



East Cambridgeshire District Council

Minutes of a Meeting of the Licensing Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:00am
on Wednesday 20th November 2024

Present:

Cllr Christine Ambrose Smith
Cllr Lorna Dupré (substitute for Cllr Charlotte Cane)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan (Vice Chair)
Cllr Julia Huffer (Chair)
Cllr Mark Inskip
Cllr Kelli Pettitt
Cllr John Trapp
Cllr Alison Whelan
Cllr Gareth Wilson

Officers:

Stewart Broome – Licensing Manager
Cameron Overton – Trainee Democratic Services Officer
Karen See – Senior Environmental Health Officer
Angela Tyrrell – Senior Legal Assistant

In attendance:

Cllr Christine Whelan

Karen Wright – ICT Manager

16. Apologies and substitutions

Apologies for absence were received from Cllr Charlotte Cane.

Cllr Lorna Dupré attended as a substitute.

17. Declarations of interest

Cllr Christine Ambrose Smith declared an interest in Item 5 as her husband held a personal licence but that it would not affect her decision. The Licensing Manager confirmed that Cllr Christine Ambrose Smith had no discernible interest in the licensing fees review, as the personal licence held by her husband was a statutory fee, which was not alterable.

18. Minutes

The Committee received the Minutes of the meeting held on 11th September 2024 and the Non-Statutory Sub Committee held 16th October 2024.

It was resolved unanimously:

That the Minutes of the Licensing Committee meeting held on 11th September 2024 and Non-Statutory Sub Committee held 16th October 2024 be confirmed as a correct record and be signed by the Chair.

19. Chair's announcements

There were no Chair's announcements.

20. Review of licensing fees

The Committee considered a report, Z102 previously circulated, that detailed a review of the fees that the Licensing Authority charged to obtain and maintain various regulatory permissions.

It was explained that the Licensing Authority was obliged to review its holder fees on an annual basis, but not obliged to increase them on an annual basis.

The Licensing Manager provided background information and an overview of the report. This included the following:

- There were discretionary fees which may be altered by the Licensing Authority; and statutory fees, which may not be altered by the Licensing Authority.
- There was no statutory mandate to consult when setting or reviewing licensing fees, except those under the Hackney Carriage, Private Hire and Operator Licences, in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act, 1976.
- The Committee's legal authority to agree the recommendations was based within specific Licensing legislation (found in appendix 7 of the report), together with delegated functions set out in the Constitution.
- Various ways in which the Committee's decision may have been challenged and the consequences of such a challenge were detailed.
- Not all incurred costs were possible to recover, such as charity street collections. This needed to be considered when reviewing the fees and implications of fees. Given that not all costs were recoverable, a general figure of 80-85% cost recovery was considered acceptable.

- The direct operational budget for Licensing, 'LI001' had been previously requested, this was always in good standing with regard to cost recovery. Beyond the LI001 budget, other Corporate On costs were attempted to be recovered, such as ICT, Legal support, Customer Services support, Finance and Audit. Looked to recover 80-85% of the combined figures. If Members were to only look at the LI001 it would have shown a significant underspend.
- In the year previous, the Licensing department saw an 87% cost recovery. Across the previous three years, this figure was an average of 83%.
- The amount of officer time spent on Taxis had increased from 36% in the year 21/22, to 52% in 23/24. This included a number of appeals in 23/24, for which not all costs were recoverable.
- Across April 2023, September 2023 and September 2024, there were 39 additional personal licences, which was not unusual. However, an increase of 49 new licences, each, for Taxis and Taxi Drivers did represent an unusual increase; 26 in each of those categories came in August 2024, in preparation for the new school contracts.
- Within the two years previous, the Licensing department had expanded from managing 1,975 live records, to 2,333 live records at any given time.
- Overall budget recovery for 21/22 was 67%; 22/23 was 28%; 23/24 was 77%. Therefore, the Licensing department showed a clear upward trend towards its target.
- The proposed budget for the 24/25 period was £363,934, made up of £244,000 for the LI001 code and £119,000 for the Corporate On costs.
- Allocated income up to September 2024 was approximately £156,000, which was reflective of the additional work undertaken by the department.
- There was a cost recovery figure of approximately £302,000, representing approximately 83% recovery.
- The proposed budget for 25/26 had not yet been set, but was likely to be between £370,000-£375,000
- There were discrepancies in the cost recovery for the Gambling Act 2005 and Pavement Licence fees, but both were statutory fees, set at the maximum amount and not changeable.

- Discrepancies seen in the Taxi Driver cost recovery; while the fees were discretionary, Officer's advised against increasing the fee, for reasons set out in paragraph 4.1 of the report.

The Chair then invited Members to ask questions.

Cllr John Trapp noted that the top line of table 2, p.14 should have indicated +15, not +5. Therefore, the total increase should have shown +157, not +147.

Cllr John Trapp queried whether Non-Statutory meetings were factored into the costs. The Licensing Manager confirmed they were, but that they were recoverable.

Cllr Keith Horgan suggested that the reasons why cost recovery failed, should be listed. The Licensing Manager agreed.

Cllr Keith Horgan then asked if it were possible to charge a pre-application advice fee for licences. The Licensing Manager noted that other authorities did this, but that for East Cambridgeshire it did not make sense, economically. The majority of cases involved applicants who had an understanding of the system, but were the situation to change to 'coaching' people through applications the Licensing Authority would review the policy.

Following discussion with Cllr Mark Inskip, the Licensing Manager agreed to trial having a percentage column showing the increase in work for various areas of Licensing.

Upon questioning from Cllr Lorna Dupre, the Licensing Manager confirmed that the increase in Taxi licences issued in the previous period was a combination of new taxi drivers and existing taxi drivers choosing to register with East Cambs.

Cllr Christine Ambrose Smith enquired if it were possible to show the amount of taxi usage taken up by people arriving into Ely by train. The Licensing Manager informed Cllr Ambrose Smith that it was not possible, as trade was impacted by economic factors and not the Council's licensing policies.

Cllr John Trapp proposed Members approved the recommendation in the report, seconded by Cllr Keith Horgan.

It was resolved unanimously:

That Members APPROVED the review of the Licensing Authority fees charged to obtain and maintain various regulatory permissions, per the Licensing Manager's recommendations contained in the circulated report Z102.

21. Mobile Homes Act 2013 – Park Homes Fee Policy 2025

The Committee considered a report, Z103 previously circulated, that detailed an update to East Cambridgeshire's Mobile Homes Fee Policy, effective from 1st April 2025.

The Senior Environmental Health Officer presented background information and an overview of the report. This included the following:

- Caravan Site licensing had been in effect since 1960.
- The Mobile Homes Act came in 2013, which provided more protection to residents on Mobile Home sites classed as 'relevant protected sites' such as Park Home sites and also included Gypsy and Traveller sites not owned by the Local Authority. It did not include Holiday Home sites.
- The Act allowed local authorities to charge an annual fee for inspections, refuse licence transfers and enforce compliance, etc.
- As part of the Act, local authorities were required to publish their fees, last done in East Cambridgeshire in 2014.
- Regarding administration of the licensing process, local authorities were not permitted to use enforcement actions in deciding and setting fees.
- East Cambridgeshire District Council undertook annual inspections of its 10 large protected, relevant, sites. Inspections involved looking at the roads, footpaths, lighting, new residents on site, space standards, etc. Costs were involved in undertaking such inspections, as such East Cambridgeshire District Council charged an annual fee for inspection.
- Mobile Home fee setting guidance from the Government provided 3 options to local authorities: 1) charging a fee for annual inspection, per unit; 2) banded arrangements dependant on the number of units on the site; and 3) fee setting on a risk assessment basis. East Cambridgeshire District Council had previously employed option 2.
- East Cambridgeshire did have a large number of small sites present. They tended to be family operated, 'low risk', sites. It was deemed they did not need an annual inspection, therefore should not be charged a fee for it.
- An annual consideration of the surpluses, or deficits, were thereafter to be undertaken, with any changes introduced in the following year. If a more substantial change to the fee policy was required, then a further report would be brought to the Committee.

The Chair invited Members to ask questions.

The Senior Environmental Health Officer confirmed that the fees related purely to the residential use of mobile homes, when asked by Cllr Christine Ambrose Smith.

Cllr Martin Goodearl queried the length of time a park had to be closed to be considered a holiday park. The Senior Environmental Health Officer informed Members that she needed to investigate the specific answer but that an assessment was carried out on an individual basis and dictated by any planning permissions on the site. A licence could only be granted if a site had planning permission.

Cllr Mark Inskip questioned whether the Council had previously undertaken an analysis of cost recovery when agreeing to fee increases in previous years. The Senior Environmental Health Officer noted that it was previously not the case; this proposal was to set fees in accordance with costs involved in officers undertaking annual inspections.

Cllr Mark Inskip asked if the Council ought to have undertaken an annual review every year since 2014, which had not happened. The Senior Environmental Health Officer noted that the fees being charged were particularly low. Cllr Inskip asserted that guidance was clear on the Council not achieving surplus or deficit, meaning members of the public had potentially incurred additional costs through under recovery of the Council's costs.

Cllr Julia Huffer enquired about the number of sites East Cambs had in total. The Senior Environmental Health Officer informed Cllr Huffer there were 10 large, applicable, sites but approximately 60 overall mobile home sites.

The Chair invited debate.

Cllr Julia Huffer proposed that Members approve the Officer's recommendation, seconded by Cllr Martin Goodearl.

It was resolved unanimously:

That Members APPROVE to adopt the update to East Cambridgeshire's Mobile Homes Fee Policy, effective 1st April 2025, per the Officer's recommendation, contained in the circulated report Z103.

22. Licensing Manager's update

The Committee considered a verbal report that updated Members on current and emerging issues relating to Licensing both locally and nationally.

The Licensing Manger reported that Animal and Primate licensing, stipulating that anyone with a primate on their premises, must register and be licenced from

1st April 2025. The potential fees, systems and procedures were yet to be finalised. The Licensing Manager noted that while the number of primates within East Cambridgeshire were unknown at the time, being in a rural area, there was a possibility of a number within the district. Offences pertaining to this matter were to be similar to those relevant under Animal Boarding and Dog Breeding within Section 13 of the Animal Welfare Act 2006.

The Licensing Manager informed Members that the Tobacco and Vapes Bill considered in Parliament suggested a licensing regime for those selling tobacco and vapes. While little was known about the specifics, the Licensing Manager noted that it was a bill and therefore, not certain to pass into law.

The Licensing Manager referenced a previous concern pertaining to the Government White Paper on transport and taxis which had not gone away, with it being mentioned in the Labour opening statement.

Besides the above, the Licensing Manager confirmed business as usual.

The Chair invited questions.

In discussion with Cllrs Julia Huffer and Christine Ambrose Smith, the Licensing Manager clarified the following points relating to the forthcoming primate licensing:

- It pertained to private ownership, separate from small zoo licences.
- Legislation was to cover all primates, from smaller species such as Spider Monkeys, to larger species such as Gorillas.
- Animal testing was covered by separate legislation.

Cllr Mark Inskip referenced the Licensing Service report which was seen before the Audit Committee, noting it stated a target for 'a service request module to be populated to ensure compliance with the enforcement audit' which was to be in place by the end of September 2024 but had been pushed to January 2025. Cllr Inskip queried what it was, how it related to the enforcement audit and the consequences of it being presented a few months later. The Licensing Manager provided the following responses:

- Within Uniform, the database used, there existed a Licensing module and within that existed a Service Request module, which was used to record non-application-based enquiries (complaints). This needed the various fields within to be populated.
- It enabled better statistical data to be provided on complaints and the area they were in.
- Whilst it was not yet in place, other mechanisms were in place to ensure complaints were responded to within 72 hours. Complaints were tracked

from the first written notification received and was followed through to any potential legal issue.

- While not failing by not having it, the implications were that the process could be better and clearer by having it, which had been delayed.
- It was previously mentioned that the IVA tab had been populated, which was part of the process.
- Reasons for the delay were lack of resources due to the numerous changes the Licensing department had gone through; and a lack of expertise in the area, for which the Licensing Manager had gone to other sites/authorities using the service request module to learn how to best use it.

It was resolved:

That the Licensing Manager's Update be noted.

23. Forward agenda plan

The Committee received its Forward Agenda Plan. The Licensing Manager reported that due to lack of business there was no necessity for a Committee meeting in 11th December 2024.

It was resolved:

That the Forward Agenda Plan be noted.

That the Licensing Committee meeting, 11th December 2024 be cancelled.

The meeting concluded at 11:05am

Chair.....

Date.....