

## LICENSING AND GENERAL PURPOSES COMMITTEE

17 April 2023

Minutes of the Licensing and General Purposes Committee held at the Town Hall, Bexhill-on-Sea on Monday 17 April 2023 at 6:30pm.

Committee Members present: A.S. Mier (Chair), S.J. Coleman (Vice-Chair), G.S. Browne, T.J.C. Byrne (substitute), G.C. Curtis, K.M. Field (remote), N. Gordon, L. Hacking, K.M. Harmer (ex-officio), C.A. Madeley, R.B. Thomas and H.L. Timpe.

Other Members present: Councillors P.C. Courtel and B.J. Drayson.

Advisory officers present: Chief Executive, Head of Environmental Services, Licensing and Community Safety and Democratic Services Officer.

Also present: 1 member of the public in the Council Chamber and 6 members of the public via the live webcast.

---

LG22/16. **MINUTES**

The Chair was authorised to sign the Minutes of the meeting of the Licensing and General Purposes Committee held on 16 January 2023 as a correct record of the proceedings.

LG22/17. **APOLOGIES AND SUBSTITUTES**

An apology for absence was received from Councillor Errington.

It was noted that Councillor Byrne was present as substitute for Councillor Errington.

LG22/18. **DISCLOSURES OF INTEREST**

Declarations of interest were made by Councillors in the Minutes as indicated below:

|       |  |
|-------|--|
| Field | Agenda Item 8 – Personal Interest as an elected Member of East Sussex County Council, Battle and Crowhurst Division. |
|-------|--|

## PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

LG22/19. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES**

Members received the report of the Head of Environmental Services, Licensing and Community Safety which detailed how the Council set fees for taxi licensing, which had to be reasonable with a view to recovering the cost of issue, administration and enforcement of conditions, but not raising revenue.

Operator and vehicle licence fees were last increased in 2011 and increases were proposed that considered the time required to process

and enforce conditions attached to licences. The budget for taxi licensing decreased following the creation of the shared service in 2013 and during the pandemic, income reduced.

Subsection 70(3) of the Local Government (Miscellaneous Provisions) Act 1976, set out special requirements in relation to Hackney Carriage and Private Hire Operator and Vehicle Licences. In these cases, a notice had to be published in a local newspaper stating the proposed fees and giving 28 days for objections to be received. If there were no objections, the increase may be implemented, but otherwise the matter must be reported back to the Committee for consideration of the objections.

There were three responses to the consultation from drivers, which were set out in Appendix A to the report and officers had estimated the time involved in issuing and enforcing conditions for different licences, which were set out in Appendix B to the report. Driver fees had been increased on 1 April 2023.

Table C within the report set out the proposed fees for 2023/24, which took into account the time required to process and enforce conditions attached to each type of licence and Members were requested to consider these alongside comments received from the consultation process. Members noted that, in order to reduce the dependence on the use of reserves to balance the budget, an increase income was necessary.

Members had the opportunity to ask questions and the following points were noted during the discussions:

- a deficit in the budget would still remain, but a further increase in fees was unrealistic at this time;
- the salary figure for taxi licensing equated to one full time equivalent staff member;
- a further increase in fees of at least 50% would eliminate the budget deficit;
- the Support Service included the use of reception, finance, IT and legal services;
- smaller, incremental fees applied on an annual basis would be preferable to larger, less regular increases;
- salary figures had decreased since 2015/16 due to applications being made online; and
- fees applied covered the expenses incurred to produce licences and enforce conditions only.

Following the debate, Members agreed the proposed increase in fees as proposed.

**RESOLVED:** That the proposed operator and vehicle licence fees set out at Appendix A be approved and increased from 24 April 2023.

HM Government stated in its Statutory Taxi & Private Hire Standards Report 2020 that Licensing Authorities should review their Licensing Policies every five years. It was important that changes in the policy reflected those in the taxi industry both locally and nationally and generally complied with the national Statutory Standards Report 2020.

Members received the report of the Head of Environmental Services, Licensing and Community Safety which presented the Hackney Carriage and Private Hire Policy document that had been developed and amended to ensure that it complied with current Government recommendations and best practice.

The proposed policy set out what the Council, as the licensing authority, required regarding applications and what was expected from licensed drivers, vehicle owners and operators. It provided information about relevant legislation in this area, what was meant by the term 'fit and proper', suspension, revocation and refusal. The Policy did not include a requirement to make CCTV mandatory, which was the subject of a separate report on the Agenda.

To make clear where amendments had been made, a document clarifying the changes had also been produced, as set out in Appendix B to the report. Members were requested to consider the amendments made and agree the changes.

**RESOLVED:** That the proposed amendments to the Hackney Carriage and Private Hire Policy and Guidance 2023 be approved and adopted.

LG22/21.

### **CCTV IN LICENSED VEHICLES**

Consideration was given to the report of the Head of Environmental Services, Licensing and Community Safety which requested Members to consider whether to implement the mandatory use of Closed Circuit Television (CCTV) cameras within licensed vehicles.

Currently the Council permitted vehicles to install CCTV, subject to detailed conditions in order to control use and access to the data, as set out in the Hackney Carriage and Private Hire Policy. The Government had published new guidance on standards for licensed vehicles in the Statutory Taxi and Private Hire Vehicle Standards Report 2020. The aim of the guidance was to protect vulnerable children and adults who travelled in taxi and private hire vehicles. Amongst a range of recommendations, the guidance had advised licensing authorities to consider whether it was appropriate to make it mandatory for licensed vehicles to have CCTV installed and operatory within licensed vehicles within its area.

The Department of Transport, who compiled the standards, had the view that CCTV could provide an additional tool for deterring harmful behaviour within vehicles and that it could be helpful when problems arose. They believed that CCTV could provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.

Detailed advice about the data protection aspects of CCTV had been produced in an Annex of the Statutory Standards Department of

Transport's guidance document, which set out the responsibilities that would be acquired by the licensing authority should CCTV be made a mandatory condition. It explained that current guidance from the Home Office on Surveillance Cameras and their use stated the need to ensure that operators of surveillance camera systems used them in a way that the public would expect and that this would maintain public trust and confidence in these systems. Any use would need to be proportionate and the purpose for use should be transparent to those effected and should not unnecessarily interfere with human rights.

Members noted that if a licensing authority issued a licence that made it a mandatory condition to install a CCTV, the local authority would become the data controller which was a complex role and had legal and IT implications for the Council. This was likely to be difficult, as the Council had significant IT security restrictions on its internal systems and would need to ensure that all legal obligations had been met prior to commencement of any mandatory scheme.

Consultation had been undertaken from 16 December 2022 until 20 January 2023, the results of which were set out in Appendix A to the report. Overall, the majority response from the public was receptive to having CCTV in taxis, with the main reason being increased safety or feeling more confident about their security, and the majority response from the taxi industry was not in favour, primarily due to additional operational costs when there were so many other financial pressures. At the current time, it was understood that to have a CCTV system installed could cost as much as £850 or rent a system for around £30 per month. There were also potential increased costs to the Council for acting as the data controller or administering the system and these costs would need to be recovered via the fee system from vehicle, driver or operator fees once identified.

Due to issues identified which required further consideration, Members were requested to consider that a decision be deferred for 18 months to consider the experience of other authorities who had made CCTV compulsory and to give the Council time to overcome the legal and IT implications of being the data controller.

Members agreed that CCTV should be made compulsory in licensed vehicles in principle, but that the decision to implement be deferred until the data controller implications to the Council had been overcome. A further report would be brought back to the Committee at that time.

**RESOLVED:** 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.

LG22/22. **INQUORATE PARISH COUNCILS - UDIMORE AND WHATLINGTON**

At the close of nominations for the Parish Council Elections scheduled for 4 May 2023, both Udimore and Whatlington Parish Councils had not received sufficient nominations to remain quorate, having received only one nomination each. Both Udimore and Whatlington were made up of five members each which required a quorum of three.

Whilst this state of affairs was the responsibility of the Parish Council, the possibility of there being inquorate Councils had been envisaged by the legislature which had made statutory provision to cover such eventualities. This provision entitled the District Council to appoint, on a temporary basis, a sufficient number of Parish Councillors to enable the work of the Parish Council to continue until elections (contested or otherwise) could take place. The Licensing and General Purposes Committee had the power to make temporary appointments to Parish Councils in this eventuality and it was requested that, in order to avoid future reports and administration, the Chief Executive be granted standing delegated authority to make such appointments in the event of inquorate parish councils in the future.

The proposed Orders were attached at Annexes 1 and 2 to the report which outlined the following:

**Udimore Parish Council**

The One District Councillor representing Brede and Udimore District Council Ward (elected on 4 May 2023)  
Councillor Carl Maynard Brede Valley and Marsham Division East Sussex County Council

**Whatlington Parish Council**

The Two District Councillors representing North Battle, Netherfield and Whatlington Rother District Council Ward (those elected on 4 May 2023)  
Councillor Kathryn Field Battle and Crowhurst Division East Sussex County Council

**RESOLVED:** That the Chief Executive be granted delegated authority to:

- 1) make the Order at Appendix B on Saturday 6 May 2023 to appoint two Parish Councillors to Udimore Parish Council the appointees to be the existing Brede Valley and Marsham East Sussex County Councillor and the one District Ward Councillor for Brede and Udimore to ensure the parish remains quorate;
- 2) make the Order at Appendix C on Saturday 6 May 2023 to appoint three Parish Councillors to Whatlington Parish Council the appointees to be the existing East Sussex County Councillor for Battle and Crowhurst and the two District Ward Councillors for North Battle, Netherfield and Whatlington to ensure the parish remains quorate; and
- 3) make any other future Orders and appoint such parish councillors as required to ensure that the parish councils operating within the Rother District remain quorate.

(Councillor Field declared a Personal Interest in this matter as a Member of East Sussex County Council, Battle and Crowhurst Division and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(The Chair had accepted this item onto the Agenda as an Additional Agenda Item to enable the Licensing and General Purposes Committee to consider this matter which could not wait until the next scheduled meeting of the Committee on 25 September 2023.)

LG22/23.

**VOTE OF THANKS**

The Chair wished to thank all Members of the Licensing and General Purposes Committee for their attendance and contribution to the debates that had taken place over the past year, and thanked the work of the officers, whom he had found to be very supportive. Members of the Committee thanked the Chair for his commitment.

**CHAIR**

The meeting closed at 7:06pm

**Operator and Vehicle Licence Proposed Fees 2023/24**

| Type of Licence                     |  | Number per year | Current fee 22/23 | Proposed fee 23/24 | Proposed increase | Predicted income |
|-------------------------------------|--|-----------------|-------------------|--------------------|-------------------|------------------|
| Dual Driver (new-1 year)            |  | 5               | £235              | £260               | 11%               | £1,300           |
| Dual Driver (new-3 years)           |  | 10              | £480              | £520               | 8%                | £5,200           |
| Dual Driver (renewal-1 year)        |  | 8               | £210              | £240               | 14%               | £1,920           |
| Dual Driver (renewal-3 years)       |  | 40              | £370              | £480               | 30%               | £19,200          |
| HC vehicle - renewal                |  | 95              | £240              | £280               | 17%               | £26,600          |
| HC vehicle - new                    |  | 24              | £240              | £320               | 33%               | £7,680           |
| PH vehicle - renewal                |  | 35              | £225              | £280               | 24%               | £9,800           |
| PH vehicle - new                    |  | 5               | £225              | £320               | 42%               | £1,600           |
| PH Operator (3 years, <20 vehicles) |  | 5               | £315              | £320               | 2%                | £1,600           |
| PH Operator (5 years, <20 vehicles) |  | 1               | £525              | £520               | -1%               | £520             |
| PH Operator (3 years, >20 vehicles) |  | 0               | £630              | £640               | 2%                | £0               |
| PH Operator (5 years, >20 vehicles) |  | 0               | £1,000            | £1,000             | 0%                | £0               |
| <b>TOTAL</b>                        |  |                 |                   |                    |                   | <b>£75,420</b>   |

This page is intentionally left blank



This Order is made on the 17 of April two thousand and twenty-three by the ROTHER DISTRICT COUNCIL (HERE IN AFTER CALLED "The Council").

- 1 WHEREAS following insufficient nominations to Udimore Parish Council, two councillors are required to ensure the Parish Council remains quorate.
- 2 Under Section 91 of the Local Government Act where there are so many vacancies in the Office of Parish Councillors that the Parish Council are unable to act, the District Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take up office.

Now in pursuance of the Power confirmed upon it by Section 91 of the Local Government Act 1972 the Council hereby appoints the following persons to act as Member of Udimore Parish Council until an election (contested or otherwise) has been held to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council where upon such appointment shall cease.

**UDIMORE PARISH COUNCIL**

**(insert two names)**

THE COMMON SEAL of )  
 ROTHER DISTRICT COUNCIL )  
 was hereunto affixed this 17 day of )  
 April two thousand and twenty-three )  
 in the presence of: )

Councillor Carl Maynard, East Sussex County Councillor for Brede Valley and Marsham Division

One Rother District Councillor representing Brede and Udimore Rother District Ward (to be elected on 4 May 2023)

.....  
Chief Executive

This Order is made on the 17 of April two thousand and twenty-three by the ROTHER DISTRICT COUNCIL (HERE IN AFTER CALLED "The Council").

- 1 WHEREAS following insufficient nominations to Whatlington Parish Council, three councillors are required to ensure the Parish Council remains quorate.
- 2 Under Section 91 of the Local Government Act where there are so many vacancies in the Office of Parish Councillors that the Parish Council are unable to act, the District Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take up office.

Now in pursuance of the Power confirmed upon it by Section 91 of the Local Government Act 1972 the Council hereby appoints the following persons to act as Member of Whatlington Parish Council until an election (contested or otherwise) has been held to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council where upon such appointment shall cease.

**WHATLINGTON PARISH COUNCIL**

**(insert three names)**

THE COMMON SEAL of )  
ROther DISTRICT COUNCIL )  
was hereunto affixed this 17 day of )  
April two thousand and twenty-three )  
in the presence of: )

Councillor Kathryn Field, East  
Sussex County Councillor for  
Battle and Crowhurst Division

Two Rother District  
Councillors representing North  
Battle, Netherfield and  
Whatlington Rother District  
Ward (to be elected on 4 May  
2023)

.....  
Chief Executive