



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Tuesday 22 October 2013** at 2.05pm.

Present:

Councillor J Stockdale (Chair)

Councillors G R Amy, S J Gauntlett, P Gander, J M Harrison-Hicks, P A Howson, R Robertson and B M Warren

Officers Present:

Ms Z Downton, Committee Officer

Ms J Fletcher, Solicitor

Mr E Hele, Principal Environmental Health Officer

Mr T Wyatt, Principal Environmental Health Officer (Commercial)

	Minutes	Action
8	Minutes The Minutes of the meeting held on 30 August 2013 were approved as a correct record and signed by the Chair.	
9	Apologies for Absence/Declaration of Substitute Members Apologies for absence had been received from Councillors C Butler and C Sugarman.	
10	Street Trading in Lewes District The Committee considered Report No 176/13 which reported on the findings of the 28 day consultation on the Committee's preliminary decision to designate all streets as Consent Streets in the Lewes District Consent Streets in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Principal Environmental Health Officer explained that at its meeting on 30 August 2013, the Licensing Committee had considered Report No 137/13, which sought the Committee's approval to regulate street trading in Lewes District. The Committee had resolved that officers be authorised to	

publicise the Committee's preliminary decision, to designate Consent Streets, in accordance with the Act. It was also resolved that the Licensing Committee be requested to reconvene once the 28 day consultation period had elapsed following publication of the Committee's statement of intent, in order to consider the representations, if any, received and to pass a final resolution.

An advertisement was placed in the Sussex Express newspaper on 13 September 2013 and the 28 day period had now expired. Section 2 of the Report summarised the comments received by the Council during the consultation period. The Principal Environmental Health Officer highlighted that both Sussex Police and the Highways Authority at East Sussex County Council had been notified and no comments had been received. The Council's Planning Department had advised that any street trading that continued in the same location for over 28 days would require a planning application. No other comments were received regarding the Licensing Committee's resolution.

The Principal Environmental Health Officer advised that a draft policy document relating to street trading in Lewes District would be presented to a future meeting of the Licensing Committee.

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Resolved:

- 10.1** That the responses to the 28 day consultation period, as set in Section 2 of Report No 176/13, be noted;
- 10.2** That the preliminary decision to designate all streets in Lewes District Consent Streets, as set out in Report No 176/13, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, be confirmed;
- 10.3** That officers be authorised to advertise/publicise the Licensing Committee's decision, in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; and
- 10.4** That officers be authorised to undertake the necessary steps to designate all streets in Lewes District Consent Streets in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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PEHO

11 Scrap Metal Dealers Act 2013

The Committee considered Report No 177/13 which informed members of the changes to national legislation concerning the introduction of the Scrap Metal Dealers Act 2013, and which set out the proposed fees for the Scrap Metal Dealers Act 2013 Licences.

The Principal Environmental Health Officer (Commercial) explained that central Government had responded to growing concerns over metal theft

with the introduction of a new Act to replace the old legislation. The Scrap Metal Dealers Act 2013 introduced a new licensing regime to be implemented by local authorities. Approval was required to implement the changes, including the setting of fees.

In addition, the Principal Environmental Health Officer (Commercial) explained that the new Act created two different types of Licence; a Site Licence allowing a dealer to continue business at any sites within the Licensing Authority district, as listed on the Licence; plus a Collector's Licence to cover dealers who did not have a site and regularly collected through door-to-door collections.

The proposed fees for both types of Licence were set out under section 4 of the Report. The Committee noted that those fees were similar to the fees being implemented by local authorities across Sussex.

In response to a councillor's question, the Principal Environmental Health Officer (Commercial) explained that the proposed fees covered a 3 year period, in accordance with legislation, and could not be enforced annually. He also explained that, in terms of identification, scrap metal collectors would be required to display a window sticker in their vehicles so as to be easily identifiable. The Committee noted that it would also be a requirement for licences to be displayed on site premises to be easily viewed by the public.

The Committee highlighted that it had received comments from the public regarding the licence application form that it was quite onerous, possibly due to the complex style of language used. The Principal Environmental Health Officer (Commercial) advised that the form was a standard template used nationwide although he accepted that the pages of accompanying notes may be more onerous than the form itself. In response to suggestions made by the Committee regarding making the process easier, he explained that at this stage the form could only be submitted by post as there was currently no online application facility.

Resolved:

- 11.1 That Report No 177/13 be noted; and
- 11.2 That the licensing fees for the Scrap Metal Dealers Act 2013, as from 1 October 2013, as set out in Report No 177/13, be approved.

12 Approval of Licensing Fees

The Committee considered Report No 178/13 which sought the approval of the proposed scale of licensing fees to apply from 1 April 2014, as set out in Appendix 1 of the Report. The Report also sought the approval of the fees for the Scrap Metal Dealers Act 2013 Licences to apply from 1 October 2013, as set out in Report No 177/13, which was presented to the Committee at the same meeting (Minute 11 above refers).

The Principal Environmental Health Officer explained that officers had been aware for some time that practice amongst local authorities varied, in that some council's licensing fees were set by Licensing Committees and in others, such as at Lewes District Council, licensing fees had been set by its Cabinet. The Committee noted that, following recent legal advice, it was recommended that in future the setting of all licensing fees, including taxi fares, should be a function of the Licensing Committee, as outlined in section 4 of the Report.

The Principal Environmental Health Officer highlighted under paragraph 2.5 of the Report, the table which summarised the estimated financial impact of the fees proposed to apply from 1 April 2014, as detailed in Appendix 1. In setting those fees, officers had had particular regard to balancing the need to maintain charges at a level to recover any increase in costs, for example from contractor and supplier inflation, pay inflation or fuel inflation, against the need to protect income levels in an economic environment that had led to a reduction in the usage of some of the Council's discretionary services.

It was brought to the Committee's attention that there had been very few changes to the proposed fees set for 2014/15, from the current fee levels.

Resolved:

- 12.1** That the scale of licensing fees proposed within Appendix 1 of Report No 178/13 to apply from 1 April 2014, be approved;
- 12.2** That it be noted that the fees for the Scrap Metal Dealer Act 2013, as from 1 October 2013, be approved, as set out in Resolution 11.2 above; and
- 12.3** That the Licensing Committee recommends to Council that it formally ratifies the new fares, as set out in Appendix 1 of Report No 178/13.

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13 Date of Next Meeting

Resolved:

- 13.1** That it be noted that the next meeting of the Committee would be called as necessary.

DPES/CO
(to note)

The meeting ended at 2.35pm.

J Stockdale
Chair