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Licensing and Registration Committee

8 March 2023

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION  
COMMITTEE,  
HELD ON WEDNESDAY, 8TH MARCH, 2023 AT 6.30 PM  
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Winfield (Chairman), V E Guglielmi (Vice-Chairman), Casey, Coley, Davis, J Henderson, Skeels Jnr. and Turner
<b>Also Present:</b>	Councillor I J Henderson
<b>In Attendance:</b>	Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer) and Chloe Blackwell (Licensing Enforcement Officer)

**135. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Clifton and Wiggins (with no substitutions) and from Councillor McWilliams (with Councillor Turner substituting).

**136. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Committee held on Thursday 3 November 2022 were approved as a correct record and signed by the Chairman.

**137. DECLARATIONS OF INTEREST**

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

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

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

**139. A1 - 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.

**140. A2 - LICENSING ENFORCEMENT SCHEDULE OF ROUTINE LICENSING INSPECTIONS FOR 2023**

The Committee was invited to consider the arrangements for routine inspections of licences, permits, consents etc. within the scope of the Committee's work.

Members heard that Tendring District Council was a Licensing Authority by virtue of separate legislative provisions relevant to the individual licensing frameworks. As set out in those separate provisions, the Council would determine its approach to ensuring that those who were licensed complied with the requirements of the licence, permit, notice, consent etc. concerned.

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

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

- (a) the schedule of such inspections, as set out at Appendix A to the Officer report, be endorsed;
- (b) it notes that the Licensing Manager will then make arrangements, within the available resources, to implement the endorsed routine inspection arrangements in 2023 and to then report on progress to this Committee in time for it to inform consideration of a revised schedule for 2024; and
- (c) these arrangements be reviewed in six month's time.

#### **141. A.3 REVIEW OF THE LICENSING FEES AND CHARGES 2023**

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

Members heard that Officers had reviewed the fees and charges payable for applications within the remit of the Committee and, where a discretion existed, proposed that increases be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned.

Where discretion permitted, the proposals envisaged an increase of approximately 7% on the correct fees for licensing activities. This reflected the average additional cost arising from the Pay Award for council staff. Staff costs were a major element of costs to be recovered from licence fees.

It was reported to the Committee that the relevant legislative provisions had been considered in the preparation of this report. Certain licensing activities were subject to fees/charges set nationally. Other activities were subject to maximum fee levels with a discretion for the Authority up to that maximum. A third set of licensing activities were not subject to a nationally set maximum and the discretion was solely 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 was a long, established principle that the charging power was not a revenue raising power. As such, charges should not seek to recover more than the administrative costs of the Authority relevant to the licensing activities in question.

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After some discussion it was **RESOLVED** that:

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

**142. A.4 DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY**

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

It was reported to Members that in order to develop such a cohesive policy it was important that the range of separate policies were reviewed and that areas of Hackney Carriage/Private Hire licensing where the Council had no current licensing policy were examined in undertaking this developmental work. Consultation had been undertaken and research with other Councils initiated. The report set out the outcome of that consultation and research. It also referenced a Government consultation on possible revisions to a national good practise guide to licensing authorities.

The pre-consultation questionnaire had been available for a period of eight weeks commencing 14 December 2022. During that time 44 comments had been made during the consultation period.

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

Members discussed and decided on the following matters:-

Vehicle Licensing

Tinted windows – Agreed to stay the same.

Identity and Signage – Livery was spoken about by Cllr Turner and voted on but defeated. Agreed to stay the same after.

Vehicle Minimum age – Agreed to stay the same.

Vehicle Maximum age – Agreed extra two years on each.

New Vehicles to have Euro 6 Emissions minimum.

Vehicle Seating Capacity spoken about and agreed to stay the same.

Quantity control – no change was agreed.

Taxi rank provisions – review every 3 years.

CCTV – Agreed to stay the same.

Door signs – Agreed to stay the same.

Vehicle condition check - agreed to.

#### Drivers Licensing

Proficiency – Fit and Proper was spoken about and agreed to.

Suitability Test agreed to stay the same.

Knowledge Test – Agreed to stay the same although timings to change between tests from 30 days to 14 days.

Vocational Training and Assessment – agreed to stay the same.

Dress code – Agreed to stay the same.

#### Enforcement

Enforcement protocol agreed to stay the same.

After that detailed debate, it was **RESOLVED** that:

1. a draft cohesive licensing policy statement be submitted to the first meeting of this Committee following the elections to the Council on 4 May 2023;
2. it notes that the development of the cohesive licensing policy statement will involve a further period of consultation and all views received will then be submitted for consideration by this Committee prior to adoption of a finalised licensing policy statement; and
3. Officers be requested to consider the implications arising from the physical capabilities of Hackney Carriage/Private Hire drivers when considering emergency evacuation or providing emergency assistance to passengers.

#### **143. A.5 - HOME OFFICE ISSUE REVISED SECTION 182 GUIDANCE UNDER THE LICENSING ACT 2003 AND "MARTYN'S" LAW**

The Committee was made aware of an update to the Guidance issued by the Home Secretary under section 182 of the Licensing Act 2003 and the introduction of "Martyn's" Law.

The Committee was requested to formally determine that, notwithstanding the changes referred to, there was currently, no requirement for an interim review of the Council's Statement of Licensing Policy (under the 2003 Act).

After a brief discussion, the Committee **RESOLVED** that it -

- (a) notes the principal amendments to the Statutory Guidance under the Licensing Act 2003 and the introduction of "Martyn's Law"; and
- (b) agrees that, notwithstanding the changes referred to, there is, currently, no requirement for an interim review of the Council's Statement of Licensing Policy under the Licensing Act 2003.

#### **144. A.6 - REVIEW OF THE FEES AND CHARGES FOR ANIMAL AND BEAUTY TREATMENT LICENSING**

The Committee had before it, details of the current licensing fees and charges for the issuing and renewal of licenses administered by the Council's Environmental Health service, that were non-executive functions. The Committee's approval was sought for those fees for the current financial year and changes to those fees and charges to take effect from 1 April 2023 (or as soon as possible thereafter taking account of legislative requirements).

Members heard that this was the first occasion for a number of years that fees and charges had been placed before a Committee in relation to Animal Licensing and Beauty Treatment Licensing. Fees and charges for such work had been set as part of the corporate fees and charges setting process and it had recently been identified that those fees, relating to non-executive functions, should in fact be set by this Committee. Fees had most recently been set in consultation with the Portfolio Holder for Environment & Public Space on 9<sup>th</sup> February 2022.

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

As in previous years Officers had reviewed the fees and charges payable for applications within the remit of the Committee and, where a discretion existed, it was proposed that increases be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned.

The Committee **RESOLVED** that:

- 4) the current fees and charges in place since April 2022, as set out in column A of Appendix A to the Officer report, be approved;
- 5) the proposed fees and charges for 2023/24, as set out in column B of the aforesaid Appendix A be approved with effect from April 2023; and
- 6) the Assistant Director (Housing & Environment) be authorised to publish the Animal and Beauty Treatment Licensing fees in accordance with the relevant legislative provisions.

The meeting was declared closed at 9.32 pm

**Chairman**

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