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Licensing and Registration Committee

31 January 2024

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION
COMMITTEE,
HELD ON WEDNESDAY, 31ST JANUARY, 2024 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, A Cossens, Davidson, Smith and Thompson
In Attendance:	Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Grant Fenton-Jones (Environmental Health Manager)(except items 31 - 37), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

23. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were given from Councillors Codling and Kotz (with no substitutes). It was also noted that Councillor Land was not in attendance for this meeting.

24. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Monday, 16 October 2023 be approved as a correct record and signed by the Chairman.

25. DECLARATIONS OF INTEREST

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

26. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

27. MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Davidson, 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 Monday, 11 December 2023.

28. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

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

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meetings of the Premises and Personal Licences Sub-Committee held on

Monday, 13 November 2023, Friday, 17 November 2023 and Friday, 24 November 2023.

29. REPORT OF THE DIRECTOR (OPERATIONS & DELIVERY) - A.1 - PROPOSED FEES AND CHARGES FOR CARAVAN SITE LICENSING - HOUSING & ENVIRONMENT

The Committee was told that the Officer report set out the proposed fees and charges for 2024/25 for Operations & Delivery / Housing & Environment. They continued to be considered against a number of key principles that formed part of the long-term financial forecast approach and which were summarised later in the report.

It was reported to the Committee that any amendments to income budgets that were required to reflect changes to fees and charges would be included in the detailed budget proposals for 2024/25 that would be considered by Cabinet/Full Council as appropriate.

Officers informed Members that, in respect of Full Council, the individual decisions agreeing the fees and charges would be collated and presented as part of the overall budget setting process for 2024/25.

Members were further informed that the Officer report set out the proposed fees and charges for the 2024/25 Licensing of Residential Parks (protected sites) and for charging fees as part of the Council's inspection regime in accordance with the legislation.

The Committee heard that the proposed fees and charges associated with licensing of Residential Sites (relevant protected sites) had been increased using the projected rate of inflation for the next financial year, and approval was sought to better reflect cost recovery in relation to the administration of the licensing areas concerned. It was proposed that the amended fees and charges would take effect from 1 April 2024.

Members were finally informed that the proposed fees and charges for 2024/25 along with fees and charges for 2023/24 were set out within Appendix A of the Officer report.

It was moved by Councillor Davidson, seconded by Councillor Thompson and unanimously:-

RESOLVED that:

- 1) the proposed fees and charges for 2024/25, as set out in column B of Appendix A to item A.1 of the report of the Corporate Director (Operations & Delivery), be approved with effect from April 2024; 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.

30. REPORT OF THE DIRECTOR (OPERATIONS & DELIVERY) - A.2 - OPERATIONS & DELIVERY/HOUSING & ENVIRONMENT - PROPOSED FEES & CHARGES FOR ANIMAL & BEAUTY LICENSING 2024/25

The Committee was told that the Officer report set out the proposed fees and charges for 2024/25 for Operations & Delivery / Housing & Environment. They continued to be considered against a number of key principles that formed part of the long term financial forecast approach and which were summarised later on in the Officer report.

Members heard that any amendments to income budgets that were required to reflect changes to fees and charges would be included in detailed budget proposals for 2024/25 that would be considered by Cabinet / Full Council, as appropriate.

The Committee was informed that in respect of Full Council, the individual decisions agreeing fees and charges would be collated and presented as part of the overall budget setting process for 2024/25.

Officers also told Members that the Officer report set out the current schedule of fees and charges and presented for them for approval along with the proposed fees and charges to take effect from April 2024.

Members finally heard that the fees and charges payable for applications were within the remit of the Committee and, where a discretion existed, it was proposed that an increase be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned. The proposed fees and charges for 2024/25 along with fees and charges for 2023/24 were set out within Appendix A of the Officer report.

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

RESOLVED that:

- 1) the Schedule of Fees and Charges 2024/25 for Operations & Delivery / Housing & Environment, as set out in Appendix A to item A.2 of the report of the Corporate Director (Operations & Delivery), be agreed;
- 2) the current fees and charges in place since April 2023 be as set out in column A of the aforementioned Appendix A;
- 3) the proposed fees and charges for 2024/25, as set out in column B of Appendix A be approved with effect from April 2024; and
- 4) the Assistant Director for Housing & Environment be authorised to publish the Animal and Beauty Treatment Licensing fees in accordance with relevant legislative provisions.

31. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - PROPOSED LICENSING FEES AND CHARGES FOR 2024/25

The Committee was told that the Officer report set out the proposed fees and charges for 2024/25 for licensing applications etc within the responsibility of the Democratic Services and Elections, Governance – Licensing Section. They were contained within Appendix A of the Officer report.

Members heard that any amendments to income budgets that were required to reflect changes to fees and charges would be included in the detailed budget proposals for 2024/25 that would be considered by Cabinet/Full Council, as appropriate.

The Committee was informed that, the Council would need to demonstrate that the fees it charged for such licences had 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 was responsible.

Officers told Members that, fees should be set so as to avoid either a surplus or a subsidy where possible and be adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

Members finally heard that the Officer report set out the revised fees and charges for licences and associated items which it was proposed to take effect from April 2024.

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

RESOLVED that:

- 1) the proposed licensing fees and charges, as set out in Appendix A of the Officer report (A.3) be approved with effect from April 2024 (Note: this resolution only applied to those fees and charges where the Council had 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; 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 (or failing her the Vice-Chairman) of the Licensing and Registration Committee.

32. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.4 - GOVERNMENT BEST PRACTICE GUIDANCE TO LICENSING AUTHORITIES UPDATE - THIS COUNCIL'S TAXI/PRIVATE HIRE LICENSING POLICY

The Committee was reminded that, at its meeting held on 16 October 2023, it had authorised the new Taxi/Private Hire Licensing Policy to be submitted to Cabinet for adoption. The Licensing Policy had subsequently been approved and adopted by Cabinet on 10 November 2023 and would remain in effect for five years (subject to any review in response to changes in regulation or guidance).

Members heard that the decision of Cabinet on the Taxi/Private Hire Licensing Policy (at Minute 51 of Cabinet's meeting on 10 November 2023) had been as follows:

- a) *Approves the final draft statement of Taxi/Private Hire Policy, as set out in Appendix A to item A.6 of the Report of the Portfolio Holder for Housing & Planning, for adoption and publication;*
- b) *Authorises Officers to develop (over the coming months), and implement, a programme to bring the policy positions in the approved Statement into operation; and*

- c) *Authorises Officers to make minor amendments to the Taxi/Private Hire Policy in order to take account of such matters as legislative changes and Government Guidance on taxi and private hire licensing.*

The Committee was told that since that Cabinet decision referred to, the Department for Transport had issued its new Best Practice Guidance on 17 November 2023.

Officers told Members that, the Council, in preparing its Taxi/Private Hire Licensing Policy, had had regard to a consultation by Government on an updated Best Practice Guidance. However, as referred to, Government had not issued its response to the consultation (and the new Best Practice Guidance) until after this Council had approved its new policy.

The Committee also heard that four matters namely, (i) daily licensed vehicle checks, (ii) age policy for licensed vehicles, (iii) the review period for Taxi Ranks and (iv) penalty point schemes for licensed drivers and operators had been highlighted as matters upon which this Committee's view would be greatly appreciated (prior to any decisions (by Officers/Cabinet) being taken in respect of those matters).

The Head of Democratic Services and Elections made Members aware that the retention period would be coming back to the Committee and that the Portfolio Holder had been consulted and that they had consented to that course of action.

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

RESOLVED that:

- (a) the Committee notes the approach being taken, as set out in Part 3 (Background) section (and Appendix B) of the Officer report (A.4) to the following matters identified in the recently updated published Government Best Practice Guidance:
- (i) Daily licensed vehicle checks;
 - (ii) Age policy for licensed vehicles;
 - (iii) Review period for Taxi Ranks;
 - (iv) Penalty Point Scheme; and
- (b) the Committee agrees to the course of action set out in Part 3 (Background) section of the Officer report (A.4) to the matters referenced above and otherwise agrees to the implementation programme for the Taxi/Private Hire Licensing Policy, as set out in Appendix A of the aforesaid Officer report.

33. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.5 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee was given details of the licences, certificates and permits recently granted which were set out in the Officer report as follows with separate headings:

- (i) Premises Licences/Club Premises Certificates

The total of Premises Licences / Club Premises Certificates that have been approved under Delegated Powers during the period 31 August 2022 to 31 January 2023. For comparison, the following also shows the numbers approved for the periods shown:

Type of Licence	Number of Licences as at			
	January to March 2023 (Q4 2022/23)	April to June 2023 (Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Premises Licences/Club Premises Certificates - Approved	26	15	16	10

(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			
	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Personal Licences	2381	2409	2436	2456

(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			
	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Adult Gaming Centres	19	19	17	17
Betting Premises	11	11	11	11
Bingo Premises	15	15	15	15
Family Entertainment Centres	2	2	0	0
Unlicensed Family Entertainment Centres	29	29	27	27
Prize Gaming Permits	2	1	1	1
Club Gaming & Club Machine Permits	23	23	22	22
Licensed Premises Gaming Machine Permits	21	22	21	21

Licensed Premises Machine Notifications	116	116	116	122
Small Society Lottery Permits	117	116	114	122

(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			
	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)	July to Sept 2023 (Q2 2023/24)	Oct to Dec 2023 (Q3 2023/24)
Hackney Carriage Driver	280	279	285	287
Private Hire Driver	6	6	6	6
Hackney Carriage Vehicle	200	198	200	202
Private Hire Vehicle	27	27	28	29
Private Hire Operator	18	19	20	19
Temporary Insurance Vehicles	3	2	1	2

Although the number 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).

Members heard that, in addition to the information above, the Committee at its next meeting, would receive a report on the progress undertaken against the routine inspection position agreed at this point in 2023 and that it would be invited to determine the routine inspection position for 2024/25.

It was moved by Councillor Thompson, seconded by Councillor A Cossens and:

RESOLVED that the Committee **NOTES** the contents of this Officer report (A.5).

34. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Monday, 25 March 2024, commencing at 6.30 p.m.

35. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Davidson, 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 the consideration of Agenda Items 14 and 15 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.

36. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

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

RESOLVED that the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 11 December 2023 be formally received and noted.

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

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

RESOLVED that the exempt minutes of the meetings of the Premises and Personal Licences Sub-Committee held on Monday, 13 November 2023 and Friday, 24 November 2023 be formally received and noted.

The meeting was declared closed at 7.02 pm

Chairman