

Monday 23
April 2012 at
6.00pm



General Licensing Committee

MEMBERS: Councillor THOMPSON (Chairman) Councillor SHUTTLEWORTH (Deputy Chairman), Councillors Mrs COLES, COOKE, Mrs HEARN, LIDDIARD, MURDOCH, MURRAY, TAYLOR, UNGAR and Mrs WEST.

(Apologies for absence were reported from Councillors Mrs Heaps and Warner).

8 Minutes.

The minutes of the meeting held on 16 January 2012 were submitted and approved and the Chairman was authorised to sign them as a correct record.

9 Declaration of Interests.

None were received.

10 Setting of fees and charges in relation to Street Trading in the Borough of Eastbourne.

The Committee considered the report of the Licensing Manager regarding the setting of fees and charges in relation to Street Trading in the Borough of Eastbourne following consultation on a revised Street Trading Policy.

The current Street Trading Policy is limited and does not support general street trading, or the creation of a regular street market, hence the need for a revised Policy. The revised Policy aims to further promote the key Council objective of increasing the vibrancy and vitality of the town, in particular the town centre. The Policy aims to achieve this by diversifying street trading activity and attracting a regular street trading market.

The policy which was appended to the report covered the type of trading that could take place, including hours of operation, the potential impact on established businesses and residents in the area, health and safety implications, and the trading unit itself. It was explained that there would be 5 designated street trading pitches that would be offered on a rotational basis to ensure vibrancy and variety in a set location. The location for these pitches was appended to the report.

At its meeting on the 8 February 2012 Cabinet had approved the revised Street Trading Policy and recommended to Council that the setting of fees and charges be delegated to the General Licensing Committee.

The Licensing Manager had attached a table, appended to the report, detailing current fees associated with Street Trading within Eastbourne Borough in addition to comparisons with neighbouring authorities. The Committee was advised that Street Trading fees in Eastbourne had not increased for 5 years and therefore needed urgent review.

The fees proposed by the Licensing Manager were £25 daily, £175 weekly and £405 annually with £5 to be levied each week per stall, per market. It was stressed that the fees were set at a level that would not discourage applications, but would cover the costs of the service adequately.

It was a concern to some members of the Committee that the fees proposed were low, most notably the daily and annual charges in comparison to neighbouring authorities. The Licensing Manager advised that given the current economic climate, the fees recommended were there to encourage traders as higher fees may put them off.

It was felt that the low fees would encourage cheaper products to be sold. The Licensing Manager reassured the Committee that when an application is submitted, consideration would be taken over the type of products being sold, and the suitability of those products being sold at a set location. An application would normally be determined by the Licensing Manager however in exceptional circumstances may be referred to a Licensing Sub-Committee.

In addition to this, some members of the Committee believed that the fees would not cover the cost of enforcement. The Licensing Manager advised that the fees proposed took into account the cost of enforcement and other administrative activity. It was recommended that the fees be reviewed on a quarterly basis should any changes be required. This was supported by the Committee.

The Licensing Manager was asked whether street artists would face a charge similar to that levied by Brighton and Hove City Council. It was advised that consent may be issued but street art is not as prominent in Eastbourne as it is in Brighton and was therefore not a big issue locally. The Licensing Manager acknowledged that the issue might be brought up at one of the quarterly reviews.

The majority of the Committee supported an increase in the daily charge to £30 from £25. No change to the proposed £175 weekly charge was fully supported by the Committee. These fees would apply to stalls inside the Cumulative Impact Zone.

The Committee questioned what the price would be for the flower salesman who operates within the Cumulative Impact Zone and has "grandfather rights". The Licensing Manager advised that these rights allowed him to be issued with consent annually in addition to the daily and weekly rates that would normally apply for stalls inside the Cumulative Impact Zone.

For stalls outside the Cumulative Impact Zone, the Committee supported the Licensing Manager's suggestion of an annual fee of £405. If consent was

sought for a shorter period, then the daily and weekly rates agreed by the Committee would apply.

The Licensing Manager responded to various questions from the Committee in relation to the content of the policy itself, the location of charity stalls, the possibility of Little Chelsea facilitating a street market, complaints procedure and the consultation process for new pitches.

RESOLVED: That the fees and charges associated with street trading in the Borough of Eastbourne be set out as follows:

(1) (i) (By 8 votes to 2) That a daily charge of £30 be set for those stalls set inside the Cumulative Impact Zone.

(NB: An amendment to set a daily charge of £25 was lost by 7 votes to 2).

(ii) A weekly charge of £175 be set for stalls inside the Cumulative Impact Zone.

(iii) A annual charge of £405 be set for those stalls set outside the Cumulative Impact Zone. If consent is sought for a shorter period, then the daily and weekly fees agreed by the Committee would apply.

(iv) The flower salesman who has "grandfather rights" and operates in the Cumulative Impact Zone could still be issued with consent for a year.

(v) £5 would be levied each week, per stall, per market.

11 Urgent Item – Taxi Rank, Old Orchard Road.

Under the provisions of Section 100B(4) of the Local Government Act 1972, the Chairman asked that the following matter not listed on the agenda should be considered as a matter of urgency in view of the level of concerns and complaints the Council had received regarding the Old Orchard Road Taxi Rank. It was the Committee's opinion that the process of considering and possibly implementing change to the rank(s) should be started as soon as possible rather than delay until another meeting could be scheduled.

The Licensing Manager updated the Committee on the situation surrounding the Old Orchard Road Taxi Rank. At the present moment Old Orchard Road acts as a feeder rank for between 9 -11 vehicles to Eastbourne Railway Station. Several complaints had been received from residents and Councillors regarding the issue of noise, nuisance, disturbance and over population of the rank. The Licensing Manager asked the Committee to consider two options that could help resolve the challenging situation that presently exists. Any option favoured would be the subject of further consultation with the hackney carriage trade before any changes were determined

The first option would look to dispense the feeder rank at Old Orchard Road completely and make the front of the station a pick up and drop off point only for private hire and private vehicles. Hackney carriages would be

required to relocate to the under cover area that is adjacent to the railway station.

The second option would be to close the rank at the top end of Old Orchard Road while still leaving a 4 vehicle rank which runs up to the entrance drive of the first block of flats. The Committee was also informed that the Station Manager had agreed to create an additional 15 spaces in the undercover area adjacent to the station in addition to allowing for 3 vehicle ranks at the front of the station to remain for use by hackney carriages. This would create a total of 22 spaces compared to the 11 spaces currently.

Both options would help reduce the levels of noise, nuisance and disturbances within that locality. The Licensing Manager advised the Committee that 720 Taxis were not keen on either proposal however were willing to accept a trial period of option 2. It was proposed that a 3 month trial of option 2 be suggested to the Trade.

The Committee believed it was important that action was required to address the concerns of residents and that a significant level of enforcement was required to deal with problems caused by a small number of drivers using the rank

The Committee was unanimous in support of the Licensing Manager's suggestion of a 3 month trial of option 2, the implementation of which would of course be subject to all necessary procedures. It was acknowledged that the trade would continue to be consulted as part of the ongoing process.

NOTED.

The meeting closed at 7.30 p.m.

**M Thompson
(Chairman)**