

LICENSING AND GENERAL PURPOSES COMMITTEE

15 January 2024

Minutes of the Licensing and General Purposes Committee meeting held at the Town Hall, Bexhill-on-Sea on Monday 15 January 2024 at 6:30pm.

Committee Members present: Councillors R.B. Thomas (Chair), J. Stanger (Vice-Chair), G.R.M. Delany, K.M. Field, Mrs E.M. Kirby-Green, S.B. McGurk, A. Rathbone Ariel, H.L. Timpe and C.J. Winter.

Committee Members present remotely: Councillor B.J. Coupar.

Other Members present: Councillor A.S. Mier.

Advisory Officers in attendance: Head of Environmental Services, Licensing and Community Safety and Democratic Services Officer.

Also Present: 1 member of the public in the Council Chamber and 12 members of the public via the live webcast.

LG23/9. **MINUTES**

(1)

The Chair was authorised to sign the Minutes of the meeting of the Licensing and General Purposes Committee held on 27 November 2023 as a correct record of the proceedings.

LG23/10. **APOLOGIES AND SUBSTITUTES**

(2)

There were no apologies for absence.

LG23/11. **DISCLOSURES OF INTEREST**

(4)

There were no declarations of interest made.

PART I – RECOMMENDATIONS TO COUNCIL

LG23/12. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

(7)

Members received and considered the report of the Head of Environmental Services, Licensing and Community Safety outlining the Council's recommended changes to standard conditions of the Hackney Carriage and Private Hire Licensing Policy, to ensure the conditions adhered to the Government's best practice guidance.

The Council licensed the drivers of hackney carriages and private hire vehicles, the hackney carriage and private hire vehicles themselves

and the operators of private hire vehicles. Hackney carriages could apply for hire and wait on taxi ranks. Private hire vehicles could only be booked (in advance) through an operator. The primary role of licensing was the protection of the public and therefore the Council had adopted a Licensing Policy and conditions to this end. The last policy was adopted in 2023.

In November 2023, the Government published best practice guidance. The authority already met most of the best practice in the guidance and officers had made recommendations where the Council did not comply, which was detailed at Appendix A to the report.

Seven recommendations were highlighted; four were considered minor and could be formally approved by Council in February 2024. The other three were more significant changes to the Policy and therefore a public consultation would need to be held. Once completed, the consultation results would be reported to the Committee at its meeting scheduled to be held on 22 May 2024.

The guidance set out in detail the requirement to ensure that disabled people were protected and could access taxis. The Council's policies should encourage much greater provision of taxis for disabled people, but it was not clear how carrying out surveys, as recommended, would greatly assist this. Officers would need to consider this further and consult other local authorities about what action could be taken.

Safeguarding / Disability Awareness was considered extremely important, and it was recommended that appropriate facilitators were sourced to deliver this type of training, to include assessment exercises. Incentive schemes (monetary) were also suggested to encourage drivers to adapt their vehicles for disability access etc. Caution was aired, as this could lead to unfairness, and it was necessary that budgets were balanced. Concern was raised regarding the issue of 'tinted' windows, and how drivers could ascertain their vehicle's light transmission percentage. The manufacturer's vehicle specification should stipulate this information, plus officers had access to a light transmission testing machine. Members were advised that the majority of other local authorities' hackney carriage vehicles were colour distinctive, e.g. Hastings Borough Council – dark blue, with a crest.

Members were supportive of and agreed the recommendations as detailed in the report, with an additional recommendation for the consultation, namely 8) that all drivers received disability awareness, attitudes and behaviours and safeguarding training annually. For clarity reasons, it was also suggested that the word 'tinted' be added after the word transmission in Recommendation 6).

The Committee agreed that the public consultation should be accessible to all relevant organisations / groups, was designed using the plain English guide and was user-friendly. It was also agreed that the consultation be developed, in consultation with the Chair of the Licensing and General Purposes Committee and Councillor Timpe.

RECOMMENDED: That the Hackney Carriage and Private Hire Licensing Policy be amended as follows:

- 1) that penalty points awarded under the Council's penalty points scheme remain on the licence for a period of three years;
- 2) new drivers be required to be trained on disability awareness, attitudes and behaviours and safeguarding from 1 April 2024 and existing drivers be trained before their next licence renewal after 1 October 2024;
- 3) new operators and their customer-facing staff be required to be trained on disability awareness from 1 April 2024 and existing operators and their staff to be trained before their next licence renewal after 1 October 2024; and
- 4) Vehicle Compliance Tests (VCT) to be carried out annually, except on vehicles more than 10 years old which will still be required to have a VCT every six months.

AND

RESOLVED: That the Council consult on:

- 5) amending the age condition for electric and hybrid vehicles and vehicles which are wheelchair accessible, to limit the age to 15 years;
- 6) amending conditions to permit windows to the rear of the B-pillar if they have a minimum light transmission (tinted) of 30% or above;
- 7) requiring all newly licensed hackney carriages to be white and no newly licensed private hire vehicles to be white from 1 October 2024; and
- 8) all drivers receive disability awareness, attitudes and behaviours and safeguarding training annually.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

LG23/13. SURVEILLANCE ACTIVITY ANNUAL UPDATE AND CCTV POLICY (5)

Members received the report of the Senior Responsible Officer providing an update on surveillance activity over the previous year. The Council had adopted a revised Regulation of Investigatory Procedures (RIPA) Policy in December 2023.

It was noted that there had been no use of legally approved surveillance powers in 2023; the last time the Council had applied for these powers was in 2015. The Council owned and operated CCTV equipment on its own property, for the detection of crime and to deter crime. Sussex Police legally had access to this information for investigative purposes.

The Council's RIPA Policy was detailed at Appendix A to the report. Members were advised that staff had been RIPA trained which included the use of social media and investigation research. The Council also had expertise in the Internal Audit Team to assist with researching unlicensed activities being advertised on social media platforms e.g. dog breeders (animal welfare), where required. It was clarified that the training was not free (one-day course), but it was essential that all relevant staff who carried out investigations received this training, every three years or as soon as they were involved with investigative processes. The Head of Environmental Services, Licensing and Community Safety clarified that some Council senior officers had sufficient anti-terrorist level clearance to assist the Police with terrorist incidents. Members were advised that from April 2024, a new wi-fi enabled CCTV system would be operational, where authorised Police officers could access recordings and images directly from their own laptops, without requiring authorisation from the Council.

Members noted that the surveillance activity met the key recommendations of the Surveillance Commissioner's report. The next inspection was anticipated in 2026.

RESOLVED: That the Council's 2023 annual update report on covert surveillance be noted.

LG23/14.
(6)

FEES AND CHARGES

Consideration was given to the report of the Head of Environmental Services, Licensing and Community Safety which outlined the Council's proposed licensing fees to be charged from 1 April 2024. The fees were set to recover the full administration costs of issuing licences and costs associated with ensuring compliance with conditions attached to licences, but not the costs associated with the enforcement of unlicensed premises and activities.

Appendix A to the report set out the discretionary fees proposed to be charged from 1 April 2024, with changes highlighted in red. Where fees were proposed to increase, they were to be increased by the consumer price index or higher, if justified. The hiring of horse licence fees included the veterinary inspection costs, which increased substantially year-on-year. In accordance with a European Court decision, it was clarified that animal welfare fees had to be split, one for processing the license application and one for granting the licence. Members were also advised that animal welfare premises were star rated (similar to the Council's Food Hygiene Rating Scheme). Therefore, if a premises was rated '5' stars they were fully compliant and would receive a 3-year licence and would only be inspected every three years. A lower rating meant that inspections would be more frequent. Higher ratings were more advantageous for the organisation / premises, as they indicated that they offered higher / enhanced facilities etc. The fees set by the Licensing Act 2003 had not been increased, despite requests by the Local Government Association.

Maximum fees under the Gambling Act 2005 were also set by statute. The Council charged the maximum amounts.

Environmental Health was a shared service with Wealden District Council, therefore the Council aimed to charge the same fees for licences issued for Rother and Wealden premises, although each authority set its own fees. The Council's fees were comparable to other similar sized local authorities.

The Chair thanked the Head of Environmental Services, Licensing and Community Safety and his team for their hard work and advised that a review of the licensing staff resources would be completed at the end of 2024.

RESOLVED: That the licensing fees and charges set out in Appendix A be approved and applied from 1 April 2024.

CHAIR

The meeting closed at 7:34pm.

DISCRETIONARY FEES

ANIMAL WELFARE ACT 2006
ANIMAL WELFARE LICENSING FEES (3 YEARS)

ITEM	UNIT	2023/24	2024/25
Home Boarding / Dog Day Care	Each premises	£230.00 (Combined fee) ¹ -or- £220.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£241.00 (Combined fee) ¹ -or- £231.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Animal Boarding / Selling Pets	For each activity at one premises: cat boarding, dog boarding or selling animals	£250.00 (Combined fee) ¹ -or- £245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£262.00 (Combined fee) ¹ -or- £252.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Breeding of Dogs	Each premises	£250.00 (Combined fee) ¹ -or- £245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£262.00 (Combined fee) ¹ -or- £252.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Exhibition of Animals	Each species at one premises	£250.00 (Combined fee) ¹ -or- £245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£262.00 (Combined fee) ¹ -or- £252.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
Regrading Request (except Riding Establishments)	Each	£100.00	£105.00
Hiring of Horses: 1 – 10 horses	Each	£549.00 (Combined fee) ¹ -or- £538.00 for Processing & £30.00 for Issue of Licence £438.00 for Re-grading	£1,000.00 (Combined fee) ¹ -or- £990.00 for Processing & £30.00 for Issue of Licence £900.00 for Re-grading

		Includes initial vet costs	Includes initial vet costs
Hiring of Horses: 11 – 25 horses	Each	£660.00 (Combined fee) ¹ -or- £485.00 for Processing & £30.00 for Issue of Licence £549.00 for Re-grading Includes initial vet costs	£1,000.00 (Combined fee) ¹ -or- £990.00 for Processing & £30.00 for Issue of Licence £900.00 for Re-grading Includes initial vet costs
Hiring of Horses: More than 26 horses	Each	£777.00 (Combined fee) ¹ -or- £766.00 for Processing & £30.00 for Issue of Licence £666.00 for Re-grading Includes initial vet costs	£1,250.00 (Combined fee) ¹ -or- £1,240.00 for Processing & £30.00 for Issue of Licence £1,150.00 for Re-grading Includes initial vet costs

Local authorities are required to charge separate fees for processing applications and issuing the licence and carrying out enforcement. However, if the two fees are paid at the same time, then the administration costs are lower. If an application is withdrawn the issue fee is refunded.

ANIMAL WELFARE LICENSING FEES

ITEM	UNIT	2023/24	2024/25
Dangerous Wild Animals (grant or renewal): small individual animal or small collection (Two-year licence)	Each	£240.00 plus actual vet costs	£285.00 plus actual vet costs
Dangerous Wild Animals (grant or renewal): large individual or groups (Two-year licence)	Each	£295.00 plus actual vet costs	£342.00 plus actual vet costs
Dangerous Wild Animals: Farm Type Activity – Grant: Two-year licence (E.g. Ostrich, Wild Boar etc.)	Each	£790.00 plus actual vet costs	£917.00 plus actual vet costs
Dangerous Wild Animals: Farm Type Activity – Renewal: Two-year licence (E.g. Ostrich, Wild Boar etc.)	Each	£305.00 plus actual vet costs	£355.00 plus actual vet costs
Dangerous Wild Animals: Variation of Licence (Two-year licence)	Each	£245.00 plus actual vet costs	£285.00 plus actual vet costs
Zoo Licence: Application	Each	£1,020.00 plus actual team & vet costs	£1,184.00 plus actual team & vet costs
Zoo Licence Renewal - Six Years	Each	£970.00 plus actual team & vet costs	£1,127.00 plus actual team & vet costs
Zoo Licence: Transfer	Each	£100.00 plus	£116.00 plus

		actual team & vet costs	actual team & vet costs
Zoo (Dispensation)	Each	£215.00	£250.00
Variation of licence	Each	£105.00	£122.00

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES**

TYPE OF LICENCE	TERM / UNIT	2023/24	2024/25
Hackney Carriage vehicle - renewal	1-year	£280.00	£280.00
Hackney Carriage vehicle - new	1-year	£320.00	£320.00
Private Hire vehicle - renewal	1-year	£280.00	£280.00
Private Hire vehicle - new	1-year	£320.00	£320.00
Private Hire Operator (less than 20 vehicles)	3-year	£320.00	£320.00
Private Hire Operator (less than 20 vehicles)	5-year	£520.00	£520.00
Private Hire Operator (more than 20 vehicles)	3-year	£640.00	£640.00
Private Hire Operator (more than 20 vehicles)	5-year	£1,000.00	£1,000.00
Dual Driver (Renewals only)	3-year licence	£370.00	£387.00
Dual Driver (Renewals only)	1-year licence	£210.00	£220.00
Dual Driver (New applicants)	1-year licence	£235.00	£246.00
Dual Driver (New applicants)	3-year licence	£480.00	£502.00
Relief Vehicle	3-month licence	£130.00	£130.00
Relief Vehicle renewal	3-month licence	£70.00	£70.00
Inspections and visits carried out away from Council offices at the Licence Holder's request	Each	£60.00	£70.00
Change of licence on same vehicle	Each	£60.00	£70.00
Transfer on vehicle ownership	Each	£60.00	£70.00
Replacement external vehicle plates where lost or damaged	Each	£60.00	£70.00
Replacement internal vehicle plates where lost or damaged	Each	£30.00	£40.00
Replacement Driver's Badge where lost or damaged	Each	£30.00	£40.00
Replacement Licence	Each	£30.00	£40.00
Exemption certificate (if not part of an application)	Each	£100.00	£110.00
Guidance Booklet (printed)	Each	£10.00	£20.00
Withdrawn applications administration fee	Per Application	£153.00	£165.00
Application referred to Panel following revocation/refusal	Per Application	N/A	£300.00
Additional administration costs per hour or part thereof	Per Application	£36.00	£50.00
Additional administrative fee for application visits made at a	Per new driver application -	£77.00	£81.00

distance greater than 5 miles outside of the Council's district boundary	First hour		
	Per new driver application - each additional hour or part thereof	£53.00	£55.00
	Per renewal or vehicle application - First hour	£77.00	£81.00
	Per renewal or vehicle application - Each additional hour or part thereof	£53.00	£55.00
Door Signs	Each	£23.00	£24.00
DBS (if fee paid by Council)	Each	£71.00	£74.00
DBS (if not part of an application)	Each	£258.00	£270.00
Knowledge Tests – First	Each	FREE	FREE
Knowledge Tests – Second or more	Each	£59.00	£62.00
English Proficiency Test	Each	£47.00	£49.00

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SEX ESTABLISHMENT LICENSING FEES

TYPE OF LICENCE	TERM / UNIT	2023/24	2024/25
Initial Application	Per Application	£6,300.00	£6,300.00
Annual Fee	Per Licence	£5,250.00	£5,250.00

SKIN AND BODY PIERCING ETC.

TYPE OF LICENCE	TERM / UNIT	2023/24	2024/25
Registration of persons ¹	Per Registration	£105.00	£110.00
Registration of premises or parts of the premises used in connection with the business ²	Per Registration	£240.00	£308.00
Change of name	Per Registration	N/A	£30.00

¹If the applicant can provide evidence of registration with another local authority for the same type of piercing then a discount of 50% is available.

²If the premises is already registered, but new applicant, option to reduce registration fee by up to 50%

OTHER LICENCES

TYPE OF LICENCE	TERM / UNIT	2023/24	2024/25
Pavement Licences	Each	£200.00	£214.00

PUBLIC HEALTH ACTS AMENDMENT ACT 1907

TYPE OF LICENCE	TERM / UNIT	2023/24	2024/25
Pleasure Boatman's Licence - annual	Each	£47.00	£49.00
Pleasure Boat Operator Licence	Annual	£294.00	£308.00
Pleasure Boat Operator Licence	3-year	£821.00	£859.00
Keddle Nets	3-year	£330.00	£350.00
Hypnotism Act 1952 Licence	Each	£118.00	£123.00
Environmental Information Enquiries	Each	£105.00	£112.00
Photocopies of Public Register etc	Per Hour or Part thereof	£59.00	£62.00

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING IN BEXHILL

STREET TRADING DURING AN ORGANISED EVENT	COMMERCIAL EVENT	REFERRED TO COMMITTEE FOR DECISION	FEE FOR A CONSENT PER STALL/PITCH PER DAY
No	N/A	Yes	Set by Committee
Yes	No, charitable or non-profit ¹	No, delegated to officers	Free
Yes	Yes ²	No, delegated to officers	£25.00

¹An event is classed as charitable/non-profit if the event organisers are a registered charity, are substantially supporting a registered charity or a charity that benefits people locally. The event may generate an income, however all profits are to be used for community projects or for charitable purposes. Event organisers must be able to supply event accounts and the registered Charity Number (if applicable)

²An event is classed as commercial if the event organisers are a profit making organisation, the event is planned to generate an income that is for benefit of the organiser or another commercial organisation.

A fee may be payable for a consent per stall/pitch per day in other consent streets that do not meet the specific criteria.

The fee for Street Trading for one year for Bexhill Farmers Market, Devonshire Square is £250.00.

Street Trading in Ticehurst

£125 per annum for each day of trading.

MOBILE HOMES ACT 2013

RELEVANT PROTECTED SITES	BAND				
	A (2 – 5)	B (6 – 24)	C (25 – 99)	D (100+)	E (Single unit sites and family sites)
New Application for Site Licence	£175.00	£300.00	£330.00	£350.00	£175.00
Transfer of Site Licence	£60.00	£115.00	£115.00	£115.00	£60.00
Amendment of Site Licence	£60.00	£115.00	£115.00	£115.00	£60.00
Annual Fee	No Fee Charged	£185.00 Plus £0.5 per unit for registration of fit and proper person	£215.00 Plus £0.5 per unit for registration of fit and proper person	£285.00	No Fee Charged
Depositing of Park Rules with Local Authority	£40.00	£75.00	£75.00	£75.00	£40.00

Initial application to be registered as fit and proper person: £96 (£90 in 2023/24)

Appointed Manager Fee: £107.00

If an application to be included on the register is not approved the fee will not be refunded.