed Schedule of Routine Licensing Inspections for 2025.
Appendix B – Routine Licensing Inspections update carried out for 2024.

REPORT CONTACT OFFICER(S)

Name	Michael Cook Keith Simmons
Job Title	Licensing Manager Head of Democratic Services and Elections
Email/Telephone	licensingsection@tendringdc.gov.uk 01255 686565

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Schedule of Routine Licensing Inspections

Licence Type	Number of Licences, Permits etc (January 2025)	Proposed Routine Inspection
Street Collections	25*	At least five Street Collections will be checked ‘on-street’ each year to check for compliance with Regulations. The reports from the inspections will then identify any further matters requiring action.
Private Hire Vehicles	28	<p>The vehicles are subject to two mechanical tests (under 10 years old) and a MOT each year.</p> <p>Any vehicle that is aged 10 years plus will be required to have an additional mechanical test each year, bringing it to three in total.</p> <p>Visual Inspections are carried out following reports of damage or accident to the vehicle.</p> <p>Visual Inspections are carried out as part of the Operators check.</p>
Hackney Carriage Vehicle	191	<p>The vehicles are subject to two mechanical tests (under 10 years old) and a MOT each year.</p> <p>Any vehicle that is aged 10 years plus will be required to have an additional mechanical test each year, bringing it to three in total.</p> <p>Visual Inspections are carried out following reports of damage or accident to the vehicle.</p> <p>At least 12 taxi rank inspections will be carried out throughout the year to check on compliance. A visual inspection will also be carried out at this time.</p> <p>The Council will seek to conduct a joint operation with Essex Police which will involve stopping and inspecting vehicles, checking on compliance and safety of the vehicle.</p>
Private Hire Operators	11	The Council will seek to inspect a quarter of private hire operators within a year to check compliance with the conditions of their Licence; including daily and periodic vehicle maintenance checks.
Private Hire / Hackney Carriage Drivers Licence	285	Drivers are seen each year through routine daily interactions with the licensed trade. This includes application process, during vehicle and rank inspections as well as any complaints received. The

A4 – APPENDIX A –PROPOSED 2025 ENFORCEMENT SCHEDULE

		Council will monitor numbers of licenses seen with a view to one fifth of all licences being seen in a year.
Sex shops/Sexual Entertainment Venues	1	At least one visit will be undertaken to the establishment to check on compliance.
Street Trading Consent (Except at Dovercourt Market)	7	At least two visits per year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Street Trading Consent (Dovercourt Market)	17	At least two visits per year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Scrap Metal Site Licence	13	At least one compliance check to be carried out throughout the period of the licence by an authorised Council Officer. One fifth of all licences will be routinely inspected each year. The Council will seek to do joint enforcement operations with Essex Police.
Temporary Event Notice (TENS) under Licensing Act 2003	365*	The Council will seek to visit at least five events authorised by a TEN throughout the year to ensure that the organisers are aware of their responsibilities under such Notices. The reports from the inspection will then identify any further matters requiring action.
Premises Licences under Licensing Act 2003	574	40% of licensed premises will receive a compliance visit within the year. A rolling programme of visits to licensed premises is underway to check compliance by the Premises Licence. The reports from the inspection will then identify any further matters requiring action. The Council seeks to conduct joint inspection exercises throughout the year with other responsible authorities e.g. Police and Environmental.
Club Premises Certificates under Licensing Act 2003	53	10% of licensed premises will receive a compliance visit within the year. A rolling programme of visits to licensed premises is underway to check compliance by the Premises

A4 – APPENDIX A –PROPOSED 2025 ENFORCEMENT SCHEDULE

		<p>Licence. The reports from the inspection will then identify any further matters requiring action.</p> <p>The Council seeks to conduct joint inspection exercises throughout the year with other responsible authorities e.g. Police and Environmental.</p>
Adult Gaming Centres under Gambling Act 2005	16	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action. As such 50% of licenced will be visited routinely this year/
Betting Premises under Gambling Act 2005	11	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Bingo Premises under Gambling Act 2005	15	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Family Entertainment Centres under Gambling Act 2005	0	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Unlicensed Family Entertainment Centres under Gambling Act 2005	26	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Prize Gaming Permits under Gambling Act 2005	1	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Club Gaming & Club Machine Permits under Gambling Act 2005	20	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.
Licensed Premises Gaming Machine Permits under Gambling Act 2005	20	These will be inspected on the same basis as the LA2003 Premises Licence held.
Licensed Premises Machine Notifications under Gambling Act 2005	122	These will be inspected on the same basis as the LA2003 Premises Licence held.
Boats	29	At least two visits will be made to the Harbours
Boatman	38	At least two visits will be made to the Harbours
Pavement Licence	3	One visit every other year by an Authorised Council Officer. The reports from the inspection will then identify any further matters requiring action.

* These numbers are from year 2024. New applications will come in throughout the year.

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A4 – APPENDIX A – OVERVIEW 2023/4 AND PROPOSED 2024/5 ENFORCEMENT SCHEDULE

Schedule of Routine Licensing Inspections

Licence Type	Number of Licences, Permits etc 2023	Number of Inspections carried out 2023	Percentage carried out 2023	Number of Licences, Permits etc 2024	Number of Inspections carried out 2024	Percentage carried out 2024
Street Collections	24	1	4%	20	4	20%
Private Hire Vehicles	26	15	58%	29	12	41%
Hackney Carriage Vehicle	201	121	60%	203	61	30%
Private Hire Operators	19	3	16%	19	3	16%
Private Hire / Hackney Carriage Drivers Licence	285	44	15%	294	91	31%
Sex shops/Sexual Entertainment Venues	1	1	100%	1	3	300%
Street Trading Consent (Except at Dovercourt Market)	7	27	386%	7	9	129%
Street Trading Consent (Dovercourt Market)	13	10	77%	18	10	56%
Scrap Metal Site Licence	15	3	20%	18	5	28%
Temporary Event Notice (TENS) under Licensing Act 2003	348	4	1%	357	5	1%
Premises Licences under Licensing Act 2003	560	245	44%	570	246	43%
Club Premises Certificates under Licensing Act 2003	55	9	16%	55	3	5%
Adult Gaming Centres under Gambling Act 2005	19	12	63%	17	7	41%
Betting Premises under Gambling Act 2005	11	9	82%	11	10	91%

A4 – APPENDIX A – OVERVIEW 2023/4 AND PROPOSED 2024/5 ENFORCEMENT SCHEDULE

Bingo Premises under Gambling Act 2005	14	8	57%	15	8	53%
Family Entertainment Centres under Gambling Act 2005	2	0	0%	1	1	100%
Unlicensed Family Entertainment Centres under Gambling Act 2005	29	11	38%	27	3	11%
Prize Gaming Permits under Gambling Act 2005	2	0	0%	1	0	0%
Club Gaming & Club Machine Permits under Gambling Act 2005	24	2	8%	21	0	0%
Licensed Premises Gaming Machine Permits under Gambling Act 2005	21	6	29%	21	3	14%
Licensed Premises Machine Notifications under Gambling Act 2005	114	11	10%	120	10	8%
Boats	30	2	7%	47	3	6%
Boatman	40	3	8%	61	3	5%
Pavement Licences	N/A	N/A	N/A	3	3	100%
TOTALS	1860	547	29%	1936	503	26%

LICENSING AND REGISTRATION COMMITTEE

20 JANUARY 2025

REPORT OF THE DIRECTOR - GOVERNANCE

A.5 PROPOSED LICENSING FEES AND CHARGES FOR 2025/26

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Committee's 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 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 2025/26 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 2025/26 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 2025.

RECOMMENDATION(S)

It is recommended that:

- 1) the proposed licensing fees and charges set out in Appendix A be approved with effect from 1 April 2025 (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 (should any changes be applicable to advertise); 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 2025/26.

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 Taxpayers 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	Not applicable

forthcoming decisions for the 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
Pavement Licence	Schedule 22 Para 3 of the Levelling up and Regeneration Act 2023

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.

<input checked="" type="checkbox"/>	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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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.

<input checked="" type="checkbox"/>	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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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:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services.</p>	<p>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.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.</p>	<p>This report sets out that the Council will be supported in decision making on fees and charges for licensing.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The approach to licensing fee setting seeks to ensure it is efficient and economical.</p>

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
<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.</p> <p>Where the Council has a discretion over fees, the review of those 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. • to meet specific priorities or service delivery aims / objectives <p>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.</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>The costs referred to in this report that may be recovered through licence fees include:</p> <ul style="list-style-type: none"> • 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.

An assessment of the costs of the administration of the various Licences for which this Committee is responsible has been undertaken.

PROPOSED FEES AND CHARGES 2025/26

Set against the current fees and charges for 2024/25, **Appendix A** includes the schedule of fees and charges proposed for 2025/26, which have been developed by applying the key principles highlighted above and, amongst other matters, the new Hackney Carriage and Private Hire Licensing Policy, Licensing Enforcement Policy; and the Pavement 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 2024/25 was determined by the Licensing and Registration Committee on 31 January 2024 – Minute 31 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 2025/26 for Democratic Services and Elections, Licensing Section.

REPORT CONTACT OFFICER(S)

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A.5 Appendix A

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 Fee £	Proposed Fee £	Notes
Grant Fee excluding mechanical tests*	297	297	Local Set
Renewal Fee excluding mechanical tests*	285	285	Local Set
Temporary Plate (Insurance) excluding mechanical test*	57	57	Local Set
Change of Vehicle excluding mechanical test*	57	57	Local Set
Change of Owner	20	20	Local Set
* Mechanical Tests are paid at cost from garage.			
DRIVERS	Current Fee £	Proposed Fee £	Notes
Grant / Renewal application (Three years)	175	175	Local Set
Grant / Renewal application (Two years)	145	145	Local Set
Grant / Renewal application (One years)	115	115	Local Set
Suitability Test and application pack	35	35	Local Set
Knowledge Test (per test)	25	25	Local Set
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.			
PRIVATE HIRE OPERATORS	Current Fee £	Proposed Fee £	Notes
Licence for five years, includes up to three vehicles	425	425	Local Set
Licence for five years, includes four or more vehicles	600	600	Local Set
Amendment to PHO Licence such as additional registrations	15	20	Local Set
MISCELLANEOUS	Current Fee £	Proposed Fee £	Notes
Mogo Plate Brackets	12	15	Local Set
Plate Pegs	2	2	Local Set
Replacement Plate	12	15	Local Set
Replacement ID Card	15	15	Local Set
Replacement / Reissue Licence	15	15	Local Set
Change of Name or Address	15	15	Local Set

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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.

STREET TRADING CONSENT		Current Fee £	Proposed Fee £	Notes
Grant/Renewal		615	615	Local Set
Dovercourt Market Grant/Renewal		87	87	Local Set
PAVEMENT LICENCE UNDER THE LEVELLING UP AND REGENERATION ACT 2023		Current Fee £	Proposed Fee £	Notes
Grant (2yrs)		100	250	Max. £500
Renewal (2yrs)		100	175	Max. £350
SEX SHOP LICENCE		Current Fee £	Proposed Fee £	Notes
Grant		1058	1058	Local Set
Renewal		New fee	758	Local Set
Transfer		435	435	Local Set
FILM CLASSIFICATIONS		Current Fee £	Proposed Fee £	Notes
Set fee for Committee		300	300	Local Set
Officer Viewing Footage (60 mins)		30	30	Local Set
BOATS		Current Fee £	Proposed Fee £	Notes
Boat Grant/Renewal		63.00	63	Local Set
Boatman Grant / Renewal (3yrs)		63.00	63	Local Set
SCRAP METAL		Current Fee £	Proposed Fee £	Notes
Scrap Metal Site Licence (Grant)		369	369	Scoped fees
Scrap Metal Site Licence (Renewal)		219	219	Scoped fees
Scrap Metal Site Licence (Variation)		35	35	Scoped fees
Scrap Metal Collectors Licence (Grant)		231	231	Scoped fees
Scrap Metal Collectors Licence (Renewal)		150	150	Scoped fees
Scrap Metal Collectors Licence (Variation)		35	35	Scoped fees
ADULT GAMING CENTRE LICENCE		FEE £	Proposed Fee £	Notes
Grant		761	761	Scoped fees
Annual Fee		433	433	Scoped fees
Vary Licence		365	365	Scoped fees

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Transfer Licence	110	110	Scoped fees
Reinstatement of Licence	97	97	Scoped fees
Provisional Statement	761	761	Scoped fees
Change of Circumstances	27	27	Scoped fees
Copy of Licence	15	15	Scoped fees
BETTING PREMISES [OTHER] LICENCE	FEE £	Proposed Fee £	Notes
Grant	761	761	Scoped fees
Annual Fee	433	433	Scoped fees
Vary Licence	365	365	Scoped fees
Transfer Licence	110	110	Scoped fees
Reinstatement of Licence	97	97	Scoped fees
Provisional Statement	761	761	Scoped fees
Change of Circumstances	27	27	Scoped fees
Copy of Licence	15	15	Scoped fees
BINGO PREMISES LICENCE	FEE £	Proposed Fee £	Notes
Grant	761	761	Scoped fees
Annual Fee	433	433	Scoped fees
Vary Licence	365	365	Scoped fees
Transfer Licence	110	110	Scoped fees
Reinstatement of Licence	97	97	Scoped fees
Provisional Statement	761	761	Scoped fees
Change of Circumstances	27	27	Scoped fees
Copy of Licence	15	15	Scoped fees
FAMILY ENTERTAINMENT CENTRE PREMISES LICENCE	FEE £	Proposed Fee £	Notes
Grant	761	761	Scoped fees
Annual Fee	433	433	Scoped fees
Vary Licence	365	365	Scoped fees
Transfer Licence	110	110	Scoped fees
Reinstatement of Licence	97	97	Scoped fees
Provisional Statement	761	761	Scoped fees
Change of Circumstances	27	27	Scoped fees
Copy of Licence	15	15	Scoped fees
UNLICENSED FAMILY ENTERTAINMENT CENTRE	FEE £	Proposed Fee £	Notes

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New Operator	300	300	Set Fees
Existing Operator	100	100	Set Fees
Renewal	300	300	Set Fees
Change of Name	25	25	Set Fees
Copy of Permit	15	15	Set Fees
PRIZE GAMING	FEE £	Proposed Fee £	Notes
New Operator	300	300	Set Fees
Existing Operator	100	100	Set Fees
Renewal	300	300	Set Fees
Change of Name	25	25	Set Fees
Copy of Permit	15	15	Set Fees
CLUB GAMING AND CLUB MACHINE PERMIT	FEE £	Proposed Fee £	Notes
New Operator	200	200	Set Fees
Existing Operator	100	100	Set Fees
Renewal	200	200	Set Fees
Variation of Permit	100	100	Set Fees
Copy of Permit	15	15	Set Fees
Annual Fee	50	50	Set Fees
LICENSED PREMISES (PUBS)	FEE £	Proposed Fee £	Notes
New Operator	150	150	Set Fees
Existing Operator	100	100	Set Fees
Variation of Permit	100	100	Set Fees
Transfer of Permit	25	25	Set Fees
Change of Name	25	25	Set Fees
Copy of Permit	15	15	Set Fees
Annual Fee	50	50	Set Fees
Notice of Intention. Two or less Category C or D Gaming Machines	50	50	Set Fees
SMALL SOCIETY LOTTERIES	FEE £	Proposed Fee £	Notes
Grant	40	40	Set Fees
Annual Fee	20	20	Set Fees
TEMPORARY USE NOTICE	FEE £	Proposed Fee £	Notes
Grant	230	230	Scoped fees

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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