



## Borough of Telford and Wrekin

### Licensing Committee

Monday 29 July 2024

6.00 pm

Council Chamber, Third Floor, Southwater One, Telford, TF3 4JG

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**Democratic Services:** Sam Yarnall 01952 382193

**Media Enquiries:** Corporate Communications 01952 382406

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**Committee Members:** Councillors J Thompson (Chair), S Handley (Vice-Chair), E Aston, A J Burford, G C W Latham-Reynolds, L Parker, H Rhodes, P J Scott, K T Tomlinson and R Tyrrell

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<b>1.0</b>	<b>Apologies for Absence</b>	
<b>2.0</b>	<b>Declarations of Interest</b>	
<b>3.0</b>	<b>Minutes of the Previous Meeting</b>	<b>3 - 4</b>
	To confirm the minutes of the previous meeting held on 13 March 2024.	
<b>4.0</b>	<b>Terms of Reference 2024/25 - Licensing Committee</b>	<b>5 - 10</b>
	To approve the Licensing Committee Terms of Reference for the 2024/2025 municipal year.	
<b>5.0</b>	<b>Annual Licensing Report</b>	<b>11 - 22</b>
	To receive the Annual Licensing Report.	

## **6.0 Pavement Licence Fees**

**23 - 26**

To receive and approve the revised pavement license fees report.

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## LICENSING COMMITTEE

### Minutes of a meeting of the Licensing Committee held on Wednesday 13 March 2024 at 6.00 pm in Council Chamber, Third Floor, Southwater One, Telford, TF3 4JG

**Present:** Councillors E Aston, A J Burford, P Davis, J Thompson (Chair), K T Tomlinson and R Tyrrell

**In Attendance:** Dean Sargeant (Director: Neighbourhood & Enforcement Services), A Hunt (Public Protection Group Manager), C Phillips (Commercial Development Manager), S Hardwick (Lead Lawyer: Litigation & Regulatory) and J Clarke (Senior Democracy Officer (Democracy))

**Apologies:** Councillor G C W Latham-Reynolds and L Parker

#### **LIC29      Declarations of Interest**

None.

#### **LIC30      Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on 21 November 2023 be confirmed and signed by the Chair.

#### **LIC31      Licensing Fees Report 2024-2025**

The Public Protection Group Manager presented the Licensing Fees Report 2024-2025 which provided an updated on the current licensing fees, charges and policy and sought approval for the revised licensing fees and charges.

If Members were minded to approve the revised fees and charges, they would take effect from 1 April 2024.

A 28 day statutory consultation had taken place on the proposed fees for Taxi, Street Trading and Gambling between 2 January 2024 until 29 January 2024. No responses were received. Fees and charges had also been fully reviewed to reflect any changes in legislation, government guidance, changes to processes and compliance requirements, together with any increases in associated costs.

Scrap metal fees were included within the report for information only as these were reviewed and approved by Cabinet.



In January 2024, the Council introduced a pre-application service for new and renewing taxi licence applicants (both private and hackney carriages). Applicants were now able to book a face to face appointment with a licensing officer to get expert advice on submitting a valid and complete application. This came at an additional cost of £70 but provided an opportunity for drivers to ensure their application was complete and allowed prompt processing with a view to the applicant operating at the earliest opportunity.

During the debate some Members raised concerns regarding preventing or dissuading taxi drivers from applying locally for licences due to the increased fees, the rationale for the fees and whether they were dealt with on an individual basis, the jump in fees for Zoos, the hiring of horses, street trading and the transfer fee for mobile homes. Other Members were encouraged with the charges for enforcement notices in relation to recouping full costs for non-compliance.

The Public Protection Group Manager, together with the Director: Neighbourhood & Enforcement Services and the Commercial Development Manager reassured Members that in relation to taxi fees, benchmarking had taken place with neighbouring authorities. Vehicle numbers had increased by 33% and 21% of drivers had returned. All of the fees had been looked at on an individual basis with a deep dive into process and procedures in order to reflect the true cost. Changes to fees had taken place some had reduced or remained the same and where necessary increases had been put in place.

**RESOLVED** – that:

- a) the fees, charges and policy as set out in Appendices A, B and C to the report be approved;
- b) the revised fees and charges and policy be implemented from 1st April 2024; and
- c) the content of the report be noted and the pre-application service and associated fee for new and renewing taxi licence applicants be endorsed.

The meeting ended at 6.33 pm

Chairman: .....

Date: Date Not Specified



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## Borough of Telford and Wrekin

### Licensing Committee

Monday 29 July 2024

### Terms of Reference 2024 / 2025

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<b>Cabinet Member:</b>	Cllr Zona Hannington - Cabinet Member: Finance, Governance & Customer Services.
<b>Lead Director:</b>	Anthea Lowe - Director: Policy & Governance
<b>Service Area:</b>	Policy & Governance
<b>Report Author:</b>	Sam Yarnall - Democracy Officer (Scrutiny)
<b>Officer Contact Details:</b>	<b>Tel:</b> 01952 382193 <b>Email:</b> sam.yarnall@telford.gov.uk
<b>Wards Affected:</b>	All Wards
<b>Key Decision:</b>	Not Key Decision
<b>Forward Plan:</b>	Not Applicable
<b>Report considered by:</b>	Licensing Committee – 29 July 2024

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#### 1.0 Recommendations for decision/noting:

It is recommended that the Licensing Committee:

- 1.1 Review and agree the Terms of Reference set out at Appendix A.

#### 2.0 Purpose of Report

- 2.1 To set out the Terms of Reference for the Licensing Committee outlined at Appendix A.

#### 3.0 Background

- 3.1 The Constitution requires that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.

- 3.2 At the Annual Meeting of the Council on 23 May 2024, Full Council delegated authority to each Committee to review its own Terms of Reference.
- 3.3 The Terms of Reference forms part of the Consitution and approved by Full Council in that context on 3 March 2022.
- 3.4 There is one minor change suggested to the Terms of Reference (shown in red on Appendix A) to provide clarity around the process for appointment of a Chair for the Committee. It notes that the Chair is appointed by Full Council (in line with the Constitution) but sets out that a Vice-Chair may be appointed by a majority decision of the Committee.

#### **4.0 Summary of main proposals**

- 4.1 For the Committee to review it Terms of Reference.

#### **5.0 Alternative Options**

- 5.1 There are no alternative options arising from this report.

#### **6.0 Key Risks**

- 6.1 There are no key risks arising from this report.

#### **7.0 Council Priorities**

- 7.1 A community-focused, innovative council providing efficient, effective and quality services.

#### **8.0 Financial Implications**

- 8.1 There are no Financial Implications arising from this report.

#### **9.0 Legal and HR Implications**

- 9.1 The Constitution requires that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees. At the Annual Meeting of the Council on 19 May 2022, Full Council delegated authority to each Committee to review its own Terms of Reference.
- 9.2 The Council's Constitution sets out that the Chair of Committees shall be decided at the Annual meeting of Full Council. Accordingly, the terms of reference for the Committee should mirror these provisions. It is also prescient for the terms of reference to provide clarity on the election of a Vice-Chair for the Committee.
- 9.3 Once the Committee has confirmed its terms of reference, the Monitoring Officer will update the Consitution to ensure consistency of the terms of reference of the Committee. There are no direct legal implications arising from this report.

**10.0 Ward Implications**

10.1 There are no ward implications arising from this report.

**11.0 Health, Social and Economic Implications**

11.1 There are no Health, Social and Economic Implications arising from this report.

**12.0 Equality and Diversity Implications**

12.1 There are no equality and diversity implications arising from this report.

**13.0 Climate Change and Environmental Implications**

13.1 There are no Climate Change or Environmental implications arising from this report.

**14.0 Background Papers**

1 Council Constitution

**15.0 Appendices**

A Terms of Reference 2024/2025

**16.0 Report Sign Off**

<b>Signed off by</b>	<b>Date sent</b>	<b>Date signed off</b>	<b>Initials</b>
Legal Services	20.06.2024	20.06.2024	SH
Finance	09/07/2024	09/07/2024	AEM

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## **Licensing Committee – Terms of Reference and Procedure**

The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of licensing matters within the Borough as follows.

### **Licensing and registration functions**

- (a) As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and including functions under the Licensing Act 2003 and the Gambling Act 2005 (excluding paragraphs 37/38 and 46A – 55).

### **Health & Safety at Work/ Fire Safety**

- (b) Functions under any of the relevant statutory provisions within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
- (c) Matters relating to fire safety.

### **Health Act 2006**

- (d) All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect there under including authority to prosecute as it relates to smoking matters.

### **Miscellaneous**

- (e) Power to make payments or provide other benefits in cases of maladministration etc.
- (f) Powers in respect of common land, village greens and open space.
- (g) Powers in respect of the management and regulation of alcohol in public places, the provision and management of sites for the accommodation of gypsies and the closure of take away food shops.
- (h) Annually at the first meeting after the Annual Council Meeting consider its terms of reference.
- (i) Power to determine fees and charges in respect of any of the above functions.

### **PROCEDURE**

- (a) As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.

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## Borough of Telford and Wrekin

### Licensing committee

29 July 2024

### Annual licensing report

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<b>Cabinet Member:</b>	Cllr Richard Overton - Deputy Leader and Cabinet Member: Highways, Housing & Enforcement
<b>Lead Director:</b>	Dean Sargeant - Director: Neighbourhood & Enforcement Services
<b>Service Area:</b>	Neighbourhood & Enforcement Services
<b>Report Author:</b>	Anita Hunt - Public Protection Group Manager
<b>Officer Contact: Details:</b>	<b>Tel:</b> 01952 381818 <b>Email:</b> anita.hunt@telford.gov.uk
<b>Wards Affected:</b>	All wards
<b>Key Decision:</b>	Not a Key Decision
<b>Forward Plan:</b>	Not Applicable
<b>Report considered by:</b>	SMT – 16 July 2024 Licensing Committee – 29 July 2024

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#### 1.0 Recommendations for decision:

It is recommended that licensing Committee:

- 1.1 Note the content of this report and approve the areas of focus for 2024/25, while providing areas for further consideration.

#### 2.0 Purpose of Report

- 2.1 As a council that is on the side of residents, the purpose of this report is for Licensing Committee to receive an update on the Councils Licensing activity during 2023/24.

2.2 This report provides an overview of key licensing activity while providing an overview of complaints, enforcement and initiatives that have supported both residents and businesses.

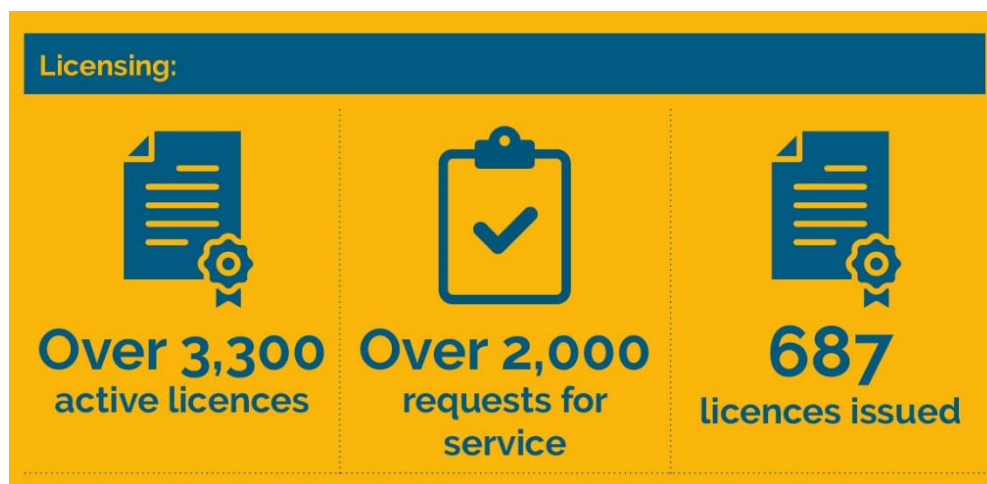
### 3.0 Background

3.1 Committee will be aware that the Council fulfils a variety of licensing activities. This report focuses on activity undertaken by the Licensing Service who work to protect and support our residents, businesses and those who visit the borough.

3.2 The Council has a statutory duty to approve, review and monitor licences and publish policies in relation to certain licensing functions. It is important to note that this report does not cover licenses or permits relating to street works, skips or scaffolding, skin piercing, petroleum and fireworks or environmental permits.

3.3 During the period of 1 April 2023 and 31 March 2024, 834 licence applications were received with 687 licences issued. The remainder were either in progress, incomplete, withdrawn, or refused. The total number of licences issued has increased by 20% when compared with 2022/23.

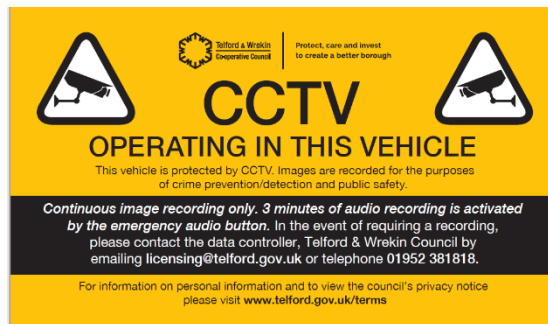
3.4 Typically, there are approximately 3350 active licences in operation across the borough that require regular inspection to ensure compliance; this is supported through investigation of complaints and requests for service. 2006 requests for service were received in this period ranging from requests for advice and information, assistance with applications, complaints and enquiries to setting up a new business. The demand for service has also increased by 33% compared to 2022/23.



## Taxis

- 3.5 The council regulates hackney carriages and private hire taxis through the following ways:
- A Private Hire Operator's licence;
  - A Vehicle Licence, for both hackney carriages and private hire; and
  - A Drivers Licence
- 3.6 There are currently 309 vehicles and 392 drivers holding a licence with Telford & Wrekin Council; during 2023/24 there has been approximately 15% increase compared with 2022/23. Within the borough there are 35 licensed private hire operators; since April 2023 there has been an additional 8 private hire operators licensed alongside 241 vehicle and 132 driver, new and renewal licences granted.
- 3.7 Licensing Committee will be aware that the council has a duty to refer and action complaints received and all complaints have been investigated. 46 complaints were received regarding taxis with only 13 relating to those licensed by Telford & Wrekin Council. 11 complaints were referred to neighbouring local authorities and 7 referred to the operator or another regulator. The remainder (15) either had insufficient information or the complainant did not want to progress the complaint further. In following up on complaints received, the council has issued 2 written warnings, advice provided to 6 drivers and 3 drivers have undergone re-training. There have been 2 revocations, 1 refusal and 4 suspensions during this period. The council is awaiting the outcome of two appeals following a revocation and refusal to grant (a licence).
- 3.8 A public consultation was carried out during the summer of 2023 to gain feedback on mandating CCTV in taxis. A report was brought to Licensing Committee at their 21 November 2023 meeting that resolved to maintain the current voluntary policy on CCTV and while approving opportunity to actively explore external funding opportunities in order to progress the installation of CCTV in Telford and Wrekin licensed taxis.
- 3.9 Following the successful launch of our CCTV pilot in December 2022 where 20 CCTV units in taxis were fitted as part of the pilot, a further 5 units have been funded from the Building Safer and Stronger Communities programme and a further 45 funded from the Community Safety Partnership. Once installed, there will be 70 CCTV units fitted in Telford & Wrekin Council licensed vehicles and opportunity will be sought to continue to grow this further.

3.10 Taxi's that have CCTV fitted are noted with the following graphic:



3.11 Through active partnership working with neighbouring authorities a partnership statement was signed in January 2024. This agreement seeks to establish a consistent approach to taxi licensing and sets out clear commitments to ensure public safety is at the heart of decision making and enforcement. A copy of the statement is contained within appendix A.

#### Alcohol, Entertainment & Late Night Refreshment

3.12 Across the borough there are approximately 570 licensed businesses holding an alcohol licence, entertainment (or both), or are licensed for late night refreshments. 20 new premises licenses, 304 Temporary Event Notices (TENS) and 104 personal licences have been issued since April 2023. The number of TENS granted has increased by 40% on the previous year with over 50% of the TENS in support of community events, open days, carnivals and festivals.

3.13 The Licensing Safety and Vulnerability initiative (LSAVI) has continued to grow as part of our continued focus on improving safety within the night time economy with a focus on tackling Violence Against Women and Girls. The borough is leading the way in the number of LSAVI accredited premises which now stands at 70.



3.14 There are two well established and successful pub watch schemes currently in operation in Wellington and Newport. Officers attend all meetings to promote initiatives such as LSAVI while carrying out training with licensees and providing opportunity to answer licensing queries and promote licensing objectives. Further work is being carried out to develop a pub watch scheme in Southwater and in other areas.

#### Night-Time Economy and Licensing Enforcement

3.15 The councils dedicated Night-time Economy and Licensing Enforcement team regularly take part in Multi-Agency Targeted Enforcement (MATES) operations.

These cover licensed alcohol and late-night refreshment businesses; Private hire, hackney carriage and scrap metal vehicles and driver compliance exercises, including specific “plying for hire” operations.

- 3.16 Over 35 planned night-time operations focussing on hot spots around late night licensed alcohol and refreshment premises and taxi pick up points have been completed. These operations provide reassurance to the night-time community while providing opportunity to tackle specific issues that range from noise nuisance, vulnerable groups, taxi’s plying for hire, anti-social behaviour and breach of licensing conditions.
- 3.17 4 plying for hire operations were carried out in 2023/24. Trained test purchasers approached seven private hire vehicles waiting at the roadside with four drivers accepting an un-booked fare. These breaches are currently under investigation and the local authorities where the drivers are licenced have been informed to enable them to consider revocation of their licence.

#### General and other Licences

- 3.18 The borough has 43 licensed animal activities, an increase of 10 since 2022/23 These including kennels and catteries, dog day care, dog breeders, pet shops, riding schools, zoo’s and one Dangerous Wild Animal licence. A strict licensing and inspection regime controlled by legislation and guidance issued by Department for Environment, Food and Rural affairs (DEFRA) ensures that animal welfare is maintained.
- 3.19 There are 20 gambling premises ranging from betting shops, an adult gaming centre and bingo and 36 club and machine gaming permits. Inspections are carried out and to ensure that licence conditions are being met and maintained. There are no casino or sexual entertainment licensed businesses in borough.
- 3.20 There are 13 licensed scrap metal collectors working within the borough and 11 scrap metal sites. Regular multi-agency roadside checks carried out in partnership with West Mercia Police to stop and inspect vehicles that are carrying scrap metal. Those that are unlicensed to operate in the borough receive appropriate warnings along with instruction on how to apply for a scrap metal collectors licence.
- 3.21 There are 43 active street trading consents for static and mobile traders in the borough. These range from ice cream sellers, burger vans and other food stalls.
- 3.22 There are nine permanent residential mobile home and two touring sites. Annual inspections are carried out our residential sites to ensure that licensing conditions are maintained. One compliance notice has been served to improve the sites drainage and sewage connections.
- 3.23 The Council continues to review improvements to reporting mechanisms and promote the work of the enforcement team. Celebrate and stay safe videos have been produced for social media to encourage reporting of incidents and concerns about Taxi’s and licensed premises.

### Focus for 2024/25

- 3.23 In addition to fulfilling statutory duties, the team will continue its work with licensed premises to promote and facilitate LSAVI. Further funding has been obtained from the Community Safety Partnership to purchase and install 15 CCTV units. This will take our total to 85 units and will see approximately 25% of Telford and Wrekin licensed vehicles will have active CCTV.
- 3.24 Promotion of the enforcement activity will continue alongside planned multi-agency operations that keep residents safe while supporting businesses.
- 3.25 Two licensing policy reviews will take place in 2024/ 25. The Gambling Policy is due its 3 year review for publication in January 2025. In addition, the Department for Transport (DfT) issued a revised Taxi and Private Hire best practice guidance which will provide the focus for our Taxi Policy review. This review will include revised taxi licence conditions and driver training requirements; Committee will receive a further report on this following public consultation.
- 3.26 In parallel, the council will continue to lobby government to improve consistency of taxi licensing standards across licensing authorities.

## **4.0 Summary of main proposals**

- 4.1 That committee note the contents of this report, approve areas of focus for 2024/25 and provide further areas for consideration.

## **5.0 Alternative Options**

- 5.1 There are several statutory functions that the council is required to effectively deliver; this is monitored through performance reporting to national government bodies.
- 5.2 The approach taken to enforcement is to engage, educate and where necessary enforce. This ensures a fair and consistent approach is provided to support residents and complaint traders.

## **6.0 Key Risks**

- 6.1 There is always the risk of challenge and right to appeal by those who are issued with breach of condition notices or penalties. However, such appeal and challenge is mitigated through robust process and compliance with necessary legislation to ensure those who do not comply are tackled.

## **7.0 Council Priorities**

- 7.1 This report supports the following council priorities:

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy



- A community-focussed innovative council providing efficient, effective and quality services

## **8.0 Financial Implications**

- 8.1 Compliance with statutory duties as part of the licensing function is delivered within existing budgets. Licence fees and charges are reviewed annually with the Licensing Service and are set in line with national guidance.
- 8.2 The council aims to recover all costs associated with criminal investigations.

## **9.0 Legal and HR Implications**

- 9.1 The Committee's responsibilities are set out in the Council's Constitution.
- 9.2 The Council has a number of statutory powers and duties with regard to the issuing of licences and permits and enforcement against those licensed and unlicensed who are non-compliant. Powers and duties are delegated under the scheme of delegation detailed within the Council's Constitution and then further delegated to officers, as appropriate, in order that statutory obligations are met.
- 9.3 The proposals contained in this report can be delivered using existing resources.

## **10.0 Ward Implications**

- 10.1 This report has implications for all wards in the Borough.

## **11.0 Health, Social and Economic Implications**

- 11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies. This safeguards public safety by setting clear guidelines for licensees operating within the borough. Gambling regulation incorporates an overarching social responsibility to help prevent gambling addiction and to protect children and vulnerable groups from harm by restricting access to gambling.
- 11.2 An effective and efficient licensing service not only supports residents and businesses but provides opportunity to ensure compliance with relevant conditions and legislation is maintained. Such compliance ensures public safety is not compromised but also supports the Council in tackling health inequalities.
- 11.3 The recommendations contained within this report are not considered to have a direct impact on the Armed Forces Duty, specific socio-economic groups or town and parish councils.

## **12.0 Equality and Diversity Implications**

- 12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with this report, as they will apply equally to everyone regardless of any protected characteristic.

### 13.0 Climate Change and Environmental Implications

13.1 Effective monitoring and compliance checks ensures licensed traders adhere to the conditions of their license which in some cases are to protect the environment. For example, licensing of scrap metal sites and mobile collectors can play an important part in reducing the effects of environmental crime such as fly tipping while ensuring such waste is managed in the most appropriate way.

### 14.0 Background Papers

None

### 15.0 Appendices

**Appendix A - Local Authority Partnership Statement**

### 16.0 Report Sign Off

<b>Signed off by</b>	<b>Date sent</b>	<b>Date signed off</b>	<b>Initials</b>
Legal	15/07/2024	16/07/2024	SH
Finance	15/07/2024	16/07/2024	PT
Director	15/07/2024	16/07/2024	DRS



# Taxi Licensing

## Local Authority Joint Partnership Statement

Date January 2024

## Joint Partnership Statement of:

Telford & Wrekin Council  
Shropshire Council  
City of Wolverhampton Council  
South Staffordshire Council

## Background

This joint local authority working party, chaired by Telford & Wrekin Council, provides a strategic framework and operational forum covering taxi licensing and enforcement to ensure a consistency of approach and agreed commitments to ensure that public safety continues to be at the heart of decision making and enforcement.

### Our aims:

To ensure public safety by:

- Licensing safe vehicles, driven by safe drivers.
- Promoting drivers' safety and security.
- Encouraging the availability of accessible transportation for everyone.
- Regulating in a proportionate manner, having regard to government guidance, ensuring there is a healthy legal trade.
- Ensuring that information is communicated effectively and in a timely manner.
- Ensuring a consistent joint approach to compliance.
- Providing an effective deterrent to non-compliant and illegal taxi and private hire activity.
- Highlighting the consequences of non-compliant and illegal activity through joint publicity.
- Enhancing public confidence in the taxi and private hire trade.
- Demonstrating to the public and the taxi and private hire trade our collective commitment to collaboration.

To meet these aims the Partnership has agreed to fulfil the following commitments:

**Our commitments**

- Foster effective communication routes between all partnering authorities.
- Improve the operational approach to cross border enforcement exercises and actively support participation.
- Tackle common and emerging compliance issues.
- Adopt a joint collaboration approach to external publicity, including media releases.
- Share information on key decisions and relevant cases.
- Collectively agree an approach to nationally issued taxi and private hire statutory and non-statutory guidance.

**Signatories**



Dean Sargeant – Director of Neighbourhood & Enforcement

On behalf of Telford & Wrekin Council



[John Roseblade \(Feb 7, 2024 13:37 GMT\)](#)

John Roseblade – Director of Resident Services

On behalf of City of Wolverhampton Council



[Jane Trethewey \(Jan 24, 2024 20:17 GMT\)](#)

Jane Trethewey – Assistant Director of Homes and Communities

On behalf of Shropshire Council



[M Jenkinson \(Jan 24, 2024 17:51 GMT\)](#)

Mark Jenkinson – Assistant Director – Community Services

On behalf of South Staffordshire Council



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South Staffordshire Council



## Borough of Telford and Wrekin

### Licensing Committee

Monday 29 July 2024

### Pavement Licence Fees

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<b>Cabinet Member:</b>	Cllr Richard Overton - Deputy Leader and Cabinet Member: Highways, Housing & Enforcement.
<b>Lead Director:</b>	Dean Sargeant - Director: Neighbourhood & Enforcement Services
<b>Service Area:</b>	Neighbourhood & Enforcement Services
<b>Report Author:</b>	Anita Hunt - Public Protection Group Manager
<b>Officer Contact Details:</b>	<b>Tel:</b> 01952 381818 <b>Email:</b> anita.hunt@telford.gov.uk
<b>Wards Affected:</b>	All Wards
<b>Key Decision:</b>	Not Key Decision
<b>Forward Plan:</b>	Not Applicable
<b>Report considered by:</b>	SMT- 16 July 2024 Licensing Committee – 29 July 2024

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#### 1.0 Recommendations for decision

It is recommended that Licensing Committee:

- 1.1 In noting the content of this report, review and approve the proposed pavement licence fees as set out in this report.
- 1.2 Agree that the revised fees take effect from 1<sup>st</sup> August 2024.

#### 2.0 Purpose of Report

- 2.1 The purpose of this report is to seek approval from Licensing Committee on the proposed pavement licence fees and once approved, endorse that the revised fees and charges are implemented on 1<sup>st</sup> August 2024.

#### 3.0 Background

## Pavement Licence fees

- 3.1 A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made. In response to Covid-19 pandemic, government introduced temporary legislation as part of a package of measures to 're-open' the high street. The Business and Planning Act 2020 (BPA) created the pavement licensing regime and in doing so set a cap of £100 for a pavement licence fee.
- 3.2 The Levelling Up and Regeneration Act 2023 provides opportunity to make permanent the provisions set out in the Business and Planning Act (BPA) 2020 while allowing businesses to secure pavement licences quickly. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users.
- 3.3 In support of our high streets recovering from the pandemic, council issued 20 pavement licences to pubs and café's in the borough between 2020 and 2023. These licences allowed businesses to boost their seating capacity by placing tables and chairs on the pavement. Of the 20, 4 businesses have maintained these licences and 2 are awaiting grant.
- 3.4 Revised fees were introduced by government on 31<sup>st</sup> March 2023 enabling local authorities to seek to recover their costs associated with administering and managing such licenses. Licensing Committee is asked to note that the fee is capped at £500 for new applications and £350 for renewals. Once approved, pavement licences are granted for a 2 year period.
- 3.5 When setting fees and charges the Council has due regard to the impact that such charges may have upon licence holders. The Council follows the Local Government Association (LGA) guidance on locally set licence fees to ensure a fair and transparent approach for local businesses and communities. The Council continually strives to streamline processes and maximise efficiency in order to reduce the burden on business.
- 3.6 In support of businesses and our local centres, Licensing Committee is asked to approve the proposed fee for a new pavement licence at £400 and renewal at £250.

### **4.0 Summary of main proposals**

- 4.1 This report sets out the proposed fees for pavement licences. If approved, it is proposed that the revised fees take affect from 1<sup>st</sup> August 2024.

### **5.0 Alternative Options**

- 5.1 Committee can decide not to increase the fees as recommended. However, if fees and charges remained the same, then the Licensing service would not recover the true cost to administer and monitor for compliance throughout the licence duration.

### **6.0 Key Risks**



## Pavement Licence fees

- 6.1 Any change in policy will carry some inherent financial risk to the Council in the event of a legal challenge, however this has been mitigated by ensuring that current and relevant fee-setting and policy guidance has been considered and adhered to.

### **7.0 Council Priorities**

- 7.1 The report supports the following Council priorities

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy
- A community-focussed innovative council providing efficient, effective and quality services

### **8.0 Financial Implications**

- 8.1 A full review of license fees has been undertaken for 2024/25 and approved by Committee at their March meeting. Fees have been calculated on a cost recovery basis taking into account the statutory costs that the service are allowed to recover.
- 8.2 In setting the fees and charges the Council has taken into account national guidance from the Local Government Association on locally set licence fees. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.

### **9.0 Legal and HR Implications**

- 9.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.
- 9.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services.
- 9.3 For pavement licences, Section 2 of the Business and Planning Act 2020 provides that an application for a pavement licence made to a local authority must be accompanied by such fee not exceeding the relevant amount as the local authority may require.

The "relevant amount" means—

(a) £350, in the case of an application which is made by a person who already holds a pavement licence, and the application is for premises to which that existing licence relates and

(b) £500, in any other case.

- 9.4 Fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of licences covering the costs associated with the licensing process but not generate a profit.
- 9.5 The proposals contained in this report can be delivered using existing resources.

## **10.0 Ward Implications**

10.1 This report has implications for all wards in the Borough.

## **11.0 Health, Social and Economic Implications**

11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies. This safeguards public safety by setting clear guidelines for licensees operating within the borough.

11.2 The Council should ensure it is recovering its full costs to reduce the risks of a subsidy that then falls on local tax payers. Therefore, any increase to licence holders will be reasonable and proportionate. This ensures that the Council can carry out its licensing functions to maintain compliance and not compromise public safety.

## **12.0 Equality and Diversity Implications**

12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with the proposed fees, as they will apply equally to everyone regardless of any protected characteristic.

## **13.0 Climate Change and Environmental Implications**

13.1 None

## **14.0 Background Papers**

None

## **15.0 Appendices**

None

## **16.0 Report Sign Off**

<b>Signed off by</b>	<b>Date sent</b>	<b>Date signed off</b>	<b>Initials</b>
Legal	15/07/2024	16/07/2024	SH
Finance	15/07/2024	16/07/2024	PT
Director	15/07/2024	16/07/2024	DRS