

General Licensing Committee

MEMBERS: Councillor PURCHESE (Chairman), Councillors BELSEY, ELKIN, Mrs GOODALL, GOODWIN, GOODYEAR, Mrs MADELL, Mrs POOLEY and THOMPSON.

(Apologies for absence were reported from Councillors Bloom, Mrs Heaps, Ms Hough, Mrs Salisbury, Stanley and Miss Woodall).

11 Minutes.

The minutes of the meeting held on 11 November 2009 were submitted and approved and the Chairman was authorised to sign them as a correct record.

12 Declaration of Interests.

Councillor Elkin declared a personal interest in item 13, Public Charitable Collections having undertaken a collection on behalf of St Wilfred's Hospice and spoke and voted thereon.

13 Public Charitable Collections – Arrangements for Airbourne 2010.

The Committee considered the report of the Licensing Manager regarding a proposed departure from the existing Street Collections Policy to permit street collections to be undertaken during the 2010 Airbourne event.

At its meeting on 23 January 2007 the Committee had reviewed the application criteria for the grant of street collection permits and imposed a restriction that the Council would only consider applications from registered charities and from local charitable bodies which directly benefit the population of the Borough. The criteria for street collections applications were set in appendix 1 to the report.

An exception to the Street Collections Policy was being sought to enable street collections to be undertaken under the banner of Airbourne 2010 with part of the funds collected to be used to fund the 2010 event.

The Committee at its meeting on 18 May 2009 had agreed to make an exception to the policy for Airbourne in 2009 and the Council had selected the Sussex Air Ambulance as its nominated charity and collection agent. The street collection had raised £17,704 and the Sussex Air Ambulance had retained 30% of the money with the remainder being retained by the Council to fund the event.

In common with 2009, it was proposed that the nominated charity and collection agent would retain 30% of the proceeds of the street collection.

The report set out a number of proposals to be implemented that would ensure transparency and openness in relation to the process and which would accord with the general principles of the Charities Commission. This included maintaining a clear audit trail through the separate accounting of all funds raised through the street collections and that all supporting literature and collection receptacles clearly stated the purpose of the collection.

The Committee was advised that discussions had taken place with a number of local charities and that a provisional agreement had been made for St Wilfred's Hospice to act as the collection agent and to be the nominated charity for this year. Discussions were ongoing and delegated authority was being sought to enable the Licensing Manager in consultation with the Eastbourne Hospitality Association to make the final selection.

The Committee commented on the process used to select the charities and whether in addition to St Wilfred's Hospice, a number of smaller charities could be approached and selected to take part this year. It was requested that the criteria used for selecting charities be circulated to Members of the Committee.

The Committee was advised that the feasibility of Airbourne attaining charitable status continued to be investigated. The Committee sought reassurance that other mechanisms would now be explored to generate funds to off set the costs of Airbourne in future years and the Chairman proposed that a meeting be held with the relevant Cabinet Members and officers to discuss the options available.

RESOLVED: (1) That in recognition of the local significance of Airbourne and the need to secure the future of the event, an exception to the Street Collections Policy be approved for Airbourne 2010 to enable street collections to be undertaken during the event.

(2) That the Licensing Manager in consultation with the Eastbourne Hospitality Association be granted delegated authority to select local charitable organisation(s) to undertake the street collections under the management of the Council, and that the chosen charities shall retain 30% of the proceeds for their charitable purposes.

(3) That the Licensing Manager and the Sponsorship Co-ordinator, in consultation with the Chairman of this Committee and the Cabinet Portfolio holders for Tourism and Finance meet to consider options which will support the long term future of Airbourne and report back to this Committee.

14 Public Fundraising Regulatory Authority and Regulation of Direct Debit Charity Collectors.

The Committee considered the report of the Licensing Manager regarding proposals to regulate the activities of direct debit charity collectors operating in the town centre.

The Local Authority had no powers to regulate the activities of the collectors currently and the Town Centre Manager and the Licensing Manager had received regular complaints about the conduct of persons employed as direct debit charity collection agents.

In order to manage the number and approach adopted by the collectors and to address the complaints received the Public Fundraising Regulatory Authority (PFRA) had been approached to act as an intermediary to manage the conduct and operation of collectors on behalf of the Council. The PFRA would work in partnership with the Council to ensure that its members had fair and equal access to fundraising opportunities and that they adhered to the PFRA Code of Practice during interaction with the public.

A Site Management Agreement (SMA) between PFRA and the Council had been drawn up to facilitate face-to-face fundraising in the town centre. The agreement, which was attached as appendix 2 to the report detailed the 3 zones in the town centre where collections would be permitted. A further zone covering the Seafront area had been included within the agreement although the area could not be used without the prior written consent of the Licensing Manager.

The Committee welcomed the proposed arrangements as a positive step forward to regulate the activities of direct debit collectors. The Committee was advised that the SMA would be reviewed on a yearly basis and that it could be amended to incorporate other sites within Eastbourne if required.

RESOLVED: That the Site Management Agreement detailed at appendix 2 of the report be approved as a means of regulating the activities of direct debit charity collectors through the Public Fundraising Regulatory Authority (PFRA).

15 Raising Standards in Animal Boarding Establishments.

The Committee considered the report of the Licensing Manager regarding a review of the Council's current licence conditions relating to home boarding establishments.

Under the Animal Boarding Establishments Act 1963 establishments required a licence where the boarding of animals was operating as a business. Licences were granted at the discretion of the Local Authority, taking into account the suitability of the accommodation alongside wider animal welfare issues.

The Council currently licensed 5 home boarding establishments for dogs and conditions attached to the issue of licenses aimed to ensure the provision of suitable accommodation, animal safety and welfare and steps that should be taken to prevent the spread of disease.

The Council's current licence conditions had been revised following best practice guidance issued by LACORs. The revised conditions would assist to raise standards and the proposed amendments to the current conditions were set out in appendix 3 to the report.

A transitional period of implementation was proposed to enable establishments already licensed to continue to trade and to take any action required to meet the new conditions.

RESOLVED: That the Council's current licence conditions relating to home boarding establishments in the Borough be amended and the new conditions as set out in appendix 3 of the report be adopted.

16 Policing and Crime Act 2009.

The Committee was advised of a number of amendments to legislation introduced by the Policing and Crime Act which was given Royal Assent on 12 November 2009.

The Licensing Act 2003 had been amended to include Members of the Licensing Authority as interested parties under the Act and as from the end of January 2010 they would be permitted to make representations about an application in their area.

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 had been amended to include lap-dancing clubs and if adopted by Councils it would provide the same powers to licence such venues as was available for the licensing of sex shops. A report would be submitted on this matter to a future meeting of the Committee.

Other powers had increased the police's ability to confiscate alcohol from young people in public places and to order young people over 10 years old involved in alcohol related disorder to leave a public place.

The "three strikes" measure introduced by the Violent Crime Reduction Act 2006 which targeted irresponsible retailers who sell alcohol to under 18's had been amended and two underage sales of alcohol within three months could now lead retailers to a prosecution or an enforced cessation of alcohol sales for 48 hours.

NOTED.

The meeting closed at 7.12 p.m.

**D Purchase
(Chairman)**