

Monday, 5 October 2015  
at 6.21 pm



# General Licensing Committee

**Members:** Councillor Dow (Chairman), Councillor Rodohan (Deputy-Chairman); Councillors Choudhury, Hearn, Holt, Murdoch, Murray, Salisbury, Smart and Swansborough

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## **1 Minutes of the meeting held on 14 July 2014.**

The minutes of the meeting held on 14 July 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

## **2 Apologies for absence.**

Apologies for absence were reported from Councillors Belsey, Blakebrough and Coles.

## **3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Holt declared a disclosable pecuniary interest in respect of the Street Trading policy at item 6, as his current employer, the Chamber of Commerce runs the street market and town centre management. He withdrew from the room whilst this item was being considered.

## **4 Deregulation Act 2015: Approval of Temporary Licence Fee for Private Hire Operators.**

The Committee considered the report of the Customer First Manager regarding the changes implemented by the Deregulation Act 2015 relating to the licensing of hackney carriage and private hire drivers and the operation of private hire operators.

The Act had amended the Local Government (Miscellaneous Provisions) Act 1976 to alter the length of time licences are issued for and the method of operation of the holders of a private hire operator's licence.

Dual driver licences for hackney carriage and private hire vehicles were currently issued by the Council every three years, which was in accordance with the Deregulation Act. Private Hire operators' licences were currently issued on a yearly basis and the Act would permit, as from 1 October 2015 private hire operators to apply or renew a licence for a five year period.

The proposed five year fee structure was set out in the report and it was proposed that there would be no amendments to the current fees pending a review.

The Committee discussed the fees tabulated in the report. The Customer First Manager advised that the Council's hackney carriage and private hire licensing functions were self-financing. The fees were levied and reviewed on an ongoing basis in consultation with Financial Management to ensure that the account was not in surplus. This was part of a 3 year rolling programme and at the end of the third year the account would be reviewed to identify whether an increase in the fees was required. Should the authority opt for a fee increase, a statutory consultation process would be undertaken before being considered by the General Licensing Committee.

In response to a question from the Committee, the Customer First Manager advised that the private hire operator's licence fees charged by the authority were relatively high when compared with neighbouring authorities, however this was balanced by a low charge for vehicle and driver licences.

The Customer First Manager advised that operators would have a number of payment options available to facilitate the payment of the five year fee. Should an operator make a flat payment of the five year fee and stop working through illness or retirement, they would be refunded, pro-rata for any years left where they were not operating.

**RESOLVED: (with 1 abstention)** That the structure of fees for a five year private hire operators licence be approved pending a full review of the licensing fees.

## **5 Sex Establishment and Encounter Policy.**

The Committee considered the report of the Customer First Manager regarding a review of the Council's Sex Establishment and Encounter Policy.

A variety of organisations and individuals had been directly consulted about the review including Sussex Police and a copy of the amended policy was appended to the report.

The Committee was advised that no responses had been received in response to the consultation which commenced on the 1 July 2015 and concluded on 24 September 2015.

It was noted that the policy would be submitted to Cabinet for approval on the 9 December 2015.

**RESOLVED: (Unanimous) (1)** That the Committee delegate any further revisions of the Policy in line with its views to the Senior Specialist Advisor for Licensing in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder prior to submission to Cabinet.

**(2)** That the feedback received in relation to the public consultation concerning the review of the council's sex encounter policy and the timetable for consultation, review and implementation be noted.

## **6 Street Trading Policy.**

The Committee considered the report of the Customer First Manager regarding a review of the Council's Street Trading Policy.

A variety of organisations and individuals had been directly consulted about the review including existing traders and the Chamber of Commerce, who ran the street market and town centre management.

The Committee was advised that no responses had been received in response to the consultation which commenced on the 1 July 2015 and concluded on 24 September 2015.

It was noted that the policy would be submitted to Cabinet for approval on 9 December 2015.

The Committee asked how the Council monitored the content of stalls in terms of protecting retail businesses. The Customer First Manager responded that this was covered by a service level agreement with the Chamber of Commerce. The Lawyer to the Council added that 5.3 of the policy sets out the intention to address and protect against over proliferation of street traders.

The Customer First Manager added that the policy prohibited the proliferation of stalls in the town centre, with the exception of those regulated through the Chamber of Commerce and the flower salesman, who had "grandfather rights". The Committee was advised that any comments or feedback received relating to the Chamber of Commerce street market should be forwarded to the Customer First Manager.

In relation to other street activity in the town, charity workers who collect on the street were regulated by an organisation called the Public Fundraising Regulatory Association (PFRA). The organisation ensured that the work undertaken was in agreement with Eastbourne Borough Council and the Chamber of Commerce and individuals adhered to the approved code of conduct. Pedlars' certificates were issued by Sussex Police to individuals who sell their goods from a mobile unit, moving from location to location and was regulated under the Pedlars Act 1871.

**RESOLVED: (Unanimous) (1)** That the Committee delegate any further revisions of the Policy in line with its views to the Senior Specialist Advisor for Licensing in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder prior to submission to Cabinet.

**(2)** That the feedback received in relation to the public consultation concerning the review of the council's street trading policy and the timetable for consultation, review and implementation be noted.

The meeting closed at 7.15 pm

**Councillor Dow (Chairman)**