

**MINUTES OF A MEETING OF THE  
LICENSING AND APPEALS COMMITTEE  
HELD ON 10 NOVEMBER 2020 FROM 7.00 PM TO 8.12 PM**

**Committee Members Present**

Councillors: Chris Bowring (Chairman), Abdul Loyes (Vice-Chairman), Parry Batth, Rachel Burgess, Lindsay Ferris, Michael Firmager, Emma Hobbs, Barrie Patman, Malcolm Richards and Bill Soane

**Officers Present**

Paul Anstey, Head of Public Protection Partnership  
Luciane Bowker, Democratic & Electoral Services Specialist  
Julia O'Brien, Principal Officer Compliance and Enforcement  
Sean Murphy, Public Protection Partnership Manager

**11. APOLOGIES**

Apologies for absence were submitted from Councillors Paul Fishwick, Sarah Kerr and Rachelle Shepherd-DuBey.

**12. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 6 October 2020 were confirmed as a correct record and would be signed at a later date by the Chairman.

**13. DECLARATION OF INTEREST**

There were no declarations of interest.

**14. PUBLIC QUESTION TIME**

There were no public questions.

**15. MEMBER QUESTION TIME**

There were no Member questions.

**16. FEES AND CHARGES**

The Fees and Charges report was presented by Sean Murphy, Public Protection Partnership Manager.

Sean Murphy stated that the budget setting process for fees and charges in relation to licensing activities started with approval by the Public Protection Partnership (PPP). The process followed with a consultation with the Licensing Committee who were able to make recommendations to the Executive before the final decision was made.

During the discussion of the item the following comments were made:

- Councillor Burgess asked for an update on the hourly rates audit which the Committee had previously requested. She also asked if by charging the same rates to all licences the service was subsidising certain areas;
- Paul Anstey, Head of PPP stated that a generically hourly rate had been used to establish the cost of the service as a whole and compare the cost base against the number of people in the service, in order to ensure cost recovery;
- Paul Anstey stated that various people were involved in determining licences, these people were paid at different rates depending on their job roles. It was possible to determine how much time these different people spent on each process. However,

due to the amount of work which would have been required to undertake such a review, the PPP had taken a pragmatic view that it was reasonable to work out what the hourly rate was and roughly what the level of activity was for each process. Each process had been looked at and where there was a difference, this had been amended in the fees and charges that were proposed in the report;

- Paul Anstey stated that certain trades felt that the fees and charges were inappropriate. Those had been reviewed in detail, and the conclusion was that the hourly rate was very close to the initial rate;
- Paul Anstey was confident that the proposed fees and charges were in accordance with the LGA guidance and case law relating to how local authorities should be charging in reasonable and proportionate terms;
- In response to a question Paul Anstey stated that this review was publicly available within the JPPP Committee papers online;
- Paul Anstey stated that the service intended to carry out more detailed reviews in the future;
- In response to a question Paul Anstey confirmed that if a particular trade challenged the fees, the service would carry out a review;
- In response to a question Paul Anstey stated that if the cost of undertaking a detailed review of all licences would be reflected in the cost of licences, as part of the overall service cost recovery framework;
- Councillor Loyes asked if the 0.6% rise (mentioned on page 14 paragraph 1.4) was the same across all three authorities. Sean Murphy stated that this related to the inflation in the period;
- Councillor Ferris stated that certain trades had been badly affected by the current circumstances, in particular the taxi trade. He proposed that the financial hardship being faced by trades be taken into account in the fee setting process this year;
- Councillor Ferris asked for information in respect to non-professional animal boarders. Julia O'Brien, Principal Officer Compliance and Enforcement stated that people that earned less than £1000 a year would not have to pay a licence fee for animal boarding;
- Paul Anstey stated that the proposed fees in relation to animal boarders took into account the amount of work required for each licence, for example the number of visits;
- Councillor Soane questioned the fee being charged to ice cream vans, in that it seemed excessive at £713 per vehicle for six months. He also asked about rogue vehicles operating the Borough;
- Sean Murphy stated any allegations of unlicensed street traders were investigated;
- Paul Anstey stated that investigations into non-compliance could give rise to the fees, he added that this trade had not yet been subject to a detailed review;
- In response to a question Sean Murphy stated that street traders' fees were not aligned across the three authorities because of the nature of Bracknell town centre;
- Councillor Burgess asked for further clarification on the animal boarders' fees, including which year it referred to;
- Paul Anstey stated that discussions around the animal boarders' fees had started at the PPP earlier in the year, including an in-year review of the fees resulting from conversations with the trade. The service had recognised some points raised by the trade, for example that some visits were not taking place because of the pandemic. There was also a difference as a result of having to use a contractor to carry out some of the work. The service would refund the trade accordingly where necessary;

- In response to a question Paul Anstey stated that the Committee was being asked to agree the fees for the next year. However, the PPP report included retrospective in-year recommendations;
- Councillor Burgess asked if the three year phased increase of taxi drivers fees had now been applied. Sean Murphy confirmed that it had and it would revert to the full fee next year;
- In response to a question Julia O'Brien stated that once the fees were approved by Executive, they would go out to consultation and if representations were received they would be submitted back to the Executive and Licensing and Appeals Committee;
- In response to a question Sean Murphy stated that the service did not issue licences to fitness instructors; however, they may have been subject to a charge for using public spaces;
- Sean Murphy stated that the service wished to encourage operators to apply for three year licences as this was better in terms of animal welfare, he pointed out that it was the same fee for one, two or three years.

Upon being put to the vote the Committee agreed to the recommendations contained in the report, with an amendment to add that the following wording to the first recommendation: *The Committee asks the Executive to take into account the current financial circumstances caused by the pandemic on all licensable activities.*

Councillor Burgess wished it to be recorded that she voted against the first recommendation.

**RESOLVED** That:

- 1) The Committee notes the proposals and agrees these fees set out at Appendix C go forward for consideration as part of the Council fee setting process. The Committee asks that the Executive takes into account the current financial situation caused by the pandemic on all licensable activities;
- 2) The Committee recommends that the fees for Taxi, Private Hire Vehicles and Private Hire Operators are put forward for statutory consultation;
- 3) The Committee recommends that the methodology at Appendix B for calculating fees for home animal boarding establishments licensed under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 should be applied to 2020/21 and 2021/22.

**17. ANNUAL REPORT**

Sean Murphy stated that the figures for the 2019/20 Annual Report had been double checked and the report now contained the right figures.

Julia O'Brien stated that there had been an issue with the way data was recorded which had now been rectified.

Upon being put to the vote most Members were in favour of the recommendation to note the report. Councillor Burgess wished it to be recorded that she voted against the recommendation for the same reasons stated in the previous meeting.

**RESOLVED** That the Committee notes the content of the report.

## **18. FORWARD PROGRAMME**

Sean Murphy stated that work had been undertaken as a result of questions which had been raised about the height of vehicles for wheelchair accessibility. Members agreed that this issue should be brought back to the next meeting of the Committee for a final discussion and decision.

Councillor Patman was concerned that issues relating to Environmental Health and Trading Standards, which were within PPP, were not being brought to the Committee for discussion or information.

Sean Murphy offered to bring a presentation to the Committee about the wider work of the PPP. It was agreed that this would be a briefing session which would be arranged separately from the main Committee meeting.