

## **Licensing Committee**

**Minutes** of a meeting of the **Licensing Committee** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 8 December 2016** at 10.00am

**Present:**

Councillor S Adeniji (Chair), P Gander, J Harrison-Hicks, I Linington, A Loraine and T Rowell

**Officers Present:**

E Hele, Environmental Health Service Manager  
J Norman, Committee Officer  
M Wilkinson, Solicitor

**Also Present:**

D Durham, Legal, Eastbourne Borough Council

	<b>Minutes</b>	<b>Action</b>
<b>6</b>	<b>Committee Membership</b>	
	<u>Resolved:</u>	
	<b>6.1</b> That it be noted that Councillor Rowell had been appointed to the Licensing Committee for the remainder of the current municipal year.	
<b>7</b>	<b>Minutes</b>	
	The Minutes of the meeting held on 28 July 2016 were approved as a correct record and signed by the Chair.	
<b>8</b>	<b>Apologies for Absence/Declaration of Substitute Members</b>	
	Apologies for absence had been received from Councillors W Botting, B Bovington, M Chartier and S Gauntlett.	

## 9 Approval of Licensing Fees

The Committee considered Report No 165/16 which sought approval of the licensing fees and charges proposed to apply beginning 1 April 2017, as detailed within Appendix 1 of the Report.

The Environmental Health Service Manager explained to the Committee that if it approved the proposed fees, they would then be reported to Council for ratification. He referred to the table on page 8 of the Report, which summarised the estimated financial impact of the proposed fees. The table also showed the estimated financial impact of changes in usage levels experienced during the current year, which were expected to continue into 2017/2018.

The Environmental Health Service Manager referred to paragraph 3.3 when he reminded the Committee that the Taxi Licensing service operated on a self-financing, year-by-year basis. He explained that Street Trading and Scrap Metal Licensing operated on a similar basis, which meant that the Council had discretion to set fees for those services on a cost recovery basis with appropriate adjustments for any over or under spend from the previous year. The Environmental Health Service Manager highlighted that although the local authority can set the discretionary charges, it cannot profit as a result of the agreed upon charges.

The Environmental Health Service Manager referred to Appendix 1 on pages 11 to 18 of the Report, when he summarised the proposed licensing fees for the upcoming year. He highlighted several aspects of the Appendix and explained the reasons behind each of the proposed implementations and/or change in fees. These included:

- Increased knowledge test fees;
- Proposed change of address fee;
- The removal of some private hire operators;
- The introduction of an application fee; and
- The increased fee for an Animal Welfare License.

The Committee queried how many changes of address there had been during the previous year. The Environmental Health Service Manager agreed to find out the figure and report back to the Committee at a future meeting.

The Committee referred to the table on page 8 of the Report, when it queried why there was an increase in Taxi Licensing fees and not a reduction, when there was a £40k two year surplus reported. It was

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suggested by the Committee that the £40k surplus could be invested back into Taxi Licensing services, with the elimination of the proposed increase of fees listed in the Report.

The Environmental Health Service Manager explained that although there was a surplus, ways to reinvest the money were already being discussed. These included:

- Changing from metal license plates to paper inserts. Paper inserts were more cost effective than the current metal plates and were more environmentally friendly;
- Offsetting the cost of having CCTV cameras installed in taxi cars. This would increase passenger and driver safety; and
- Increased number of employees, including administration support and Environmental Health Officers. This would provide a greater level of support across Licensing.

The Committee queried why there was a £40k surplus when the Council could not profit as a result of the agreed upon discretionary charges. The Environmental Health Service Manager explained that the Council could not foresee the actual figures for the upcoming years, and that the figures presented each year were an estimate.

The Committee requested that, in future reports, the costs regarding licensing fees for the previous year be included. The Environmental Health Service Manager agreed that he would liaise with the Finance department to ensure that the information be made available in future reports.

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The Committee also requested that details of the £40k surplus and current costs and information regarding future expenditure plans be made available to the Committee at a future meeting. The Environmental Health Service Manager confirmed that he would liaise with the Finance department in order to provide the information requested by the Committee.

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Resolved:

- 9.1** That the advertisement of the new scale of fees for Taxi Licensing be authorised;
- 9.2** That the Environmental Health Service Manager be authorised to seek consultation responses in relation to Taxi Licensing fees;
- 9.3** That the Licensing Committee reconvenes to consider responses to the Taxi Licensing fees consultation; and
- 9.4** That the scale of licensing fees proposed within Appendix 1 of Report No 165/16 to apply from 1 April 2017 be approved, subject to the consultation on Taxi Licensing fees.

Recommended:

- 9.5** That the Licensing Committee recommend to Council that it formally ratifies the new Licensing fees as set out in Report No 165/16, with the exception of the licensing fees for Taxi Licensing.

**10 Street Trading in Lewes District**

The Committee considered Report No 166/16 which sought the Committee's approval to begin the process of un-designating all streets in the Lewes District as Consent Streets, with the exception of those named in paragraph 1 of the officers recommendations on page 19 of Report No 166/16.

The Environmental Health Service Manager referred to page 20 of the Report as he explained to the Committee that prior to 2014 there were only three consent streets in Lewes District: Newhaven Precinct, Lewes Precinct and Phoenix Causeway in Lewes. He detailed the process in which full Council had agreed Street Trading within Seaford would be subject to a delegation to Seaford Town Council.

The Environmental Health Service Manager brought the Committee's attention to paragraphs 3.1 to 3.5 on pages 20 to 21 of the Report, in which he highlighted the number of unforeseen consequences which were a result of the designation of all streets in the District as Consent Streets which included open spaces, enforcement issues, reputation and deregulation.

The Environmental Health Service Manager explained the procedure for designating a street as a Consent Street, as outlined in paragraphs 4.1 through 4.4 on page 21 of the Report. He further explained that a formal consultation with the Highways Department at East Sussex County Council and Sussex Police would be required. In addition, the Licensing team would formally consult with existing traders and a public notice would be published and comments sought on the proposals from the public and stakeholders.

The Environmental Health Service Manager highlighted paragraphs 6.1 to 8.1 on page 22 of the Report, as he informed the Committee of the legal and risk management implications, as well as the results of the equality screening which had been completed and found to have no negative impact and no significant implications regarding equality.

Resolved:

- 10.1** That the Environmental Health Service Manager be authorised to begin the process of un-designating streets within the Lewes District as Consent Streets with the exception of the following streets:
- i. Lewes Town - Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk;

- ii. Newhaven Town - Newhaven Pedestrian Precinct in Newhaven Town; and
- iii. Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade.

**10.2** That the wording of the resolution to be included within the Public Notices that the Council must publish be agreed as follows:

- i. That Lewes District Council resolves that as from (a date to be determined) the following streets -

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town:- Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade within Lewes District shall continue to be designated as Consent Streets pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. All other previously designated streets shall be undesignated; and

**10.3** That the Licensing Committee reconvene at a future date to consider representations and to make a subsequent recommendation to full Council thereon.

## **11 Committee Training Requirements**

The Committee considered Report No 167/16 which enabled members to identify any training needs for the coming year.

The Committee requested general licensing refresher training, in addition to refresher training in scrap metal licensing and the Licensing Act 2003.

Resolved:

- 11.1** That the Environmental Health Service Manager and the Solicitor be requested to liaise with the Civic and Member Services Officer to organise future licensing refresher training for members of the Committee.

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Solicitor/  
CMSO

The meeting ended at 11:10am.

S Adeniji  
Chair