

Licensing and General Purposes Committee

Date and Time - **Monday 15 January 2024 – 6:30pm**

Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

Councillor R.B. Thomas (Chair), J. Stanger (Vice-Chair), B.J. Coupar, Mrs V. Cook (ex-officio), G.R.M. Delany, K.M. Field, L. Hacking, Mrs E.M. Kirby-Green, R.A. McCourt, S.B. McGurk, A. Rathbone Ariel, H.L. Timpe and C.J. Winter

Substitute Members: A.E. Biggs, P.J. Gray, A.P. Hayward, M.C. Legg and A.S. Mier.

AGENDA

1. MINUTES

To authorise the Chair 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.

2. APOLOGIES AND SUBSTITUTES

The Chair to ask if any Member present is substituting for another Member and, if so, to declare their name as substitute Member and the name of the absent Member.

3. ADDITIONAL AGENDA ITEM

To consider such other items as the Chair decides are urgent and due notice of which has been given to the Head of Paid Service by 12 Noon on the day of the meeting.

4. DISCLOSURES OF INTEREST

To receive any disclosures by Members of disclosable pecuniary interests / other registerable / non-registerable interests in matters on the agenda and the nature of any interest and details of any dispensations obtained. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

5. SURVEILLANCE ACTIVITY ANNUAL UPDATE AND CCTV POLICY (Pages 3 - 14)

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For all enquiries – please contact louise.hollingsworth@rother.gov.uk
(Tel: 01424 787815)
Rother District Council putting residents at the heart of everything we do.

6. **FEES AND CHARGES** (Pages 15 - 26)
7. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY** (Pages 27 - 38)

Lorna Ford
Chief Executive

Agenda Despatch Date: 5 January 2024

Rother District Council

Report to:	Licensing and General Purposes Committee
Date:	15 January 2024
Title:	Surveillance Activity Annual Update and CCTV Policy
Report of:	Richard Parker-Harding, Senior Responsible Officer
Ward(s):	All
Purpose of Report:	To note the Council's annual report on covert surveillance
Officer Recommendation(s):	It be RESOLVED : That the Council's 2023 annual update report on covert surveillance be noted.

Introduction

1. As Members will be aware Rother District Council (RDC) has a range of surveillance powers under current legislation. These powers are covered by a Council policy and the express approval of a senior officer. This report brings the annual report for Members, as recommended following a review of RDC's surveillance powers in May 2023 by the Investigatory Powers Commissioner's Office.
2. The Council adopted a revised Regulation of Investigatory Procedures (RIPA) policy in December 2023.

Annual Update Report

3. RDC's use of legal powers for surveillance is very limited. The last time the Council applied for these powers was in 2015. RDC's approach is fundamentally on the ground observations, and the Council only uses the legal surveillance powers when they are definitely required.
4. It is confirmed that there was no use of legally approved surveillance powers in 2023.

CCTV on Council owned property

5. The Council owns and operates CCTV equipment on its own property, for the detection of crime and to deter crime. It adheres to the CCTV policy.

Training

6. Staff have been trained on RIPA (one day) with additional training on the use of social media for research and investigations.

Conclusion

7. The annual report to Members on surveillance activity meets the key recommendations of the Surveillance Commissioner's report. The next inspection is likely to be in 2026. The importance of undertaking surveillance activity in a way which conforms to legal requirements, is critical. However, it must be emphasised, that these powers are very rarely used by RDC. Equally, to re-assure Members on the enforcement work undertaken by the Council, there are many other observations and investigations that are carried out overtly that are not captured by this policy.

Human Rights Implications

8. Any use of the Council's Covert Surveillance Powers must comply with the Human Rights Act, in particular the right to private and family life. Any breach of the Act or the Codes of Practice can lead to a claim for damage.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Lorna Ford
Report Contact Officer:	Richard Parker-Harding
e-mail address:	Richard.parker-harding@rother.gov.uk
Appendix:	RIPA Policy
Relevant Previous Minutes:	LG22/12
Background Papers:	None
Reference Documents:	None

Rother District Council

**REGULATION OF INVESTIGATORY POWERS ACT
2000****Policy****Introduction**

1. The Regulation of Investigatory Powers Act 2000 (RIPA) (as amended by the Protection of Freedoms Act 2012) regulates surveillance carried out by the Council in the conduct of its business. It relates to directed surveillance and the use of Covert Human Intelligence Sources (CHIS).
2. It provides a legal framework for authorising investigations in a manner consistent with obligations under the Human Rights Act 2000 (HRA) where the investigation is for the purposes of preventing or detecting crime or for preventing disorder.
3. RIPA is wide ranging in its application and will impact all officers with an enforcement or investigatory capacity, including internal investigations. Failure to comply with RIPA may result in a claim for a breach of the HRA. This may result in evidence being deemed inadmissible in a prosecution or even a claim for compensation for an infringement of that person's human rights. By obtaining approval from a Court for surveillance the Council and Officers are protected from complaints about the inappropriate obtainment and use of information and data.
4. The Council is committed to implementing RIPA in a manner that is consistent with the spirit and letter of RIPA and the HRA. The Council is committed to conducting all relevant actions in a manner which strikes a balance between the rights of the individual and the legitimate interests of the public.
5. Any authorisation by the Council under RIPA for the use of covert techniques can only be given effect once an order approving the authorisation has been granted by a Magistrates' Court. Courts can only approve surveillance if intended to prevent or detect criminal offences that are punishable by a maximum term of at least 6 months' imprisonment or offences related to the underage sale of alcohol and tobacco.

Codes of Practice

6. Statutory Codes of Practice supplement RIPA. [RIPA codes - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
7. The Council will have due regard to and follow the guidance in the relevant Codes of Practice in the conduct of its activities relating to RIPA.

Surveillance

8. Almost all the surveillance carried out by the Council is done overtly (it is not covert or directed surveillance). Overt surveillance is not subject to the authorisation requirements under RIPA. In many cases, officers will be behaving in the same way as a member of the public or will be going about

normal council business, openly. Surveillance is overt if the subject has been told that it will happen.

9. Covert surveillance is defined in section 26(9)(a) of RIPA as any surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. It may be either direct or intrusive surveillance.
10. **Directed surveillance** is defined in section 26(2) of RIPA as surveillance which is covert, but not intrusive, and undertaken:
 - for the purposes of a specific investigation or specific operation;
 - in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
 - otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of RIPA to be sought for the carrying out of the surveillance.

The Code of Practice for Covert Surveillance and Property Interference provides detailed guidance on whether covert surveillance activity is directed surveillance or intrusive, or whether an authorisation for either activity would not be deemed necessary.

11. **Intrusive surveillance** is defined in section 26(3) of RIPA as covert surveillance that:
 - is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
 - involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

Local Authorities are not authorised to conduct intrusive surveillance.

12. A **CHIS** is defined in section 26(8) of RIPA as a person who:
 - establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling with paragraph (b) or (c);
 - b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
 - c) he covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

Communications Data (CD)

13. The Council may also access certain Communications Data (CD), provided it is for the purpose of preventing or detecting crime or of preventing disorder. All applications for CD must be made via an Accredited Officer known as a Single Point of Contact (SPoC) who has passed a Home Office approved course. All Councils must use the National Anti-Fraud Network (NAFN) as their SPoC.

Authorising Officer (see Appendix 1)

14. Before application to the Magistrates' Court, all requests must first be authorised by an Authorising Officer.

RIPA Co-Ordinator

15. The RIPA Co-ordinator will check all applications before being submitted to an Authorising Officer.

Social Media (see Appendix 2)

16. The use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

CCTV (see Appendix 3)

17. The Council owns and operates CCTV on its premises. CCTV cameras in towns are controlled by Sussex Police.

Non-RIPA approved surveillance

18. Surveillance may be carried out for crimes that do not meet the threshold of 6 months imprisonment or are related to the underage sale of alcohol and tobacco. If an officer carries such surveillance that does not require a RIPA approval by a Magistrate or District Judge, it will still require authorisation.

Training

19. All officers with an enforcement or investigatory function will receive training on the provisions of RIPA.

Central Record of all authorisations

20. The Senior Responsible Officer (SRO) will be responsible for maintaining a record of all authorisations, renewals, reviews and cancellations issued by the Council.

Data retention

21. Any records obtained during the course of a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policy.
22. Line managers must be aware of the evidence obtained in connection with a RIPA application and will monitor this evidence, ensuring it is managed in line with the safeguarding requirements in the codes. This includes retention, storage and review. At the conclusion of a case the manager should ensure the evidence is destroyed when no longer necessary under CPIA or other legislation. If retained beyond this period, that it is reviewed on a three-monthly basis. When destroyed, how and when will be recorded.

Review of Policy

23. The Senior Management Team will review this policy annually. The Senior Responsible Officer will provide an annual report to the Licensing and General Purposes Committee.
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Appendix 1

List of Authorising Officers/Designated Persons

Chief Executive - Lorna Ford
Deputy Chief Executive - Vacant
Director - Ben Hook

Senior Responsible Officer

Head of Service-Environmental Services, Licensing and Community Safety
Richard Parker-Harding

RIPA Co-Ordinator

Legal Services Manager
Rother & Wealden District Councils Shared Legal Service

INTERNET AND SOCIAL MEDIA**1. Introduction**

- 1.1 Online open-source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 1.2 The use of online open-source internet and Social Media research is a method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues. However, the use of the internet and Social Media is constantly evolving and with it the risks, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.
- 1.3 Rother District Council is a Public Authority in law under the Human Rights Act 1998, and as such, the staff of the authority must always work within this legislation. This applies to research on the internet.
- 1.4 Researching, recording, storing, and using open-source information regarding a person or group of people must be both necessary and proportionate and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under the Regulation of Investigatory Powers Act (RIPA) 2000. To ensure that any resultant interference with a person's Article 8 right to respect for their private and family life is lawful, the material must be retained and processed in accordance with the principles of the General Data Protection Regulations (GDPR).

2. Scope of Policy

- 2.1 This policy and associated procedure ensures that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff, when engaged in their official capacity of the implications and legislative framework associated with online internet and Social Media research. It will also ensure that the activity undertaken, and any evidence obtained will stand up to scrutiny.
- 2.2 This policy takes account of the Human Rights Act 1998, Regulation of Investigatory Powers Act (RIPA) 2000, Criminal Procedures Investigations Act (CPIA) 1996, General Data Protection Regulations (GDPR), NPCC Guidance on Open-Source Investigation/Research.
- 2.3 This policy and associated procedure will be followed at all times and should be read, where required with the RIPA Codes of Practice.
- 2.4 This policy is not exempt from disclosure under the Freedom of Information Act 2000.

3. Risk

- 3.1 Staff must be aware that any activity carried out over the internet leaves a trace or footprint which can identify the device used, and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk

to the Council from being challenged by the subject of the research for breaching Article 8.1 of the HRA which states “Everyone has the right to respect for his private and family life, his home and his correspondence”. 8.2 states “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”.

- 3.2 There is also a risk of compromise to other investigations, therefore, the activity should be conducted in a manner that does not compromise any current or future investigation or tactics.

4. Necessity / Justification

- 4.1 To justify the research, there must be a clear lawful reason, and it must be necessary. Therefore, the reason for the research, such as, the criminal conduct that it is aimed to prevent or detect must be identified and clearly described. This should be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation deals with this criteria for it to be lawful.

5. Proportionality

- 5.1 Proportionality involves balancing the intrusiveness of the research on the subject and other innocent third parties who might be affected by it (collateral intrusion) against the need for the activity in operational terms. What is the benefit to carrying out the activity? How will the benefit outweigh the intrusion?
- 5.2 The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

6. Private information

- 6.1 Private information is defined at Section 26(10) of RIPA 2000 as including any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.
- 6.2 Prior to, and during any research, staff must take into account the privacy issues regarding any person associated with the research.

7. Reviewing the Activity

- 7.1 During the course of conducting the internet open-source research, the nature of the online activity may evolve. It is important staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure should be followed. If in doubt, seek advice.

8. Use of Material

- 8.1 The material obtained from conducting open-source internet and Social Media research may be used as intelligence or evidence.
- 8.2 Any material gathered from the internet during a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policy.

CCTV

Why do we have CCTV?

1. The purpose of CCTV is to help:
 - monitor security of our premises;
 - provide greater personal protection for staff and members of the public;
 - reduce costs resulting from criminal damage or loss;
 - reduce insurance costs;
 - prevent, investigate and detect crime; and
 - apprehend and prosecute offenders.
2. If we inform the public CCTV or Body Cams are operating, then it is overt monitoring.

Responsibility

3. The day-to-day management of CCTV systems and control of the recordings is the responsibility of the Head of Service in control of the premises or land. The Head of Service will designate Officers who can view the recorded images for specific purposes.
4. Images should not be held on the system for longer than 31 days (the standard overwrite time) unless there is a legitimate reason for keeping them e.g. a criminal investigation. In such cases, the reasons must be recorded.

Third party requests for disclosure

5. Where you receive a request for personal information from an outside organisation or individual, you must be satisfied that the information requested falls within one of the exemptions from non-disclosure.
6. Those disclosing information must be satisfied that the disclosure is necessary, and that if we did not disclose the information the non-disclosure would be likely to prejudice the exemption aims. Requests should always be made in writing, and the person requesting disclosure should provide the information listed below:
 - name and contact details of person or organisation making the request;
 - date of request;
 - details of the person to whom the disclosure relates; and
 - the reason the information is required.
7. A written record of the above, together with any steps taken to verify the identity of the requester, and a record of the information disclosed. This information is in order to protect staff and officers from accusations of unlawful disclosure and to enable the Council to assess any disclosure decision.

Requests from members of the public about themselves

8. If a member of the public wants to see a recording of him/herself they must fill out a Subject Request Form (which is available via the website – see Data Protection Subject Access Request Form) and return it with a search fee and two forms of identification to the Data Protection Officer. They should indicate if viewing will be sufficient or if a copy is required.
9. They will get a response within 40 days of us receiving the form, the fee and valid identification. They may also be asked to provide a photograph of themselves so that the correct images can be retrieved. If a request is granted, any other person appearing in the images will be edited out.

Body cams: <https://www.rother.gov.uk/wp-content/uploads/2020/05/Rother-Privacy-Policy-body-cams.pdf>

Privacy Policy: <https://www.rother.gov.uk/data-protection-and-foi/privacy-policy/>

Further Information: <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

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Rother District Council

Report to:	Licensing and General Purposes Committee
Date:	15 January 2024
Title:	Fees and charges
Report of:	Head of Service - Environmental Services, Licensing and Community Safety
Ward(s):	All
Purpose of Report:	To consider an increase in some fees next year.
Officer	
Recommendation(s):	It be RESOLVED: That the licensing fees and charges set out in Appendix A be approved and apply from 1 April 2024.

Background

1. This report seeks Committee approval for increases in some licensing fees proposed to be charged from April 2024.
2. Fees are set to recover the full administrative costs of issuing the licences and costs associated with ensuring compliance with the conditions attached to licences, but not the costs associated with the enforcement of unlicensed premises and activities. We cannot aim to recover more than the costs incurred.
3. Many fees are set by statute and are generally very low. The fees set by the Licensing Act 2003 have not been increased, despite requests by the Local Government Association. Maximum fees under the Gambling Act 2005 are also set by statute. This authority charges the maximum amounts.
4. Appendix A sets out the discretionary fees proposed to be charged from April 2024, changes highlighted in red. Where fees are proposed to increase, they have increased by the consumer price index or higher, if justified. The hiring of horses licence fee includes the veterinary inspection costs, which increase substantially every year.
5. The Council does not currently licence any sex establishments or zoos.
6. As environmental health is a shared service with Wealden District Council, we aim to charge the same fees for licences issued for Rother and Wealden premises, although each authority sets its own fees.

Conclusion

7. Members are recommended to approve revised fees for licences from April 2024.

Legal Implications

8. There is the possibility of judicial review if fees are set too high or inconsistently.

Financial implications

9. Fees should be set to reflect the costs incurred by the Council in carrying out the function. If fees are not increased, then the service is effectively being subsidised by the Council taxpayer. The Council's financial position requires fees to be increased, each year, if possible.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Chief Executive	Lorna Ford		
Report Contact Officer:	Richard Parker-Harding, Head of Service		
e-mail address:	Richard.parker-harding@rother.gov.uk		
Appendices:	Appendix A – Discretionary Fees		
Relevant Previous Minutes:	LG22/13		
Background Papers:	None		
Reference Documents:	None		

Discretionary Fees

**Animal Welfare Act 2006
Animal Welfare Licensing Fees (3 years)**

Item	Unit	2023/24	2024/25
		£230.00 (Combined fee) ¹	£241.00 (Combined fee) ¹
		-or-	-or-
Home Boarding / Dog Day Care	Each premises	£220.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£231.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
		£250.00 (Combined fee) ¹	£262.00 (Combined fee) ¹
		-or-	-or-
Animal Boarding / Selling Pets	For each activity at one premises: cat boarding, dog boarding or selling animals	£245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£252.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required
		£250.00 (Combined fee) ¹	£262.00 (Combined fee) ¹
		-or-	-or-
Breeding of Dogs	Each premises	£245.00 for Processing & £25.00 for Issue of Licence plus actual vet costs if required	£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. Includes initial vet costs.	£1000.00 (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: 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.	£1000.00 (Combined fee) ¹ -or- £990.00 for Processing & £30.00 for Issue of Licence. £900.00 for Re-grading. Includes initial vet costs.

			£1250.00
		£777.00	(Combined
		(Combined	fee) ¹
		fee) ¹	-or-
		-or-	£1240.00
		£766.00 for	for
		Processing	Processing
		& £30.00	& £30.00
	Each	for Issue of	for Issue of
		Licence.	Licence.
		£666.00 for	£1150.00
		Re-grading.	for Re-
		Includes	grading.
		initial vet	Includes
		costs.	initial vet
			costs.

¹Local 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

Continued

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 - 6 Years	Each	£970.00 plus actual team & vet costs	£1,127.00 plus actual team & vet costs
Zoo Licence: Transfer	Each	£100.00 plus actual team & vet costs	£116.00 plus 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		2023/24	2024/25
Hackney Carriage vehicle - renewal	One year	£280	£280
Hackney Carriage vehicle - new	One year	£320	£320
Private Hire vehicle - renewal	One year	£280	£280
Private Hire vehicle - new	One year	£320	£320
Private Hire Operator less than 20 vehicles	Three years	£320	£320
Private Hire Operator less than 20 vehicles)	Five years	£520	£520
Private Hire Operator more than 20 vehicles)	Three years	£640	£640
Private Hire Operator more than vehicles	Five years	£1,000	£1,000

		2023/24	2024/25
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 distance greater than 5 miles outside of the Council's district boundary	Per new driver application - First hour	£77.00	£81.00
	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

Item	Unit		
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
Second or more test	Each	£59.00	£62.00
English Proficiency Test	Each	£47.00	£49.00

Local Government (Miscellaneous Provisions) Act 1982-Sex Establishment Licensing Fees

Item	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

Item	Unit		
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

Item	Unit	2023/24	2024/25
Pavement Licences	Each	£200.00	£214.00
<hr/>			
Public Health Acts Amendment Act 1907			
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
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Keddle Nets	3 years	£330.00	£350.00
Hypnotism Act 1952 licence	Each	£118.00	£123.00
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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

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.

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

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

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Rother District Council

Report to: Licensing and General Purposes Committee

Date: 15 January 2024

Title: Hackney Carriage and Private Hire Licensing Policy

Report of: Richard Parker-Harding, Head of Service Environmental Services, Licensing and Community Safety

Ward(s): All

Purpose of Report: To recommend changes to standard conditions to ensure the conditions adhere to Government guidance

Officer

Recommendation(s): **Recommendation to COUNCIL:** 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 6 months;

AND

It be **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 of thirty percent or above; and
- 7) requiring all newly licensed hackney carriages to be white and no newly licensed private hire vehicles to be white from 1 October 2024.

Introduction

1. The Council licenses the drivers of hackney carriages and private hire vehicles, hackney carriage and private hire vehicles and the operators of private hire vehicles. Hackney carriages can apply for hire and wait on taxi ranks. Private hire vehicles can only be booked (in advance) through an operator.
2. The primary role of licensing is the protection of the public. The Council has therefore adopted a licensing policy and conditions to this end. The last policy was adopted in 2023.
3. In November 2023, the Government published best practice guidance. The authority does already meet most of the best practice in the guidance and officers have made recommendations where we do not comply, see Appendix A.
4. If the Council is proposing significant changes to its policy, it must consult. The recommendations to Council within this report are considered minor and can be approved by Council in February 2024. The Council will carry out consultation with the trade concerning the more significant changes to the policy and report back to the Committee in May 2024.
5. The guidance sets out in detail the requirement to ensure that disabled people are protected and that they can access taxis. It recommends recording the number of wheelchair accessible vehicles and carrying out surveys to ensure the Equalities Act 2010 is being complied with. This creates a challenge for the authority. We are aware of the very low numbers of wheelchair accessible vehicles. Although not all disabled people require or can access wheelchair accessible taxis, they require taxis to be suitable for their use.
6. The Council's policies should encourage much greater provision of taxis for disabled people. It is not clear how carrying out surveys, as recommended, will greatly assist this. Officers will need to consider this further and consult other Councils about what action can be taken.

Conclusion

7. To ensure the authority is protecting public safety to a reasonable standard, it should comply with the best practice guidance published by the Government.

Human Rights Implications

8. A licence issued by the Council is a possession protected by the Act.

Crime and Disorder

9. The Council's policy should act to reduce crime to passengers and drivers.

Climate Emergency / Environmental

10. The Council's policy should act to reduce carbon emissions by promoting the use of electric vehicles.

Equalities and Diversity

11. The Council's policy should act to promote accessibility to taxis for disabled persons.

Consultation

12. This should be carried out if significant changes to policy are being proposed. The results of the consultation will be reported back to this Committee in May 2024.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	Yes
Crime and Disorder	Yes	External Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Lorna Ford
Report Contact Officer:	Richard Parker-Harding
e-mail address:	Richard.parker-harding@rother.gov.uk
Appendix:	A - Best Practice Guidance Summary
Relevant Previous Minutes:	LG22/20 LG22/21
Background Papers:	Hackney Carriage and Private Hire Policy and Guidance (windows.net)
Reference Documents:	Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK (www.gov.uk)

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Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England November 2023

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england>

This is non-statutory best practice guidance. Licensing authorities are still responsible for deciding their own policies. The personal safety of passengers is critical. The primary and overriding objective of licensing must be to protect the public. Licensing authorities should also be aware that, as well as ensuring taxi and private hire vehicles are safe, the public have a reasonable expectation that the services available will be accessible and affordable.

It is for licensing authorities to ensure that their licensing policy and requirements are proportionate, so that passengers can choose from a wide range of safe services. As indicated above, the primary function of the licensing regime is public safety; however, an unduly stringent regime on other issues may restrict the supply of taxi and private hire vehicle services by putting up the cost of operation, or otherwise restricting entry to the trade. Licensing authorities should recognise that too restrictive an approach can be counter-productive, restricting the licensed trade to such an extent that the public resort to the use of unlicensed, unvetted and uninsured drivers and vehicles.

[Section 17 of the Crime and Disorder Act 1998](#) requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce crime. Licensing authorities routinely do this by setting licensing requirements that protect passengers, but this duty also extends to considering ways that licensing requirements and policies can reduce crime against drivers. It is the case that drivers are subjected to robbery, verbal and physical assault, this can be racially motivated or aggravated. Licensing authorities must consider ways to protect those working in the trade as well as those that use its services.

Licensing authorities are required under the [Public Sector Equality Duty](#) to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not. It is beyond the scope of this document to identify actions which would demonstrate compliance with this duty, and ultimately only a court can do so definitively. We would however suggest that authorities:

- maintain a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the duty
- consider how they can actively promote equality, such as by consulting regularly with users, planning strategically to provide services which meet their needs, and by prioritising actions which seek to eliminate discrimination or barriers to equal access

- consider how to demonstrate the consideration given in a manner which promotes public awareness of the authority's inclusive approach to service support and provision

Disability is a protected characteristic under the Equality Act 2010, and disabled people may face particular barriers accessing taxi and private hire vehicle services if authorities fail to regulate services inclusively and to uphold the rights of affected passengers. In our view, an inclusive service accessible to disabled people is one where:

- there are sufficient vehicles meeting disabled people's access needs, to allow them to travel as easily, between the same locations and at the same times, as non-disabled people
- policy decisions are informed by an accurate and up-to-date understanding of the experience and needs of disabled people with a range of visible and less visible impairments
- action is taken proactively to improve the accessibility of the services supported
- disabled people have confidence that services will meet their needs and that, if things go wrong, their concerns will be understood and investigated thoroughly
- if operators and drivers fail in their responsibilities, that appropriate enforcement action is taken to prevent its recurrence and protect other disabled passengers

3.1 The regulators' role

Licensing authorities are required under [section 22\(2\) of the Legislative and Regulatory Reform Act 2006](#), to have regard to the [Regulators' Code](#).

The code states that:

Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

As with other regulators, licensing authorities' interventions should be focussed on mitigating safety risks for passengers and drivers, and enabling fair competition within the trade by ensuring consistency of regulation and enforcement. Licensing authorities should actively promote inclusivity, equality and independence for disabled people and ensure that they only issue licences to those that are fit and proper to hold one.

A need to intervene might be established through analysing complaints received or consulting with passengers and/or the trade. Licensing authorities should consider the wider impact of interventions and how they affect the delivery of safe, available, affordable and accessible services.

3.2 The objective of regulation and consideration of policies

When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes, as set out in the [Statutory Taxi and Private Hire Vehicle Standards](#), is only one way in which licensing authorities can help ensure the personal safety of passengers.

Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important. The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This messaging can be supported by a policy that makes taxis look distinct from private hire vehicles; this is discussed further in section 8.

In addition to the safety of passengers, regulation should protect equality and enable fair competition. Once a need to intervene is established, licensing authorities should consider whether any policy changes would have unintended negative consequences that might outweigh the benefits of that policy.

For example, if a licensing authority established that the drivers they license have frequent collisions, it may set an objective to reduce these. The authority might try to address this concern by requiring all drivers to have ten years' driving experience on the basis that 'experienced drivers are safer'.

Such a requirement would however prevent an individual under the age of 27 entering the trade. This would be regardless of whether they held an advanced driving qualification. It is probable that such an individual is a safer driver than someone over 27, who passed their driving test 10 years ago but has rarely driven since. While experience is generally useful, individuals should be able to evidence that they meet the objective of the policy rather than an arbitrary criterion.

Licensing authorities should ensure that their various licensing requirements are proportionate to the risk they aim to address or the policy objective they are seeking to achieve. The cost of a requirement, in terms of its effect on the availability of transport to the public, should be at least matched by its benefit. A detailed, quantitative, cost-benefit assessment is not needed in each case, but licensing authorities are urged to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.

The Competition and Markets Authority provided [guidance to licensing authorities](#) to consider when designing policy or regulations to assess their impact on competition and the interests of consumers. Their [competition impact assessment](#) guidelines are a useful tool in this process.

The guidelines contain 4 tests which help policy makers assess whether their proposals will limit competition:

- Will the measure directly or indirectly limit the number or range of suppliers?
- Will the measure limit the ability of suppliers to compete?

- Will the measure limit suppliers' incentives to compete?
- Will the measure limit the choices and information available to consumers?

Consideration of these questions will help ensure licensing authorities are aware of the restrictions they may be introducing on competition and may encourage them to consider alternative courses of action where possible.

As well as setting licensing requirements and imposing conditions, licensing authorities may introduce byelaws to assist them in the regulation of the taxi sector. The department has provided:

- [a set of model byelaws](#)
- [guidance on the process of making or amending byelaws](#)

3.4 Licensing Fees should be set to ensure sufficient income to administer the regime and be self-funding.

Fees were reviewed last year and a CPI increase in drivers' fees is recommended this year.

3.5 Licensing Policies should be published:

See : [Hackney Carriage and Private Hire Policy and Guidance \(windows.net\)](#)

3.6 Authorities should consult the public and trade in changes in conditions that may have a significant impact.

4. Accessibility

This section provides a challenge for the authority. We are aware there are very few licensed vehicles that can carry wheelchairs and some vehicles may not be suitable to carry passengers with disabilities (who do not require a wheelchair). It difficult to adopt policies or conditions that will increase this provision. Officers will need to discuss options with the trade and bring forward proposals later.

5.5 Points-based enforcement systems

See page 92:

[Hackney Carriage and Private Hire Policy and Guidance \(windows.net\)](#)

This is recommended by the guidance. We do operate a penalty-points system if drivers or operators fail to comply with conditions. However, the guidance recommends that these penalty points remain on the duration of the licence. **It is therefore recommended that our policy is amended - penalty points will remain on the licence for three years.**

6.3 The guidance recommends that drivers be trained in disability awareness. **It is therefore recommended that our policy is amended to require new drivers to be trained from 1 April 2024 and existing drivers are trained before their next licence renewal after 1 October 2024.**

6.4 Driver Proficiency

The guidance recommends drivers should undertake training and/or assessment focused on attitudes and behaviours. **It is therefore recommended that our policy is amended to require new drivers to be trained from 1 April 2024 and existing drivers are trained before their next licence renewal after 1 October 2024.**

6.10 Safeguarding Training

The guidance recommends all drivers should be required to undertake safeguarding training to understand policies and guidance relating to the protection of children and vulnerable adults to identify and act on signs of exploitation. We currently require training on child sexual exploitation. **It is therefore recommended that our policy is amended to require new drivers to be trained from 1 April 2024 and existing drivers are trained before their next licence renewal after 1 October 2024.**

7.2 Disability Awareness-Operators

The guidance recommends Operators and their customer-facing staff should receive training. **It is therefore recommended our policy is amended to require new operators and their customer-facing staff to be trained from 1 April 2024 and existing operators and their staff are trained before their next licence renewal after 1 October 2024.**

8.4 Vehicle Age Limits

The guidance states that:

The frequency of testing required (see [frequency of vehicle tests](#)) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle.

The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

Our policy states

For vehicles licensed before 1st April 2018 there is no age limit for vehicles. All vehicles must continue to meet the Vehicle Compliance Test and other vehicle specifications. From 1st April 2018, a vehicle will only be accepted for licensing if the date of first registration is less than SEVEN years at the date the licence is issued*. Subject to meeting other requirements a licensed

vehicle (first licensed after 1st April 2018) will continue to be re-licensed until it is TEN years old. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document.

This condition was brought in in 2018, when Officers found a number of old vehicles in very poor condition, which was a public safety concern and detrimental to the interests of the trade.

It is recommended that we consult on amending the age condition for electric and hybrid vehicles and vehicles which are wheelchair accessible to limit the age to 15 years (from 10 years at present).

8.8 Tinted windows

The guidance states:

For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

Our policy states:

Tinted Windows (includes factory fitted tinted glass).

The rear passenger windows should be no darker than the front side windows 38 (including glass to the third-row seating). The driver and any passengers should be clearly visible when looking into the vehicle from all windows* at all times, (*except for the glass to the luggage. It is a legal requirement that front side windows should allow 70% visual light transmission VLT).

[We have this policy to protect the passenger-so they can see if anyone is in the back seat before entering the vehicle.](#)

It is recommended we consult on amending this condition to permit windows to the rear of the B-pillar if they have a minimum light transmission of thirty percent or above.

8.12 Vehicle Identification

The guidance refers to the importance of the public being able to easily distinguish between hackney carriages (which can apply for hire) and private hire vehicles. Many Councils require hackney carriages to have the same colour.

It is recommended we consult on requiring all newly licensed hackney carriages to be white and no newly licensed private hire vehicles to be white from 1 October 2024.

8.17 In-vehicle visual and audio recording – CCTV

The [Statutory Taxi and Private Hire Vehicle Standards](#) set-out the department's position on this matter - that CCTV can provide additional deterrence to prevent crime and investigative value when it occurs. The use of CCTV can provide a safer environment for the benefit of taxi and private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents

The statutory standards state that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. The department's view is that CCTV in vehicles can enhance both drivers' and passengers' safety and consideration of the merits of CCTV by licensing authorities must include both aspects.

Licensing authorities should review the [Statutory Taxi and Private Hire Vehicle Standards](#) for further information on consideration of mandating CCTV in taxis and private hire vehicles.

[Minute LG22/20:](#)

[That the decision to make CCTV compulsory in licensed vehicles be approved in principle, but implementation be deferred until the Council had overcome the implications of its role as data controller. This should be achieved by October 2024.](#)

8.19 Vehicle Testing

The guidance recommends annual vehicle testing for all vehicles.

We currently require VCTs every 6 months.

It is recommended that VCTs are only required annually, except vehicles more than 10 years old which will be required to have a VCT every 6 months.

10.2 Hackney Carriage Fares

The Department recommends that in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times.

Last year the Council revised the maximum fares hackney carriages can charge.

According to the PHTM magazine (the trade newspaper) neighbouring authorities have set these fares for a two-mile journey:

Mid Sussex and Tonbridge and Malling	£8.40
Worthing	£8.20
Brighton and Hove	£8.10
Arun and Tunbridge Wells	£8.00
Rother	£7.90
Eastbourne and Hastings	£7.80
Wealden	£7.70
Lewes	£7.40
Ashford	£7.30
Crawley	£7.10
Folkestone and Hythe	£6.60

[PHTM December 2023 Issue 375 :: 72 \(yudu.com\)](#)