

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Thursday 12 March 2015** at 2.00pm.

Present:

Councillor J Stockdale (Chair)
 Councillors G R Amy, M A Cutress, S J Gauntlett, P Gander, J M Harrison-Hicks and P Howson

Officers Present:

Ms R Brittle, Committee Officer
 Ms J Fletcher, Solicitor
 Mr E Hele, Principal Environmental Health Officer
 Ms S Lindsey, Licensing Officer

Minutes	Action
<p>11 Minutes</p> <p>The Minutes of the meeting held on 10 November 2014 were approved as a correct record and signed by the Chair.</p>	
<p>12 Street Trading Review in Lewes</p> <p>The Committee considered Report No 39/15 which gave a summary of key findings relating to the Street Trading Policy, and provided recommendations to amend the Policy along with the Application Process and Conditions. The Committee had resolved in April 2014 that from 1 May 2014 the Street Trading Policy would have come into effect and that a further report be presented to the Committee one year after.</p> <p>A member of the Committee asked for clarification on paragraph 2.7 on page 11 of the Report, which suggested a non-refundable application fee would be implemented. The Principal Environmental Health Officer explained that the reason for this was that applicants in the past had found it hard to raise funds for a full year's consent when there had been no guarantee of a successful application. The introduction of a £25 fee would offset some of the costs and was regarded as a token fee amount.</p> <p>The Solicitor advised that although there was no appeal process through the Magistrates Court, an appeal could be made by way of Judicial Review. The Principal Environmental Health Officer responded that some applicants had been upset that there had not been an appeal process when their</p>	

applications had been refused. It was noted that that the cost of a Judicial Review may be prohibitive to some applicants.

The Committee referred to paragraph 2.10 on page 11 of the Report which gave details of small mobile vehicles that provided services to local villages, for example fish and chips and other hot food, and the unsuitability of the £700 consent fee for such businesses. It asked for clarification as to what these services were and whether they could be made exempt. The Principal Environmental Health Officer stated that burger vans, for example, situated on "A" roads were likely to have made a higher income than small independent businesses, which had travelled around villages and did not stop at a location for more than two hours. It was at the discretion of an Officer to waive the consent fee for those who were deemed to provide vital services to communities.

A Councillor queried how closely produce sellers would be monitored to ensure, as stipulated in the changes to the Policy, that locally own grown produce sellers had grown their goods within the Lewes District boundary. The Principal Environmental Health Officer confirmed that local producers would be monitored and providing they met the stipulations set out in the policy, local producers would pay half the consent fee. The Committee stated that it did not want to hinder entrepreneurial ventures, and that the changes to the policy should show the Council's support to local businesses.

The Principal Environmental Health Officer then listed the changes to the Policy for Street Trading,

The Principal Environmental Health Officer, in response to a question from the Solicitor proposed that individual householders were deemed to have consent if trading directly outside the curtilage of the property. He informed the Committee that on a limited number of occasions where consent had been granted for an event to take place in the pedestrian precinct in Newhaven and Lewes, trading would have been suspended. The Principal Environmental Health Officer proposed to the Committee that when consent was revoked for contravening the conditions, the consent holder would be entitled to appeal the decision of the Licensing Officer to the Licensing Committee.

The Committee discussed the changes to the Applications, Renewals and Fees along with Conditions. It was noted that local Ward Councillors had the 28 day consultation period to request that the Licensing Committee considered any application where they had serious concerns. Consent Holders were expected to fully utilise the consent and be present on the days consent had been given. Written warnings were issued if the trader failed to comply. The Principal Environmental Health Officer explained that there were pieces of land within the District where people had sought and been granted consent to trade on, but they did not do so all year round and this possibly hindered other traders. It was down to the traders to ensure they applied for the appropriate consent period.

The Committee queried whether there should be a limit on the amount of times that the Council would be able to stop street trade in Newhaven or

Lewes, to which the Principal Environmental Health Officer confirmed this could be increased in the policy at a further date if it was deemed necessary.

Resolved

- 12.1 That Report No 39/15 be noted;
- 12.2 That the proposed amendments to the Street Trading Policy, Application, Processes and Conditions as set out in Report No. 39/15, include the amendment set out on page 16 and 23 that an Individual Householder is deemed to have Consent when trading directly outside the curtilage of the property be agreed;
- 12.3 That deemed consent for lower risk Street Trading activities be agreed;
- 12.4 That delegated powers be given to the Licensing Officer to determine non contentious properly made applications be agreed;
- 12.5 That delegated powers be given to the Service Manager to refuse Street Trading applications with an ability for applicants to appeal to the Licensing Committee be agreed;
- 12.6 That there be a requirement for future applications to provide evidence that planning permission and land owners consent has been obtained and that is material consideration for the Licensing Officer in making their decision be agreed;
- 12.7 That the agreed revised Street Trading Policy, Applications, Processes and Conditions be publically consulted upon for a 28 day period; and
- 12.8 That a further report on Street Trading be presented to the Committee at a future meeting by the Principal Environmental Health Officer.

PEHO

13 Review of the Hackney Carriage Fare Tariff

The Committee considered Report No 40/15 which provided a review of the existing Hackney Carriage Fares adopted by Lewes District Council in October 2012, and recommendations for adopting an amended tariff, as set out in Appendix VII of the Report. The Principal Environmental Health Officer explained that the new proposed fares had been devised to make costs current and relevant.

The Committee discussed maximum fares, which must be shown in taxis but that the driver could charge less if they so wished. The Principal Environmental Health Officer confirmed that Lewes District Council had set a maximum fare.

The Principal Environmental Health Officer explained the results of the consultations of Hackney Carriage License holders in relation to possible changes in the fares. He noted that of the 295 questionnaires sent out, 80

had been received back, which equated to a 27% response rate.

The Committee discussed the position of Lewes District Council on the National Fares Tables. It noted that Lewes District Council was positioned at 145th on the table, but with the proposed changes it would be at the 64th position. The Principal Environmental Officer confirmed that was correct but that Lewes District Council would be more comparable to neighbouring authorities in future.

The Committee noted that the proposed and recommended increase to the fare was just under 5% but that the cost of living had increased tenfold. The Principal Environmental Officer confirmed that with the option recommended in Appendix VII of the Report the cost would increase by just under 5%, with the option laid out in Appendix VIII the cost would increase by 3%. The Committee queried why the Report had recommended the option in Appendix VII, to which The Principal Environmental Officer responded that the drivers now had to take a higher level of knowledge test.

The Solicitor stated that it was unclear whether the Committee alone could set fares and advised that the tariff could only be adopted on the condition that clarification was sought from the Monitoring Officer. Should the delegated powers of the Licencing Committee not include the setting of fares, the Committee can make a recommendation to full Council.

Resolved

13.1 That Report No 40/15 be noted; and

13.2 That the Maximum Fare Tariff for Hackney Carriages as set out in Appendix VII of Report No 40/15 be approved by the Committee, , should the Monitoring Officer confirm that the Licensing Committee does not have sufficient power to adopt the tariff the Committee resolves to recommend approval to full Council.

MO & CO

14 Date of Next Meeting

Resolved:

14.1 That it be noted that the next meeting of the Committee would be called as necessary.

All to note

The meeting ended at 2:55pm

J Stockdale,
Chair