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Licensing and Registration Committee

24 July 2023

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON MONDAY, 24TH JULY, 2023 AT 6.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors J Henderson (Chairman), Wiggins (Vice-Chairman), Casey, Codling, A Cossens, Kotz, Smith and Thompson
In Attendance:	Tim Clarke (Assistant Director (Housing and Environment)) (Except Items 8-12), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Michael Cook (Licensing Manager), Grant Fenton-Jones (Private Sector Housing Manager) (Except Items 8-12), Bethany Jones (Committee Services Officer) and Keith Durran (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Davidson (with no substitution).

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Committee held on Wednesday 8 March 2023 be approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

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

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. MISCELLANEOUS LICENSING SUB-COMMITTEE

The Committee formally received and noted, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 10 March 2023.

6. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

The Committee formally received and noted, for its information only, the Minutes of the meeting of the Premises/Personal Sub-Committee held on Friday, 10 March 2023.

**7. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.4 -
REVIEW OF THE FEES AND CHARGES FOR CARAVAN SITE LICENSING**

The Committee was told that this was the first time that fees and charges had been in front of the Committee for the Licensing of Residential Parks (protected sites) and for

charging fees as part of the Council's inspection regime. Fees and charges for the work had previously been set as part of the corporate fees and charges procedure approved by Full Council, as part of the annual Budget process and in accordance with the Council's Mobile Home Site Licensing Fees Policy.

Members heard that the current schedule of fees and charges was presented for approval along with the proposed fees and charges to take effect from 1 April 2023.

The Committee was informed that, as in previous years, Officers had reviewed the fees and charges payable for applications 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. The proposed fees and charges for 2023/24 along with the fees and charges for 2022/23 were set out within Appendix A of item A.4 of the Report of the Corporate Director (Operations & Delivery).

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

RESOLVED that:

- 1) the current fees and charges in place since April 2022, as set out in column A of Appendix A to item A.4 of the Report of the Corporate Director (Operations & Delivery), be endorsed and approved;
- 2) that 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,
- 3) the Assistant Director (Housing and Environment) be authorised to publish The Mobile Homes (Residential Protected Sites) fees and charges in accordance with the relevant legislative provisions.

8. REPORT OF DEPUTY CHIEF EXECUTIVE - A.1 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS IN QUARTER 1 - 2023/24

The Committee had a report before it that sought to provide data on the number of licences, certificates and permits that had been authorised by the Council in quarter 1 2023/24. The majority of those had been authorised by Officers in accordance with approved schemes of delegation. Data was provided to the Committee on the most recent completed quarters (April to June, July to September, October to December and January to March) together with previous quarters to help aid comparison between quarters and years.

Members were given details of the number of licences, certificates, and permits within the responsibility of Democratic Services and Elections that had been granted as set out under the separate headings below:

(i) Licensing Act 2003 - Premises Licences/Club Premises Certificates

The total of Premises Licences / Club Premises Certificates that had been approved under Delegated Powers during the period as detailed below. For comparison, the following also showed the numbers approved for the periods shown:

Type of Licence	Number of Licences as at			
	5 January to 31 August 2022	31 August 2022 to 31 January 2023	January to March 2023 (Q4 2022/23)	April to June 2023 (Q1 2023/24)
<i>Premises Licences/Club Premises Certificates - Approved</i>	48	26	26	15

(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			
	31 August 2022	31 January 2023	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)
<i>Personal Licences</i>	2318	2372	2381	2409

(iii) **Gambling Act 2005 - Gambling Licences/Permits**

Below was 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			
	31 August 2022	31 January 2023	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)
<i>Adult Gaming Centres</i>	21	19	19	19
<i>Betting Premises</i>	12	11	11	11
<i>Bingo Premises</i>	12	14	15	15
<i>Family Entertainment Centres</i>	4	2	2	2
<i>Unlicensed Family Entertainment Centres</i>	29	29	29	29
<i>Prize Gaming Permits</i>	2	2	2	1
<i>Club Gaming & Club Machine Permits</i>	23	24	23	23
<i>Licensed Premises Gaming Machine Permits</i>	25	21	21	22

Licensed Premises Machine Notifications	117	114	116	116
Small Society Lottery Permits	105	120	117	116

(iv) **Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage/Private Hire Licence**

Below was 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			
	31 August 2022	31 January 2023	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)
Hackney Carriage Driver	277	278	280	279
Private Hire Driver	7	7	6	6
Hackney Carriage Vehicle	216	201	200	198
Private Hire Vehicle	27	26	27	27
Private Hire Operator	22	19	18	19
Temporary Insurance Vehicles Issued	10	5	3	2

Although the numbers of driver applications processed was broadly the same now as had been the case over the last year, there had been a drop in the number of existing licenced drivers renewing (and a comparative increase in new individuals becoming licenced).

Taxi and Private Hire Vehicle Statistics, England 2023

The Department for Transport had published on 11 July 2023 National statistics for taxis and private hire throughout England. Data for 2023 represented the position as at 01 April 2023. Figures were updated every year through surveying each Licensing Authority in England.

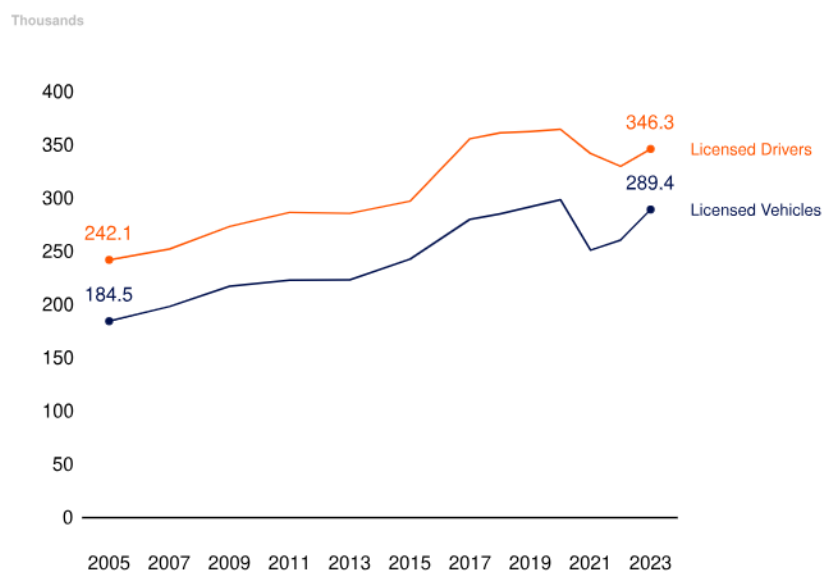
Trends since 2005

Chart 1 was a line chart that showed how the number of licensed vehicles and drivers had changed over time. Between 2005 and 2020, the total number of licensed vehicles had increased from 184,500 in 2005 to 298,600 in 2020. This figure then fell sharply to 251,100 in 2021, before increasing again to 289,400 in 2023.

Chart 1 showed that there were 346,300 driver licences in 2023, an increase of 4.9% compared to the previous year. Between 2005 and 2020 the number of driver licence had increased from 242,100 to 364,700. It then fell to 330,000 in 2022 before increasing again in 2023.

Licence lengths for vehicles were generally shorter than those for drivers. This was likely to explain the slightly different trends seen in vehicle and driver licences over the course of the pandemic.

Chart 1

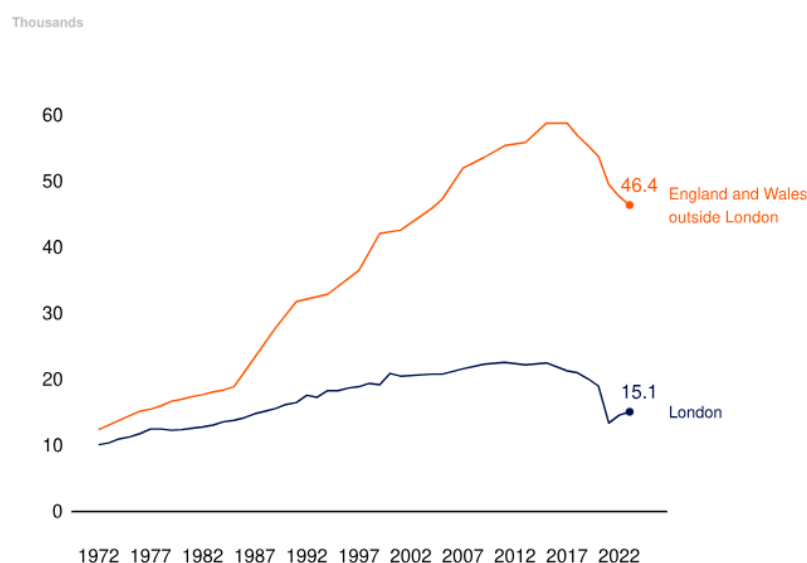


Long term taxi trends

Chart 2 was a line chart that showed that between 1972 and 2015 the numbers of licensed taxis in London, and in England and Wales outside of London, had both broadly followed an increasing trend, albeit at different rates. Since 2015 the numbers had fallen, with a particularly sharp fall seen since 2020, which was likely to be at least in part due to the coronavirus pandemic.

The number of taxis in 2023 was substantially higher than in 1972: the numbers of licensed taxis had almost quadrupled in England and Wales outside of London (increasing from 12,400 to 46,400), while over the same period the numbers in London had increased by 45% (from 10,100 to 15,100). Prior to 2005 the only data available related to the number of licensed taxis and licensed taxi drivers for England and Wales as a whole. Other than for London, data at a lower geographical level was not available.

Chart 2



As at 1 April 2023:

- there were 57,200 licensed taxis, a 1.3% decrease from 2022
- licensed taxis in London increased by 3.4%
- taxis in England outside of London fell by 2.9%

Licensing Policies List

Below was a table showing the licensing policies currently in place with the timescales and proposal of new policies that Officers would be working on going forward.

Licensing Enforcement Policy	Adopted 06 August 2019 Expires 06 August 2024
Gambling Act 2005 – Gambling Licensing Policy Statement	Adopted 29 March 2022 Expires 28 March 2025
Licensing Act 2003 – Statement of Licensing Policy	Adopted 22 November 2022 Expires 22 November 2027
CCTV Policy in Taxis	Approved in 2013 and it is proposed that it will become part of the cohesive Taxi Policy referred to elsewhere in the business for this meeting of the Committee.
Sex Establishment Policy	Adopted 2018 – To be reviewed in 2024.

Proposed Policies List

Hackney Carriage and Private Hire Policy	Proposed to be submitted in 2023
Licensing Act 2003 Films Classification	Proposed to be submitted in 2024

<i>Policy</i>	
<i>Street Collection and House to House Policy</i>	<i>Proposed to be submitted in 2026</i>
<i>Street Trading Policy</i>	<i>Proposed to be submitted in 2026</i>
<i>Scrap Metal</i>	<i>Proposed to be submitted in 2026</i>
<i>Pavement Licence Policy</i>	<i>Proposed to be submitted in 2023 (on the basis that legislation introduced this as more than a temporary provision arising out of a back to business arrangement following the Covid-19 pandemic and associated restrictions).</i>

The Committee **NOTED** the contents in this report.

9. **REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY**

The Committee had before it a draft Taxi/Private Hire Policy (at Appendix A to this report) and which sought authority for the draft policy to be circulated to key stakeholders and interested parties for consultation purpose.

The Committee was reminded that, at its meeting on 08 March 2023 (minute 142 referred), it had authorised Officers to develop a draft comprehensive policy in relation to the licensing of Taxi and Private Hire Services in the District. The initial element of the work was to consider the Department for Transport's best practice guide to Councils in respect of this area of licensing; the 2022 consultation draft on an updated practice guide and any amendments the Committee had suggested at the 8 March 2023 meeting. The Committee on 8 March 2023 had considered comments that had been received to an initial consultation exercise undertaken between December 2022 to February 2023.

Members heard that it had been reported to the meeting of the Committee on 8 March 2023 that a key impetus towards the development of a cohesive licensing policy in that area had been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by Government, and the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

The Committee also heard that, in referencing licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire Vehicle standards, it read:

“The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.

When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing

regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings.”

Members discussed and decided on the following matters:-

Vehicle Licensing

Identity and Signage – Livery - was agreed to consult on whether to introduce a corporate livery colour of green (whether sprayed on or wrapped on) with the livery to be introduced at the next replacement of the individual Hackney Carriage Vehicles.

Accessibility

It was agreed to maintain the present requirements.

Enforcement and Compliance:

It was agreed to consult on moving to a points-based enforcement system.

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

RESOLVED that the draft Taxi/Private Hire Policy be circulated to the Council's stakeholders and interested parties in respect of this area of licensing for consultation purposes, including the questions relating to livery and the introduction of a points-based enforcement system, and that the outcome of the consultation be considered at a future meeting of the Committee prior to its adoption of a finalised Taxi/Private Hire Policy.

10. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - TENDRING COMMUNITY SAFETY ACTION DAYS - LICENSING

The Committee was informed about the Tendring Community Safety action days that had taken place which had involved a number of licensing enforcement checks.

The Committee was told that members of the Licensing Team had joined forces with partners for a number of activities aimed at improving safety in Tendring.

Members were also informed that, on Wednesday 14 June 2023, the Licensing Officers had been in attendance with Essex Police road policing officers and the Environmental Agency for a series of road checks, clamping down on motoring offences, checking that waste carriers and scrap metal carriers had the appropriate licences, and had carried out spot checks on taxis.

The taxi spot checks had been carried out on 19 taxis, with three warning letters issued and one referral made.

The Committee heard that, on Friday 16 June 2023, the Licensing Enforcement Officer had attended an evening of action tackling the night time economy with a number of partners. As part of this, checks had been carried out at licensed premises and taxis to make sure all were operating safely and legally. One premises had been referred for further enforcement action and one taxi had been found with an expired plate and this had been removed and the taxi taken off the road.

Members were also told that awareness of drink spiking had been raised with 100 drink covers given to pubs to hand out to their customers.

The Committee was assured that those that had received warning letters had received a follow up by the Licensing Enforcement Officer and that all matters had been satisfactorily resolved.

The Committee **NOTED** the contents of this report.

11. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor J Henderson, seconded by Councillor Wiggins and:-

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

12. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

The Committee formally received and noted, for its information only, the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 10 March 2023.

The meeting was declared closed at 7.11 pm

Chairman

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