

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

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

125. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

126. MINUTES OF THE LAST MEETING

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

127. DECLARATIONS OF INTEREST

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

128. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

129. MISCELLANEOUS LICENSING SUB-COMMITTEE

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

130. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting was declared closed at 8.14 pm

Chairman