

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).

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## 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.